



**General Assembly  
Seventieth Session**

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**Sixth Committee**

Agenda item 86:

**The Scope and Application of the  
Principle of Universal Jurisdiction**

**Statement by Mr. Andreas Motzfeldt Kravik  
First Secretary, Norway**

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Mr. Chair,

First, Norway welcomes the recent report of the Secretary-General (A/70/125), prepared on the basis of comments and observations of States and relevant observers including the EU, the ICRC and OPCW.

Mr. Chair,

It is our belief that all delegations engaging in this debate on universal jurisdiction share the view that there can be no impunity for atrocity crimes and other crimes covered by universal jurisdiction. The information provided by Member States to the Secretary-General on the nature and content of relevant national legislation further highlights this point.

(Check against delivery)

Mr. Chair,

Norway's new Penal Code of 2005 entered into force on 1 October this year. To a large extent, the new law continues the tradition of the previous Code of 1902. The new code does not provide a specific list of crimes over which universal jurisdiction is to be exercised.

Rather, it allows for discretionary universal jurisdiction when the alleged offender is present on Norwegian territory, the law prescribes a sentence of more than one year imprisonment and – except in cases relating to war crimes, crimes against humanity and genocide – the act represents an offence also in the State where it was committed.

In addition, two further requirements must be satisfied: First, the concrete application of the principle of universal jurisdiction must be consistent with international law. Second, the prosecuting authorities must retain the ability to exercise full discretion in its application of the principle of universal jurisdiction.

According to the preparatory work of the new penal code, the main purpose of the Norwegian legislation relating to universal jurisdiction is to ensure that Norway does not become a safe haven for individuals wishing to avoid criminal responsibility for serious crimes.

However, it is also underlined that not all cases that meet the criteria for universal jurisdiction should be prosecuted before Norwegian courts. Save for cases related to genocide and crimes against humanity, the prosecutor shall make his or her independent determination taking into account the gravity of the crime in question and the connection between the alleged offender and Norway, including whether the crime affects Norwegian interests. If the alleged offender could be extradited to another State that might hold a

stronger legal interest or be better placed in proceeding with the prosecution these are also element of relevance.

Furthermore, we have put in place robust control mechanisms guaranteeing the consideration of all relevant factors before universal jurisdiction is applied. The law does not open for any external interference, political or otherwise, into the deliberations made within the realm of independent prosecutors.

Mr. Chair,

In the context of this debate, some delegations have alluded to the alleged abuse of the principle of universal jurisdiction. We agree that we must take great care in inhibiting any abuse of prosecutorial power from occurring, a danger inherent in all criminal law systems and not only related to the exercise of universal jurisdiction but applicable to all prosecutorial decisions. An important factor is to make sure that the work of independent prosecutors is not subjected to inappropriate interferences.

In this regard, we welcome a discussion on prosecutorial discretion to universal jurisdiction cases, including who should have the authority to make prosecutorial decisions in such cases. We think such a debate would take us down a more constructive path than continuing the current focus on the scope and application of universal jurisdiction.

Mr. Chair,

As in previous years, we are following this debate with interest, and look forward to working together with you and other delegations in the context of the working group.

Thank you.