

**Sixth Committee of the General Assembly**  
**The scope and application of universal jurisdiction**

**Statement on behalf of CANZ**

**October 2016**

Chair,

I have the honour to speak today on behalf of Australia, Canada and New Zealand. CANZ welcomes this opportunity to once again engage in a dialogue on the scope and application of universal jurisdiction.

CANZ recognises universal jurisdiction as an established principle of international law. Universal jurisdiction confers on every State the ability to exercise criminal jurisdiction over those individuals responsible for the most serious crimes of international concern irrespective of where the conduct occurs, irrespective of the nationality of the perpetrator and irrespective of any other links between the crime and the prosecuting State. Such crimes attack the interests of all States, and as such it is in the interests of all States to ensure these crimes are prosecuted so as to deter such conduct in the future and to hold perpetrators to account.

CANZ maintains that primary responsibility for investigating and prosecuting the most serious international crimes should always rest with the State in which the conduct occurs. States where the crimes were committed benefit most from the transparency of a trial and the accountability of a verdict. Territorial States are also usually in the best position to see that justice is done, because they have the best access to evidence, witnesses and victims.

Of course we also recognise other established bases of criminal jurisdiction, including the exercise of jurisdiction based on the nationality of the alleged perpetrator.

Chair,

It is a reality, however, that many perpetrators go unpunished for a variety of reasons, including the movement of accused persons across international borders, and a lack of resources to undertake complex and often controversial investigations and prosecutions. We encourage all States, consistent with their international obligations and domestic law, to assist national courts in prosecuting serious international crimes. By providing such assistance, we can further our shared aim to end impunity for the most serious crimes of international concern.

Universal jurisdiction provides an important, complementary mechanism to ensure that perpetrators are held to account for their crimes in circumstances where the

territorial State or the State of nationality is unable or unwilling to exercise jurisdiction, thereby ensuring that individuals who commit such crimes do not enjoy safe haven anywhere in the world.

Universal jurisdiction should always be exercised in good faith and in a manner that is consistent with other principles and rules of international law. It is essential that the rule of law is maintained and all parties are guaranteed an impartial, expedient and fair trial. States must also ensure that universal jurisdiction is only applied to the most serious crimes such as genocide, war crimes, crimes against humanity, slavery, torture and piracy.

CANZ applauds the work of those States that have incorporated universal jurisdiction over serious international crimes into their domestic legislation and encourages others to do the same. Further, we encourage States, consistent with their international obligations and domestic practices, to cooperate and provide all means of assistance, including mutual legal assistance, to ensure that the practical support required to pursue prosecutions is realised. By doing so, we further our shared aim to end impunity for this category of crimes of particular gravity.

CANZ looks forward to a thorough discussion of these issues and reiterates its willingness to work constructively to this end with other States.