



**STATEMENT**

**by**

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Second Secretary  
Permanent Mission of the Republic of  
Trinidad and Tobago to the United Nations, New York**

**On Behalf of the Caribbean Community  
(CARICOM)**

**on**

**Agenda item 85:**

**the scope and application of the principle of universal jurisdiction**

**Sixth Committee (Legal Committee)**

**Seventy-first Session of the United Nations General Assembly**

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Mr. Chairman,

I have the honour to deliver this statement on behalf of the fourteen (14) Member States of the Caribbean Community.

CARICOM associates itself with the statement delivered by the Dominican Republic on behalf of the Community of Latin American and Caribbean States (CELAC).

At the outset, we wish to express our gratitude to the Secretary General for the report contained in document A/71/111 on this agenda item, which provides useful information and observations from Member States and relevant observers on the scope and application of the principle of universal jurisdiction.

Mr. Chairman,

With a view to promoting international peace and security and ensuring compliance with international law, CARICOM believes that further discussions would be instrumental in providing us with greater insights on this important topic. In this context, we take note of the diversity of views among Member States on this agenda item which has a strong impact on States' understanding and implementation of international law.

We, therefore, welcome the decision of the Sixth Committee to continue its consideration of this agenda item, without prejudice to discussions on this topic in other forums of the United Nations. We also fully support the establishment of a working group of the Sixth Committee to continue to undertake a thorough discussion on this topic, in accordance with resolution 70/119.

We also welcome the submissions made by Member States and relevant observers on this agenda item as well as information on the relevant applicable international treaties and their national legal rules and judicial practice as contained in the report of the Secretary General contained in document A/71/111. These submissions are useful in providing us with greater insights into the current practices and interpretations of States on this topic.

Mr. Chairman,

Consistent with the principles of international law, CARICOM underscores that universal jurisdiction offers a subsidiary basis for promoting accountability, closing the impunity gap, and strengthening international justice systems by ensuring that the perpetrators of the most serious crimes of concern to the international community are brought to justice.

In this regard and consistent with its foundational principle of complementarity, CARICOM reminds that the jurisdiction of the International Criminal Court (ICC) is only invoked when States are unable or unwilling to prosecute alleged perpetrators. National courts, therefore, have the primary responsibility to investigate and prosecute crimes, whether committed by their own nationals, in their territory, or otherwise under their jurisdiction.

Notwithstanding Article 31 of the Vienna Convention on Diplomatic Relations of 1961, which provides for the immunity of the diplomatic agent from criminal jurisdiction in the receiving State, CARICOM supports the jurisdiction of the ICC which is governed by the provisions of the Rome Statute. We, therefore, fully uphold the provisions of Article 27 (1) of the Rome Statute which provides that the *Statute shall apply equally to all persons without any distinction based on official capacity*. CARICOM is also guided by the core principle of the ICC, that under international law, no one is immune from crimes such as genocide, crimes against humanity and war crimes.

In this vein, we also look forward to the upcoming decision of the Assembly to activate the Court's jurisdiction over the crime of aggression in 2017. Further, as mentioned previously in our statement on the "Rule of law at the national and international levels", we once again call upon all States, which have not yet done so, to take the necessary steps to ratify the Kampala Amendments to the Rome Statute of the International Criminal Court (ICC). We see this as a step in the right direction toward ensuring that the perpetrators of the most serious crimes of concern to the international community are brought to justice.

Mr. Chairman,

CARICOM recalls discussions during previous sessions of the General Assembly on establishing guidelines for the scope and exercise of universal jurisdiction, including possible list of crimes, conditions for its application, and its relation with existing concepts of international law. In this vein, we reiterate the importance of clearly defining the circumstances under which it would be appropriate to exercise universal jurisdiction. We maintain that the application of universal jurisdiction is necessary and justifiable in instances where the crimes committed are of serious concern to the international community, national justice systems lack jurisdiction or allow perpetrators to act with impunity, and in cases of mass atrocity crimes.

However, CARICOM cautions that the extraterritorial application of domestic law by a State is contrary to the principle of universal jurisdiction unless permitted under international law, such as in cases where the State has the jurisdiction to do so over one of its own nationals. It is therefore important to ensure that the exercise of universal jurisdiction does not generate abuse of or conflict with international law.

Mr. Chairman,

CARICOM considers that it is time to build upon previous discussions on this agenda item, which have a significant impact on international law. Given that discussions on this topic have been ongoing since 2010, CARICOM advances that a comprehensive legal study would be helpful in providing us with a solid framework for future discussions on this important subject. In this regard, should States not be able to advance this topic at the current session of the General Assembly, we see merit in the possibility of referring this topic to the International Law Commission (ILC) for its consideration.

Finally, CARICOM reiterates that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law, in accordance with resolution 70/119.

I thank you.