



STATEMENT

by

**H.E. Penelope Beckles
Permanent Representative 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-second Session of the United Nations General Assembly

**Trusteeship Council Chamber
(10:00am – 1:00pm)**

**United Nations, New York
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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 El Salvador on behalf of the Community of Latin American and Caribbean States (CELAC).

We also thank the Secretary General for the report contained in document A/72/112 on this agenda item, which provides further comments and observations from Governments and Observers as well as information on relevant applicable international treaties and legal rules and judicial practices. We consider this information very useful to the further development of this important international legal concept.

Mr. Chairman,

CARICOM advances that certain crimes pose such a serious threat to and affect the fundamental interests of the international community as a whole, that it is the responsibility and moral duty of States to investigate and prosecute, in accordance with international law, perpetrators of heinous crimes. No place should become a "safe haven" for perpetrators of crimes such as genocide, torture, crimes against humanity, war crimes and the crime of aggression.

CARICOM recognizes universal jurisdiction as a legal concept which offers a subsidiary basis for promoting accountability, bridging the impunity gap, and strengthening international justice systems. We consider the application of universal jurisdiction as an important means of reducing unevenness in the landscape of international justice. The application of universal jurisdiction helps ensure that the perpetrators of the most serious crimes of concern to the international community are brought to justice and the victims are able to obtain redress.

We support the jurisdiction of the International Criminal Court (ICC) and its foundational principle of complementarity, which is only invoked when States are unable or unwilling to conduct an effective investigation and prosecution of alleged perpetrators. We therefore recognize that the creation of the ICC does not diminish the need for effective implementation of universal jurisdiction. We underline that national courts have the primary responsibility to investigate and prosecute crimes, whether committed by their own nationals, in their territory, or otherwise under their jurisdiction. We also accept the reality of many States in which the traditional bases of criminal jurisdiction over these crimes do not exist.

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 relationship with existing concepts of international law.

In this context, 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,

Recalling that discussions on this topic have been ongoing since 2010, CARICOM, once again, underlines the need to further develop the discussions. We believe 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, we see merit in the possibility of referring this topic to the International Law Commission (ILC) for its consideration. Given that the ILC is currently examining topics which are related to the principle of universal jurisdiction, we believe that a decision to refer this topic would also be timely.

We, 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 71/149.

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 71/149.

