



PERMANENT MISSION OF CUBA TO THE UNITED NATIONS
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**Statement by the Delegation of Cuba on Agenda Item 85, Scope
and Application of the Principle of Universal Jurisdiction,
New York, 11 October 2017**

Mr. Chairman,

Our delegation endorses the statement by the Islamic Republic of Iran on behalf of the Non-Aligned Movement and aligns itself with the statement of El Salvador on behalf of CELAC. We note the Report of the Secretary-General, prepared on the basis of the remarks and observations made by governments contained in document A / 72/112.

The delegation of Cuba attaches great importance to the scope and application of the principle of universal jurisdiction, issues that should be discussed by all Member States within the framework of the General Assembly of the United Nations with the main purpose of preventing the application of this principle when it is not applicable.

Cuba once again expresses its commitment to the fight against impunity for crimes against humanity and, at the same time, wishes to reiterate its concern about the improper use of the principle of universal jurisdiction in the unilateral, selective and politically motivated exercise of jurisdiction of the courts of developed countries against natural or legal persons from developing countries, not in accordance with international standards or treaty. In this regard, we condemn the promulgation, at a national level, of laws based on political motives and directed against other States, which has harmful effects on international relations.

Mr. Chairman,

The Cuban delegation considers that the prime objective of the General Assembly of the United Nations in this matter should be the adoption of international regulations or guidelines in order to prevent the improper use of this principle and thus preserve international peace and security.

Rigorous observance of the principles enshrined in the Charter of the United Nations, especially those of sovereign equality, political independence and the non-intervention in the States' internal affairs has paramount importance in the application of the principle of universal jurisdiction by national courts.

Universal jurisdiction should not be used to undermine the integrity and values of different current legal systems. This determines its exceptional and supplementary nature.

In this regard, Cuba considers that the application of the principle of universal jurisdiction should be restricted by the full respect for the sovereignty and national jurisdiction of States, being always supplementary to their action and jurisdiction. Similarly, it should be limited to special situations when there is no other resource in order to prevent impunity.

The application of the principle of universal jurisdiction should not be used to contravene the respect for a country's national jurisdiction, undermine the values and integrity of its legal system, nor should it be used in a selective manner with political aims to the detriment of the rules and principles of International Law.

Full immunity of acting Heads of State, diplomatic personnel and other high-level officials granted by virtue of International Law should be left out of question. Contravening long-standing and universally accepted international principles and rules under universal jurisdiction contradicts the principles and regulations set out in the Charter of the United Nations and the State of Law, which we have so often spoken of in this very room.

Mr. Chairman,

Cuba appreciates the performance of the open-ended Working Group and its Chair in the interests of identifying common areas for the substantive work on the matter.

We endorse the preparation of international guidelines or standards that clearly establish the conditions or limits in which the principle of universal jurisdiction should be enclosed, as well as the crimes it should be applied to.

In like manner, the requirements for the regulation and use of the principle and its correspondence with the Charter of the United

Nations should be established provided that its exceptional and supplementary nature is determined.

Given the nature of the principle of universal jurisdiction, those crimes should be restricted to crimes against humanity and the principle of universal jurisdiction should only be used when it has been acknowledged that there is no other way of exercising legal action against the perpetrators of such crimes.

We likewise consider that in such cases, counting on the approval of the State where the crime was perpetrated or of the country, of which the defendant is a citizen, is of utmost importance.

Mr. Chairman,

Finally, Cuba expresses its deepest support to the efforts of the international community in its fight against impunity and for the prosecution of those responsible for the most serious crimes against humanity. Cuba also reiterates the importance of acting always without double political standards and in strict pursuance of International Law if we really intend to achieve positive results and not to weaken the legitimacy of our fight for the humanistic values of peace and justice.

Thank you very much.