

# THE ILC AS A WAY FORWARD ON UNIVERSAL CRIMINAL JURISDICTION: AN INFORMAL DIALOGUE WITH STATES, ACADEMIA AND CIVIL SOCIETY

Monday, 28 October 2019 at 1:00 PM; Conf. Room 6 | Lunch served 12:45 PM  
United Nations, New York, USA

## INVITATION

---

The **Permanent Missions of Sierra Leone, Costa Rica, Czech Republic, Finland and The Gambia to the United Nations**, in collaboration with **Florida International University**, have the honour to invite State representatives, members of the International Law Commission, academic experts and civil society to this informal dialogue. Please confirm your participation by email to [ujdialogue@gmail.com](mailto:ujdialogue@gmail.com) by 25 October 2019.

## CONCEPT

---

During its seventieth session (2018), the International Law Commission (ILC/the Commission) decided to add the topic “universal criminal jurisdiction” to its Long-term Programme of Work and submitted it to States for their feedback. In the syllabus presented for the topic, the ILC noted that the Sixth Committee of the General Assembly had before it since 2010 a similar topic entitled “scope and application of the principle of universal jurisdiction” aimed at promoting a global discussion on the universality principle. No specific outcome was agreed, and the topic has annually been debated without substantial progress on the legal issues in recent years. The Sixth Committee has even established a working group each year, open to all member states, with the view to enhancing progress on the topic. This is yet to yield consensus on a path forward despite the overwhelming support expressed by States for the universality principle as a ground of jurisdiction under international law.

Consequently, some States have over the years highlighted the technical nature of the topic and proposed that it be referred to the Commission, which as a body of independent legal experts, has the mandate to assist the General Assembly in the promotion of the progressive development of international law and its codification. Other States, perhaps recognising the challenges of achieving consensus under present conditions, have called on the ILC, in the independent exercise of its mandate, to take up the topic and thereby assist the Sixth Committee with a study of the legal matters under consideration. The General Assembly’s annual resolutions on “scope and application of the principle of universal jurisdiction” last adopted without a vote on 20 December 2018 (A/RES/73/208) left room for potential Commission action when it decided, at paragraph 2, that the General Assembly’s continued consideration of the universality issue in the Sixth Committee is “without prejudice to the consideration of this topic and related issues in other forums of the United Nations...”

Against the above background, the main objective of this informal dialogue is to provide an opportunity for representatives of States, organs of the UN system and other international organizations in New York, academia and civil society to engage in a discussion with members of the ILC on the opportunities and challenges presented by the addition of universal criminal jurisdiction to the Long-Term Programme of Work. A key focus of this informal dialogue would be to consider General Assembly feedback on the topic and the advisability, or not, of taking the item into the current agenda of the Commission and the potential positive or negative implications for the global fight against impunity. Moreover, the dialogue will enable participants to share views on how the ILC, should it decide to place the item on its current work programme, could address a number of important questions including 1) the proposed scope of the topic; 2) possible outcomes of the topic; 3) and the advantages and drawbacks of potential concurrent consideration of similar topics by both the Commission and the Sixth Committee.

## PROGRAMME

---

12:45 | 1:10 ARRIVAL AND LUNCH

1:15 | 1:20 WELCOME AND OPENING REMARKS

**H.E. Alie Kabba, Ambassador and Permanent Representative of Sierra Leone to the United Nations**

**Prof. Antony Page, Dean, College of Law, Florida International University**

1:20 | 1:40 STATE PERSPECTIVES ON “SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION” BEFORE THE SIXTH COMMITTEE AND A POSSIBLE ROLE FOR THE INTERNATIONAL LAW COMMISSION

**H.E. Christian Guillermet-Fernández, Chair, Sixth Committee Working Group on Scope and Application of the Principle of Universal Jurisdiction and Ambassador, Deputy Permanent Representative, Permanent Mission of Costa Rica to the United Nations**

**Ms. Sarah Weiss Ma’udi, Legal Advisor, Permanent Mission of Israel to the United Nations**

**H.E. Petr Válek, Director, International Law Department, Ministry of Foreign Affairs, The Czech Republic**

1:40 | 2:00 ACADEMIC AND CIVIL SOCIETY PERSPECTIVES ON THE PROPOSED SCOPE AND OUTCOME OF THE ILC’S TOPIC “UNIVERSAL CRIMINAL JURISDICTION”

**Prof. Dr. Claus Kreß, Professor and Director of IIPSL, University of Cologne**

**Dr. Joseph Rikhof, Formerly Senior Counsel, Crimes against Humanity and War Crimes Section, Department of Justice Canada; Adjunct Professor, University of Ottawa**

**Mr. Hugo Relva, Legal Adviser, Amnesty International**

2:00 | 2:20 OPTIONS FOR ILC AND SIXTH COMMITTEE CONSIDERATION OF UNIVERSAL CRIMINAL JURISDICTION AND SCOPE AND APPLICATION OF UNIVERSAL JURISDICTION: A DIALOGUE BETWEEN SIXTH COMMITTEE EXPERTS AND ILC MEMBERS

**Prof. Dr. Pavel Šturma, Chair, ILC, 71<sup>st</sup> (2019) session and Special Rapporteur**

**Amb. Dr. Marja Lehto, ILC Member and Special Rapporteur; Senior Expert in Public International Law, Legal Service, Ministry of Foreign Affairs, Finland**

2:25 | 2:30 CLOSING REFLECTIONS

**Prof. Dr. Charles Jalloh, ILC Member and General Rapporteur, 71<sup>st</sup> (2019) session**



Permanent Mission  
of the Czech Republic  
to the United Nations



Permanent Mission of Finland  
to the United Nations



**FIU** | Law  
FLORIDA INTERNATIONAL UNIVERSITY