

**Statement by Turkey
on Agenda Item 84
“The Scope and Application of the Principle of Universal Jurisdiction”
at the Sixth Committee**

**17 October 2019
New York**

Mr. Chairman,

Under our domestic legislation, Turkish courts have the legal authority to adjudicate certain categories of crimes, including especially some of the most serious international crimes, regardless of the nationality of the perpetrator or where the crime was committed.

The initiation of legal proceedings with regard to some of these crimes, such as genocide, crimes against humanity, human trafficking and torture, require a formal request by the Minister of Justice, if they are committed abroad.

In addition, various international treaties to which Turkey is party include provisions regarding the principle of “prosecute or extradite”, which is connected to the concept of universal jurisdiction.

Mr. Chairman,

Needless to say, Turkey acknowledges the importance of preventing impunity for the most serious international crimes.

In this context, considering that the obligation to investigate and prosecute may likely fall on the state where the crime was committed or whose citizen is the alleged offender, in accordance with rules relating to jurisdiction, we believe that constructive and efficient judicial cooperation between the relevant organs of these states and third states is highly important.

Furthermore, as we all know, member states have some legitimate concerns regarding the possible misuse or abuse of universal jurisdiction. Some scholars also express the view that while universal jurisdiction aims to protect the common values of the international community, it can cause erosion in human rights, disrupt the international social order and violate state sovereignty, as well as the principle of sovereign equality of states, if it is used in bad faith and for political purposes.

In this regard, we would like to highlight one more time that the scope, limits and application of this exceptional and subsidiary form of jurisdiction should be carefully considered, and developments in this regard should be closely followed. In line with the foregoing, we would also like to emphasize the importance of safeguarding the principles of lawfulness and non-retroactivity, among others.

In conclusion, Turkey attaches importance to preserving the delicate balance between ensuring the legitimacy and the reliability of universal jurisdiction on the one hand, and preventing impunity for serious international crimes on the other.

Thank you.