

## **Sixth Committee, 76<sup>th</sup> session: The Scope and Application of the Principle of Universal Jurisdiction**

### **Statement on behalf of Canada, Australia and New Zealand (CANZ)**

I have the honour today of speaking on behalf of Australia, Canada, and my own country, New Zealand.

CANZ welcomes the opportunity to engage in a dialogue on the scope and application of universal jurisdiction. We thank Member States for their contributions to the Secretary-General's annual report on this topic.

CANZ recognizes universal jurisdiction as a well-established principle of international law, which entitles any State to prosecute the most serious crimes of international concern in its national courts, regardless of where they were committed or the nationality of the perpetrators or the victims. These serious international crimes are well established in customary international law, and include piracy, genocide, war crimes, crimes against humanity, slavery, and torture.

Universal jurisdiction provides an important mechanism to ensure that the perpetrators of these atrocities do not receive a safe haven anywhere in the world. It offers a basis to ensure that persons accused of such crimes can be held accountable in circumstances where the territorial State is unwilling or unable to exercise jurisdiction.

CANZ reiterates that, as a general rule, primary responsibility for investigating and prosecuting serious international crimes rests with the territorial State in which the criminal conduct was alleged to have occurred, or the State of nationality of the accused. States with territorial jurisdiction are often in the best position to achieve justice, given their access to evidence, witnesses and victims.

CANZ also wishes to emphasise the need to exercise universal jurisdiction in good faith and with regard to other principles and rules of international law, including laws relating to diplomatic relations and privileges and immunities. It is also critical that universal jurisdiction is applied in a manner consistent with the rule of law and the right to a fair trial.

Australia, New Zealand and Canada all have legislation establishing jurisdiction in respect of the most serious international crimes. Such crimes are contrary to the interests of all States and as such it is in the interests of all states to ensure they are prosecuted. We encourage Member States that have not already done so to incorporate the universal jurisdiction into their domestic legislation, in accordance with international law, and to work cooperatively to hold perpetrators to account.

We also note recent cases where universal jurisdiction has been exercised over the alleged perpetrators of serious international crimes, such as the conviction and ongoing prosecution of Syrian nationals in Germany for crimes against humanity. Universal jurisdiction is particularly important in cases where the International Criminal Court does not have jurisdiction over the relevant crimes.

Chairperson,

We look forward to continuing this valuable discussion on the scope and application of the principle of universal jurisdiction. We reiterate our willingness to work constructively with other States on this issue. By working cooperatively and collaboratively, we can ensure that perpetrators and would-be perpetrators of the most serious international crimes are deterred and held to account.

Thank you.