



PERMANENT MISSION OF CUBA TO THE UNITED NATIONS  
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**STATEMENT BY THE CUBAN DELEGATION UNDER ITEM 86 “SCOPE AND  
APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION”**

**New York, 21 October 2021**

Mr. Chairman,

Cuba endorses the remarks delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We take note of the Secretary-General’s Report, prepared on the basis of the commentaries and observations made by Member States, contained in document A/76/203.

Cuba reiterates its steadfast commitment to the fight against impunity for crimes against humanity.

The scope and application of the principle of universal jurisdiction has become a major issue whose matters should be discussed by the United Nations General Assembly, the highest legislative

body of the Organization where all Member States are represented on an equal footing.

Cuba expresses deep concern over the inappropriate use of the principle of universal jurisdiction in the unilateral, selective and politically motivated exercise of the courts' jurisdiction of developed countries against individuals, whether natural or legal persons from developing countries, without this deriving from an international norm or treaty.

For this reason, we condemn the enactment, at the national level, of politically motivated laws targeting other States, which has disastrous effects on international relations.

Mr. Chairman,

The main objective of the work of the General Assembly, in this matter, should be to regulate or create international guidelines to prevent the misuse of this principle and to safeguard international peace and security.

In the practical application of this principle by domestic courts, it is indispensable to comply with the full respect for the principles of sovereign equality, political independence and non-interference in the internal affairs of States.

Universal jurisdiction cannot be used to weaken the integrity and values of the various legal systems existing in the world, to disrespect national jurisdictions, or to disparage the integrity and values of a legal system. Nor should it be used selectively for political purposes and to the detriment of the norms and principles of International Law.

The limit to the application of this principle lies in the absolute respect for the sovereignty and national jurisdiction of States, keeping its supplemental character with respect to the national action and jurisdiction of each State and limiting it to exceptional circumstances, when there is no other recourse to avoid impunity.

Mr. Chairman,

The absolute immunity of Heads of State, diplomatic staff and other incumbent high-ranking officials, granted in accordance with International Law, should not be subject to any questioning whatsoever and long-standing and universally accepted international principles and norms, should not be breached under universal jurisdiction. This is contrary to the principles and provisions of the Charter of the United Nations and the Rule of Law, so often upheld in this very Chamber.

Mr. Chairman,

Cuba supports the elaboration of an international norm or guidelines that would clearly establish under what conditions, or within which limits, the principle of universal jurisdiction can be invoked, as well as the crimes to which the principle would be applicable.

In this regard, we appreciate the role played by the Open-ended Working Group and the work carried out by its Chairman.

The offenses that fall under the application of this principle should be restricted to crimes against humanity and legal procedures for such offenses should be initiated only when it has been recognized that there is no other means to bring criminal action against the perpetrators of such acts.

To conclude, Cuba reiterates its staunchest support for the efforts of the international community in the fight against impunity and the prosecution of those responsible for the most serious crimes against humanity.

Thank you.