Statement by Sweden on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden)

at the

General Assembly,
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Sixth Committee

Agenda item 87:
The scope and application of the principle of universal jurisdiction

United Nations, New York

21 October 2021

– CHECK AGAINST DELIVERY –

Mme/Mr Chair,

I have the honour to speak on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway – and my own country, Sweden.

Let me start by welcoming the recent report of the Secretary-General (A/76/203) which was prepared based on information and observations received from states and comments submitted by observers, including the African Union, the Council of Europe, the International Maritime Organization (IMO) and the Organisation for the Prohibition of Chemical Weapons (OPCW).

This topic has been discussed since 2011 within the framework of the working group on the scope and application of the principle of universal jurisdiction. We are pleased to note that the principle has gained solid ground as a fundamental principle of criminal law, both within national jurisdictions – as illustrated in the past reports of the Secretary-General – and at the international level.

Mme/Mr Chair:

As a general rule, primary responsibility for investigating and prosecuting international crimes rests with the territorial state in which the criminal conduct is alleged to have occurred, or the state of nationality of the accused. When states do not take legal action, however, the exercise of universal jurisdiction by other states can serve as an important tool to ensure accountability, provide justice for victims and limit impunity.

The Nordic countries have all incorporated the principle of universal jurisdiction into our respective domestic legislation, by allowing domestic prosecution of certain crimes that did not take place on our respective states' territory and where neither victim or alleged perpetrator was a national of our respective countries. We note, furthermore, that in several European domestic courts cases have been pursued against state and non-state actors for, among others, atrocities in Syria, most of them on the basis of universal jurisdiction.

We applaud the work of states that have incorporated universal jurisdiction over serious international crimes into their domestic legislation. We encourage others to do the same, in accordance with international law.

Mme/Mr Chair,

The discussions in the working group have contributed to clarifying the positions of member states, and in the context of this debate, some delegations have expressed concerns as to the potential abuse of the principle of universal jurisdiction. The Nordic countries continue to urge caution against developing an exhaustive list of crimes for which universal jurisdiction would apply. But any form of misuse of prosecutorial powers should be prevented from occurring.

In order to advance the application of universal jurisdiction, we call on states to adopt national legislation based on the Rome Statute of the International Criminal Court (ICC), ensuring domestic prosecution of crimes under the jurisdiction of the Court, namely the most serious crimes of concern to the international community as a whole, and a more effective cooperation framework with international courts.

Mme/Mr Chair,

Accountability for serious international crimes is an indispensable part of international law. We have consistently given our steadfast support to the International Criminal Court and to its integrity and independence. When it has jurisdiction, the ICC provides an avenue for prosecution when states concerned do not take legal action.

There are other mechanisms at the international level that play important roles in assisting judicial bodies at the international, regional or national level that have or may have, jurisdiction in the future. These include the International, Impartial and Independent Mechanism (IIIM) for Syria, the Independent Investigative Mechanism for Myanmar (IIMM) and United Nations Investigative Team to Promote Accountability Against Da'esh/ISIL Crimes (UNITAD).

The Nordic countries continue to follow this agenda item with great interest and look forward to working with you and other delegations in the Sixth Committee and in other UN forums.

I thank you.