



# PHILIPPINES

## STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations  
Agenda Item 86: The scope and application of the principle of universal jurisdiction  
Sixth Committee

76th Session of the United Nations General Assembly  
21 October 2021, Conference Rooms 1-3  
UN Headquarters New York

Madam Chair.

The Philippines aligns itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We thank the Secretary General for his report (A/76/203) based on the information and observations received from Member States and relevant observers on the scope and application of universal jurisdiction, including, information on the relevant applicable international treaties and their national legal rules and judicial practice.

Part IV of the report, on specific comments from States, shows the diversity of views of Member States on the definition, scope and application of the principle of universal jurisdiction; and the need for further examination by the Sixth Committee of this issue.

Ten years ago, we also submitted our comments and observations pursuant to the request for information on the scope and application of the principle of universal jurisdiction, in compliance with Resolution 65/33. We wish to reiterate some points:

First, universal jurisdiction, as a generally accepted principle of international law, is considered part of Philippine law, both through the incorporation clause of our Constitution and through the enactment in 2009 of the Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes Against Humanity.

Second, for the Philippines, as set out in its Revised Penal Code, the general rule is that jurisdiction is territorial. Therefore, universal jurisdiction is an exception, grounded on the imperative need to preserve international order. It allows any State to assert criminal jurisdiction over certain offenses, even if the act occurred outside its territory or was committed by a person not its national, or inflicted no injury to its nationals.

Third, because it is exceptional, its scope and application must be limited and clearly defined. Unrestrained invocation and abuse of the exercise of universal jurisdiction only undermines the principle.

Finally, these “certain offenses” must be limited to *jus cogens* crimes that have been deemed so fundamental to the existence of a just international legal order that states cannot derogate from them, even by agreement. The rationale behind this principle is that the crime committed is so egregious that it is considered to be committed against all members of the international community and thus granting every State jurisdiction over the crime.

The continuing challenge is defining its scope and application. We encourage the Committee and the Working Group to continue its work. The process of defining the scope and application of the principle should be State-led and discussions should remain in the Sixth Committee, rather than being referred to the International Law Commission.

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