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# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,  
UNGA76, AGENDA ITEM 86

THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL  
JURISDICTION

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*Check against delivery*

Chair

Universal jurisdiction can be a necessary and important tool to ensure that the perpetrators of serious crimes do not escape justice.

The United Kingdom notes, however, the continued lack of international consensus about the nature, scope and application of universal jurisdiction.

The United Kingdom's view is that the term "universal jurisdiction" refers to jurisdiction over a crime irrespective of the location of the alleged crime, the nationality of the alleged perpetrator, the nationality of the victim or other links between the crime and the prosecuting State. It is distinct from the jurisdiction of international judicial mechanisms and distinct from other categories of extra-territorial jurisdiction. On the other hand, there are significant overlaps between universal jurisdiction and "extradite or prosecute" regimes, which require careful scrutiny.

The United Kingdom also notes the practical constraints on delivering justice through universal jurisdiction. The primacy of the territorial approach to jurisdiction reflects the reality that the authorities of the State in whose territory an offence is committed are generally best placed to prosecute that offence, not least because of the obvious advantages in securing the evidence and witnesses necessary for a successful prosecution.

Consequently, there is only a small number of offences for which the courts in the United Kingdom can exercise universal jurisdiction where there is no apparent link between the crime and the United Kingdom.

The United Kingdom continues to consider that questions as to whether universal jurisdiction should apply to a particular crime are best approached collaboratively between States, through treaties, with a focus on what would make an effective contribution to efforts to address the crimes in question. The United Kingdom continues to doubt whether the issues faced by States in respect of universal jurisdiction are best addressed by the International Law Commission taking this topic forward. However, there would be merit in reaching shared views in respect of the definitional issues. In any case, the United Kingdom stands ready to contribute to further discussions on this important topic in the Sixth Committee.

Thank you, Chair.