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**UNITED NATIONS GENERAL ASSEMBLY SIXTH COMMITTEE:
The scope and application of the principle of universal
jurisdiction (agenda item 85)**

12 October 2022

Statement on behalf of Australia, Canada and New Zealand

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Thank you Chair,

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

CANZ welcomes the opportunity to continue 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, including on how universal jurisdiction is incorporated into national laws and on developments in domestic judicial practice.

We look forward to continued discussion on the role and purpose of universal jurisdiction through the Working Group of the Sixth Committee.

[Madame/Mr] Chair,

Universal jurisdiction is a fundamental principle of international law. It vests in every State the competence to exercise, on behalf of the international community, criminal jurisdiction over those individuals responsible for the most serious crimes of international concern.

Universal jurisdiction applies regardless of where the conduct occurs, the nationality of the perpetrators or the victims, or any other links between the crime and the prosecuting State.

These serious international crimes are well-established in customary international law. They include piracy, genocide, war crimes, crimes against humanity, slavery, and torture.

Such abhorrent crimes are contrary to the interests of all States. It is therefore in the interests of all States to ensure these crimes are prevented and their perpetrators prosecuted.

Indeed, our dialogue on universal jurisdiction should focus on ensuring that no perpetrator of the most serious international crimes goes unpunished.

[Madame/Mr] Chair,

Universal jurisdiction must be applied in good faith, consistent with the rule of law and the right to a fair trial.

At all times, the exercise of universal jurisdiction must be free from political motivation, discrimination and arbitrary application. It must also operate in accordance with laws relating to diplomatic relations and privileges and immunities.

CANZ reiterates that, as a general rule, primary responsibility for investigating and prosecuting serious international crimes rests with the State in the territory of 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.

Australia, Canada and New Zealand all have legislation establishing jurisdiction in respect of the most serious international crimes. We continue to encourage Member States that have not already done so to incorporate universal jurisdiction into their domestic legislation, in accordance with international law.

The establishment of such jurisdiction sends an unequivocal message to perpetrators and would-be perpetrators that serious violations of international humanitarian and human rights law will not be tolerated.

In practice, many perpetrators go unpunished for a number of reasons, including their cross-border movement and lack of resources to undertake complex investigations and prosecutions.

In such circumstances, universal jurisdiction is an important complementary framework to ensure that persons accused of serious international crimes can be held accountable in circumstances where the territorial State is unwilling or unable to exercise jurisdiction.

[Madame/Mr] Chair,

Universal jurisdiction can also complement the role of the International Criminal Court (ICC) as a court of last resort. In this way, it can strengthen the international accountability framework and put perpetrators on notice that they will be held to account.

Universal jurisdiction is particularly important in cases where the ICC does not have jurisdiction, including in the absence of a referral by the UN Security Council of the most serious crimes under international law.

In such contexts, CANZ welcomes the exercise of universal jurisdiction as demonstrative of how the international community can cooperate to bring about justice.

We note in particular the conviction and ongoing prosecution of Syrian nationals and Da'esh members in Germany for serious international crimes including crimes against humanity, as well as ongoing processes in other states as set out in the Secretary-General's annual report.

[Madame/Mr] Chair,

We look forward to working cooperatively with other States to bring perpetrators to account for the most egregious crimes.

By collaborating at the international level, and incorporating universal jurisdiction in domestic legislation, we can ensure that justice is done.

Thank you.