



**Statement on behalf of the European Union and its Member States  
Ms. Simona Popan, Counsellor, Delegation of the European Union to the  
United Nations**

**at the Sixth Committee**

**on the Agenda item 86**

**The scope and application of the principle of universal jurisdiction**

**United Nations**

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**– CHECK AGAINST DELIVERY –**

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Serbia\*, Albania\* and the Republic of Moldova, as well as Georgia align themselves with this Statement.

Mr./Madam Chair,

Accountability for core international crimes is part of the EU efforts to fight impunity around the world. Accountability is not only a strong deterrent, but also as a driver to successful reconciliation processes and the consolidation of peace in post-conflict societies.

In that regard, we view universal jurisdiction as an important tool of the international criminal justice system to prevent and combat impunity and promote international accountability. Although the views and practices of States concerning the definition, scope and application of universal jurisdiction vary, the exercise of universal jurisdiction can fill jurisdictional gaps, in particular where States are unable or unwilling to exercise jurisdiction, and help achieve accountability.

Several of the EU Member States have been applying universal jurisdiction in the fight against impunity. In doing so, they share the belief that universal jurisdiction can usefully complement efforts that are an integral part of a wider accountability strategy, complementary to the role and the jurisdictional bases of prosecutions at international courts, such as the ICC.

Universal jurisdiction enables a State to prosecute perpetrators of the most serious international crimes regardless of where the crimes may have been committed or of the nationality of the perpetrators and the victims. Under the principle of universal jurisdiction, criminal jurisdiction is based solely on the nature of the crime, without regard to the territory where the crime was committed, the nationality of the alleged or convicted perpetrator, the nationality of the victim, or any other connection to the State exercising such jurisdiction.

However, the primary responsibility for investigating a crime and prosecuting its perpetrators lies with the State or States with a direct link to the crime perpetrated. It is thus of utmost importance that States criminalize all core crimes in their national law. Universal jurisdiction remains an exception to the territoriality, active or passive personality and protective principles.

Mr./Madam Chair,

The European Union believes that prevention should be at the centre of the discussion on the scope and application of the principle of universal jurisdiction. We also believe that universal jurisdiction is one of many tools that can assist in preventing the future commission of the most serious international crimes. Investing in tools that detect early warning signs or patterns that can lead to genocide and other core international crimes are at the centre of our efforts to fight impunity. Through our 2020-2024 Action Plan for Human Rights and Democracy, the EU aims to prevent violations of human rights, to combat intolerance, harassment, and violence based on ethnic origin, religion or belief and to prevent an environment where international crimes may occur. We must work together towards that end.

The European Union has set up a European network for the investigation and prosecution of genocide, crimes against humanity and war crimes entitled “Genocide Network”. Through this Network, the EU seeks to support national authorities in the Member States in their investigation and prosecution of these crimes to ensure that the EU does not become a safe haven for perpetrators. The Genocide Network coordinates the work of prosecutors across the EU in prosecuting core international crimes and has also invited non-EU States, Europol and the Office of the Prosecutor of the ICC as observers

Moreover, the European Union Agency for Criminal Justice Cooperation (EUROJUST) has recently identified key factors for successful investigations and prosecutions of core international crimes. Among these, we would note the following: complete legislative framework defining core international crimes into national law; setting up of specialised units or appointment of staff trained to deal with international crimes; and allocation of adequate human, financial and material resources.

The European Union and its Member States believe that a victim-centred approach is a key aspect of the application of the principle of universal jurisdiction. The EU attaches great importance to the position and participation of victims in criminal proceedings for international crimes. Victims require protection programs based on the understanding that victims and witnesses of core international crimes require legal, and in many instances, psychosocial support, as well as special protection measures. We also note that victims do not constitute a homogenous group, therefore, this support and protection must be tailor made. In this spirit, special attention in universal jurisdiction cases must be given to victims seeking justice for sexual and gender-based crimes. Channelling investigative efforts through the joint investigative teams, cooperation and coordination is essential between different investigations to avoid multiple interviews of the same victims, thus mitigating the risk of re-traumatisation.

Mr./Madam Chair,

In the spirit of the UN Charter, the European Union and its Member States will continue to work towards our shared goal to prevent impunity around the world. We believe that universal jurisdiction is an important tool in that regard. We look forward to a fruitful exchange of best practices and valuable reflections on this agenda item.

Thank you.