

Statement by Lithuania on behalf of the Baltic States - Estonia, Latvia and Lithuania
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Agenda item 84 “The scope and application of the principle of universal jurisdiction”

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Mr. Chair,
Distinguished Delegates,

I have the honor to speak on behalf of the three Baltic States – Estonia, Latvia and my own country, Lithuania. The Baltic States align with the statement made by the European Union and its Member States.

Mr. Chair,

The Baltic States consider the principle of universal jurisdiction to be an important and useful tool in the fight against impunity for the crimes under international law. It is a generally recognized principle of public international law which promotes rule of law and has deterrent effect on possible perpetrators. This principle serves as a reminder that no one can escape justice. Particularly, universal jurisdiction remains an important tool for ensuring accountability for the crimes which violate universal values common to the international community.

There is no question that the primary responsibility to prosecute perpetrators of the most serious international crimes rests with those States on whose territory the crimes were committed. Other jurisdictional links, such as the nationality of the perpetrator as well as the nationality of the victims, are also widely accepted. However, if these States are unwilling or unable to bring perpetrators of crimes to account, other States that have no direct connection to the crime should fill the gap on the basis of universal jurisdiction. In this way, universal jurisdiction is an important subsidiary tool to ensure accountability for the worst crimes – including in particular genocide, war crimes and crimes against humanity.

Therefore, we encourage States to adopt their national legislation in a way that supports the exercise of universal jurisdiction for such crimes, regardless of the citizenship and place of residence of the perpetrator or the territory where the crime has been committed. The Baltic States have adopted such national legislation, moreover, we have already applied universal jurisdiction envisaged in it to open an investigation on crimes that allegedly have been committed in and against Ukraine. In addition, in our view, the national case law should be based on the interpretations provided in the decisions of international courts, in particular the case law of the International Criminal Court, the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, and in certain cases - the International Court of Justice.

Mr. Chair,

For more than year and a half now, we have been witnessing reports of heinous crimes being perpetrated on the territory of Ukraine, as a consequence of the Russian aggression. We believe that these crimes, including the crime of aggression will be investigated and, after due process before an independent court of law, punished by the International Criminal Court and the Special International Tribunal for the crime of aggression against Ukraine. In the meantime, the exercise of universal jurisdiction by competent organs of individual States can contribute to delivering justice to victims, closing the impunity gap and preventing further commitment of crimes.

Mr. Chair,

We believe that the commitment to fight against impunity, not only for crimes committed in Ukraine, but also in all other situations, should translate into increased efforts and resources in all States to ensure that universal jurisdiction is used to its full potential. Universal jurisdiction is a powerful tool to achieve accountability for the gravest crimes, and should be readily available to the majority of States.

Mr. Chair,

Prevention and prosecution of serious violations of international law are the moral duties of all States. States should take the responsibility to ensure that such core international crimes do not go unpunished.

Whereas, progress in the fight against impunity for the most serious crimes under international law has been significant in the last decades, substantial impunity gaps still remain. In this regard, our common goal of ending impunity for the most serious crimes of international concern should govern our discussions on the principle of universal jurisdiction.

We believe that referring the topic of universal jurisdiction to the International Law Commission would bolster progress in our discussions and advance the proper application of the principle.

Thank you for your attention.