



United Nations General Assembly | Sixth Committee

**The scope and application of the principle of universal jurisdiction
(Agenda item 84)**

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(check against delivery)

Mr. Chair,

Brazil thanks the Secretary-General for the report on the scope and application of the principle of universal jurisdiction. The document confirms that State practice is not uniform on the topic.

The principle of universal jurisdiction is subsidiary to more direct connecting factors, such as territoriality and nationality.

States with the closest links to the crime have always jurisdictional priority to prosecute perpetrators. We should consider this when drafting clauses on the obligation to prosecute or extradite.

Brazil reiterates that before invoking universal jurisdiction and opening an investigation, judicial authorities should first ensure

that there are no ongoing investigations in the States with direct relation with the crime, the suspects or the victims.

A custody State with no direct link to the crime should seek the cooperation of States with primary jurisdiction over it.

Mr. Chair,

The principle of universal jurisdiction is exceptional and should only be applied in a responsible and judicious manner, based on clear and objective parameters. This is important to prevent its abuse and misuse.

The exercise of State jurisdiction based solely on the universal principle should be limited to serious crimes, prescribed in treaties, and only by States parties.

In order to avoid the political use of the principle, it is essential that the accused be present within the territory of the forum State.

Furthermore, universal jurisdiction should always respect the basic principles of criminal law, such as the prohibition of double jeopardy.

Mr. Chair,

The exercise of universal jurisdiction cannot be arbitrary nor should it serve other interests than those of justice.

The exercise of jurisdiction must always be in accordance with the principles of sovereign equality among all States and non-intervention in domestic affairs, as laid down in the Charter of the United Nations.

I thank you.