

**The scope and application of the principle of universal jurisdiction Statement
by the Permanent Mission of the Saint Vincent and the Grenadines to the
United Nations**

**On behalf of the Community of Latin American and Caribbean States
(CELAC)**

New York, 12 October 2023

Mr. Chair,

I have the honor to speak on behalf of the 33 countries that make up the Community of Latin American and Caribbean States CELAC.

CELAC reiterates the importance we give to the agenda item entitled “Scope and application of the principle of universal jurisdiction” as a topic that concerns all members of the United Nations and in which our region has actively participated since its inclusion as an agenda Item of the sixth committee in 2010.

In this session, we take note of the report of the Secretary-General on the subject A/78/130, compiling further comments and observations from Governments and relevant observers, as appropriate, on the scope and application of universal jurisdiction. We note that this also includes information on the relevant applicable international treaties and their national legal rules and judicial practice. This report provides additional elements to address the study of universal jurisdiction in order to determine our future work on the subject.

Moreover, we take note of the consultations carried out by the Working Group established in this Committee in accordance with General Assembly’s resolution 70/119 of 14 December 2015. CELAC welcomes the fact that the Working Group has been coordinated by a representative of our region.

CELAC recalls that during the 66th session of the General Assembly, the Chair of the Working Group presented a document entitled “Informal working notes from the Chair of the Working Group”. This document was prepared after wide consultations and was presented in the spirit of

contributing to, and facilitating, the debates on the topic. It contains agreements on the methodology, as well as an enumeration of issues for discussion.

Following the procedure agreed in 2011, the Working Group has discussed thoroughly, during its past sessions, each of the sections of the roadmap prepared by the Chair: first, the elements of the concept of Universal Jurisdiction, including its role and purpose, its relevant components and the distinction from other related concepts; and, the Scope of Universal Jurisdiction, dedicating several meetings to the possible list of crimes, and, the conditions for its application, including procedural aspects and interaction with other concepts of International law.

As a result of our previous efforts, we have been able to advance our dialogue. The Working Group has explored several points of common understanding, along with others that might need further discussions.

The Working Group has certainly made progress in its years of work, moving from a very concise roadmap to a combined set of elements on each of the three pillars, and now to a full set of policy indicators covering the three pillars.

In this regard, CELAC recalls that universal jurisdiction is an exceptional tool of International Law, for the exercise of criminal jurisdiction, which seeks to fight impunity and strengthen justice. Hence, International Law defines its scope of application and enables States to exercise it.

CELAC welcomes that, as a result of the discussions within the framework of the Sixth Committee, both during the debate and within the working group, as well as pursuant to the information provided by States in their reports, several delegations have reiterated their views that Universal Jurisdiction should not be confused with the exercise of International Criminal Jurisdiction, or with the obligation to extradite or prosecute. Thus, an important group of States has clearly indicated the different legal nature of such jurisdictions, notwithstanding that they complement efforts in the fight against impunity. This reflects CELAC's understanding on the subject, which is in line with the relevant applicable laws and the diverse set of obligations of each state under International law, as well as with the observance of the Rule of Law at the national and international levels.

We welcome the decision by the International Law Commission to include this item on its Long-Term Program of work. CELAC is of the view that an ILC study of this topic would likely enable

the General Assembly to achieve more progress in clarifying certain legal aspects of the principle under international law. This would be particularly useful if we take into account that the Commission is currently examining a number of issues linked to the Universal Jurisdiction Principle.

We believe that this is a fitting opportunity to make substantial and valuable contributions and therefore, CELAC remains committed to working to achieve the best results in this Committee.

Thank you very much.