



Sixth Committee
United Nations General Assembly 78th Session

Statement of Ireland on Agenda Item 84:

‘Universal Jurisdiction’

Delivered by James Kirk
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– CHECK AGAINST DELIVERY –

1. Chair,
2. Ireland welcomes today's debate on the scope and application of the principle of universal jurisdiction. This is a topic that has been on the Sixth Committee agenda for over a decade. With so much technical discussion, we can sometimes lose sight of the practical and concrete aspects of the subjects that we debate in this forum.
3. Today, more than ever, we must strive to ensure accountability for international crimes. Universal jurisdiction is a key tool in this fight against impunity. Ensuring that the perpetrators of international crimes are held to account is not only a deterrent to others. It is also a critical element of reconciliation processes, and can bring a sense of closure to victims, thus reducing the likelihood of future conflict and consolidating peace.
4. Ireland made a submission earlier this year to the Secretary-General setting out the offences in Irish law that rest on universal jurisdiction. Ireland considers that universal jurisdiction allows a State to assert jurisdiction over an offence irrespective of the place in which it was committed, the nationality of the accused, the nationality of the victim, or any other link with the prosecuting State.
5. The exercise of extra-territorial jurisdiction of any type – including universal jurisdiction – is exceptional in Ireland. Our approach is framed by our constitution, which provides for the exercise of extra-territorial jurisdiction in accordance with the generally accepted principles of international law. Further, Irish domestic law does not allow for trials *in absentia*, so the exercise of universal jurisdiction – as with any other type of jurisdiction – requires the presence of the alleged perpetrator within the territory of Ireland. As such, the exercise of extra-territorial jurisdiction has remained very limited under Irish law to date.

6. We welcome, nonetheless, the opportunity to hear about the practices and views of other states on this important principle. We agree, as the EU has said in its remarks, that the application of the principle of universal jurisdiction ought to be governed by transparent rules, which guarantee legal certainty and the reasonable exercise of this jurisdiction.
7. It is not contested that the primary responsibility for investigating and prosecuting international crimes lies with the state or states with the closest link to the offence committed. However, in some circumstances, those states are either unable or unwilling to do this. It is therefore in all of our interests, as individuals and as an international community, to ensure that in these cases, there is nonetheless the possibility of delivering justice.
8. It is in this spirit that we look forward to the report of the Secretary-General at the seventy-ninth session next year, reviewing all of the submissions of states and observers and views expressed in the debates of this Committee since 2009, with a view to identifying the convergences and divergences on this topic. We also look forward to participating next year in the working group that will consider 'the relevant elements of a working concept of universal jurisdiction'. We hope that these efforts will assist us in deciding together how we can best use this principle to minimise the gaps in the international justice system, to the benefit of all.
9. Thank you.