



**United Nations General Assembly | Sixth Committee**

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

**(Agenda item 85)**

*15 October 2024*

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Mr./Madam Chair,

My delegation thanks the Secretary-General for the report on the scope and application of the principle of universal jurisdiction.

The document confirms that State practice on this issue remains far from uniform. It varies both in the range of crimes that trigger universal jurisdiction and in the limits to its application.

Brazil reaffirms that the principle of universal jurisdiction is subsidiary to more direct and traditional jurisdictional factors, such as territoriality and nationality.

States with the closest links to the crime have always jurisdictional priority in prosecuting offenses. This must be considered when drafting clauses related to the obligation to prosecute or extradite.

Before invoking universal jurisdiction and initiating an investigation, judicial authorities should ensure that no ongoing investigations are being conducted by States with a direct connection to the crime, the suspects, or the victims.

A State holding custody of suspects, but with no direct link to the crime, should actively seek the cooperation of the States that have primary jurisdiction. The consent and cooperation of concerned States may effectively limit the abuse and misuse of the principle.

Mr./Madam Chair,

Universal jurisdiction is an exceptional principle and must be applied with utmost responsibility and discernment, based on clear and objective parameters to prevent its abuse and misuse.

The exercise of jurisdiction based solely on the principle of universality should be reserved for serious crimes established in

international treaties and should be invoked only by States that are parties to such treaties.

To avoid the political misuse of this principle, it is crucial that the accused be physically present within the territory of the forum State.

Furthermore, universal jurisdiction must always respect fundamental principles of criminal law, including the prohibition of double jeopardy.

Mr./Madam Chair,

The application of universal jurisdiction does not override the immunities enjoyed by State officials from foreign criminal jurisdiction. These immunities are grounded in the principle of sovereign equality, which is essential for ensuring that officials can perform their functions effectively and to promote friendly relations among States, as well as the peaceful settlement of international disputes.

As noted by the International Court of Justice in the Arrest Warrant case, "jurisdiction does not imply absence of immunity, while absence of immunity does not imply jurisdiction".

Mr./Madam Chair,

The exercise of universal jurisdiction cannot be arbitrary nor should it serve other interests than those of justice. It should not be used to further geopolitical interests or to apply criminal justice selectively.

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

I thank you.