



**New Zealand Permanent Mission to the United Nations  
Te Aka Aorere**

**United Nations General Assembly: Sixth Committee Seventy-Ninth session – The scope and application of the principle of universal jurisdiction**

**CANZ Statement delivered by  
Zoe Russell, First Secretary**

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**CHECK AGAINST DELIVERY**



Thank you Chair,

I have the honour today of speaking on behalf of Australia, Canada, and my own country, New Zealand.

CANZ welcomes the opportunity to continue dialogue on the scope and application of universal jurisdiction.

We appreciate the contributions of Member States and observers to the Secretary-General's annual report on this topic.

CANZ recognizes universal jurisdiction as a fundamental principle of international law, which empowers States to prosecute in their national courts, on behalf of the international community, those responsible for the most serious crimes of international concern. Universal jurisdiction applies regardless of where the conduct occurs, the nationality of the perpetrators or the victims, or any other links between the crime and the prosecuting State.

These serious international crimes, well established in customary international law, include piracy, genocide, war crimes, crimes against humanity, slavery, and torture. Such abhorrent crimes are contrary to the interests of all States. It is therefore in the interests of all States to ensure these crimes are prevented and their perpetrators prosecuted.

We reiterate that, as a general rule, primary responsibility for investigating and prosecuting serious international crimes rests with the State in the territory of which the criminal conduct was alleged to have occurred, or the State of nationality of the accused. States with territorial jurisdiction are often in the best position to achieve justice, given their access to evidence, witnesses and victims. Universal jurisdiction is, however, an important complementary mechanism that can fill a jurisdictional gap in circumstances where the territorial State is unwilling or unable to exercise jurisdiction.

Universal jurisdiction must be exercised in good faith, consistent with the rule of law and the right to a fair trial. The exercise of universal jurisdiction must be free from political motivation, discrimination, and arbitrary application. It must also operate in accordance with laws relating to diplomatic relations and privileges and immunities.

Australia, Canada and New Zealand have all incorporated the principle of universal jurisdiction into our respective domestic legislation, by allowing domestic prosecution of certain crimes even in the absence of a link between those crimes and our respective States. CANZ welcomes the Secretary-General's report that identifies convergences and divergences on the definition, scope and application of universal jurisdiction. The report is extremely useful for our ongoing dialogue and discussions on this topic. Importantly, the report demonstrates that delegations view universal jurisdiction as an important tool for promoting accountability and preventing impunity.

CANZ also notes the compilation of a list of crimes concerning which universal jurisdiction is established under the domestic legislation of States.

It is encouraging to see that many States have incorporated universal jurisdiction in their domestic legislation. We continue to encourage Member States that have not already done so to incorporate universal jurisdiction into their domestic legislation, in accordance with international law. By doing so, States contribute to strengthening the international accountability framework and ensuring that perpetrators of grave international crimes do not receive safe haven anywhere in the world.

We note recent judgments in Germany and decisions in France in cases involving nationals of the Syrian Arab Republic accused of international crimes committed in Syria. This demonstrates the importance of universal jurisdiction in advancing the fight against impunity where the International Criminal Court (ICC) does not have jurisdiction, including in the absence of referral by the Security Council, to complement the role of the ICC as a court of last resort.

We look forward to continuing this valuable discussion on the scope and application of the principle of universal jurisdiction during the working group of this session on the sub-topic of 'relevant elements of a working concept of universal jurisdiction'. We encourage delegations to engage constructively in those discussions. By working cooperatively and collaboratively, we can ensure that perpetrators and would-be perpetrators of the most serious international crimes are deterred and held to account.

Thank you.