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The scope and application of the principle of universal jurisdiction
Statement by Sweden on behalf of the Nordic countries
Delivered by XXX

Mr./Madam. Chair,

I have the privilege of speaking on behalf of the five Nordic countries: Denmark, Finland, Iceland, Norway, and my own country, Sweden.

We welcome the opportunity to continue to engage in a 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.

Mr./Madam. Chair,

The Nordic countries recognise universal jurisdiction as a well-established principle of criminal law. We have all incorporated the principle of universal jurisdiction into our respective domestic legislation, by allowing domestic prosecution of the most serious international crimes, regardless of where the crime occurred and the nationality of the perpetrator.

We urge states that have not yet done so to incorporate universal jurisdiction into their national laws, in accordance with international law.

Mr./Madam. Chair,

The Nordic countries maintain a cautious approach toward developing an exhaustive list of crimes for which universal jurisdiction applies. We should avoid imposing conditions that might limit the ability to bring alleged perpetrators of atrocities to justice. Our discussions on universal jurisdiction should center on ensuring that no individual responsible for the most serious international crimes goes unpunished.

Mr./Madam. Chair,

States have an obligation to protect populations from atrocity crimes. Yet, serious crimes continue to be committed with impunity.

Accountability for serious international crimes is a core element of international law. While it is undisputed that the primary responsibility for investigating and prosecuting such crimes rests with the state or states most closely connected to the offence, universal jurisdiction becomes essential when these states fail to act.

Mr./Madam. Chair,

When states concerned do not take legal action or are unable or unwilling to investigate and prosecute, the International Criminal Court may provide an avenue for prosecution.

However, in instances where the ICC lacks jurisdiction—or when a referral by the UN Security Council can't be achieved—universal jurisdiction can fill the gap.

In this regard, we note several cases in European courts of serious international crimes committed in Syria and Iraq, many of them based on universal jurisdiction.

Also, even where the ICC does have jurisdiction, national investigations based on universal jurisdiction can supplement the work of the ICC, as is the case in several instances of investigations of war crimes committed during the Russian aggression against Ukraine.

Mechanisms for evidence gathering at an international level, such as the International, Impartial and Independent Mechanism for Syria (IIIM) and the United Nations Investigative Team to Promote Accountability Against Da'esh/ISIL Crimes (UNITAD) have crucial roles in assisting national and international courts that have or may have jurisdiction in the future. As UNITAD has reached the end of its mandate, it is critical that the international community finds a way to make available evidence collected by UNITAD, so that investigators and prosecutors around the world can continue the important task to combat impunity for the atrocities committed in Iraq by Daesh in recent years.

Mr./Madam. Chair,

The message is clear: those who commit atrocities cannot evade justice forever. They will ultimately be held accountable.

I thank you.