



PHILIPPINES

STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
Agenda Item 85: The scope and application of the principle of universal jurisdiction
Sixth Committee

79th Session of the United Nations General Assembly
16 October 2024, Trusteeship Council
UN Headquarters New York

Thank you, Mr Chair.

The Philippines associates itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non- Aligned Movement.

We thank the Secretary General for his report to the Assembly reviewing the submissions of Member States and relevant observers as well as views expressed in the debates of the Sixth Committee identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction.

At the outset, I wish to underscore that the criminal or penal laws of the Republic of the Philippines are anchored on the principle of territoriality, which provides that penal laws are enforceable only within its territorial jurisdiction. The general rule is that jurisdiction is territorial, as opposed to universal jurisdiction which allows States to assert jurisdiction over offenses or crimes outside its territory.

Universal jurisdiction, as a generally accepted principle of international law, is considered part of Philippine law, both through the incorporation clause of our Constitution and through the enactment in 2009 of the Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes Against Humanity under Republic Act 9851.

R.A. No. 9851 or the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity," a special penal law, carved out an exception to the territoriality principle by extending extraterritorial jurisdiction over crimes against International Humanitarian Law, war crimes, genocide, and other crimes against humanity.

Section 17 of R.A. No. 9851 specifically provides for the Philippine jurisdiction over persons, whether military or civilian, suspected or accused of a crime defined and penalized under R.A. No. 9851, regardless of where the crime is committed, under certain conditions.

Thus, to recap:

First, for the Philippines the general rule is that jurisdiction is territorial. Universal jurisdiction is an exception, grounded on the imperative need to preserve international order. It allows any State to assert criminal jurisdiction over certain offenses, even if the act occurred outside its territory or was committed by a person not its national, or inflicted no injury to its nationals.

Second, because it is exceptional, its scope and application must be limited and clearly defined. Immunity of state officials, in particular, must be preserved and respected, on the basis of international law. Unrestrained invocation and abuse of the exercise of universal jurisdiction only undermines the principle.

Third, these "certain offenses" must be limited to *jus cogens* crimes that have been deemed so fundamental to the existence of a just international legal order that states cannot derogate from them, even by agreement. The rationale behind this principle is that the crime committed is so egregious that it is considered to be committed against all members of the international community and thus granting every State jurisdiction over the crime.

Thank you.

