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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
UNGA 79, AGENDA ITEM 85

The Scope and Application of the Principle of Universal Jurisdiction

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Check against delivery

Thank you Chair.

Universal jurisdiction can be a necessary and important tool to ensure that the perpetrators of serious crimes do not escape justice. The United Kingdom is firmly committed to the rule of law, and considers it of fundamental importance that issues of domestic and international accountability, such as universal jurisdiction, continue to be discussed seriously and collaboratively by the international community.

The United Kingdom thanks the Secretary General for his report reviewing submissions and views expressed since the 62nd session of the General Assembly, and identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction. This is a valuable contribution to the Committee's deliberations on this topic and the UK is considering it carefully.

The United Kingdom notes, however, the continued lack of international consensus about the nature, scope and application of universal jurisdiction.

As we have said previously, the United Kingdom's view continues to be that the term "universal jurisdiction" refers to jurisdiction over a crime

irrespective of the location of the alleged crime, the nationality of the alleged perpetrator, the nationality of the victim or other links between the crime and the prosecuting State. It is distinct from the jurisdiction of international judicial mechanisms and distinct from other categories of extra-territorial jurisdiction. On the other hand, there are significant overlaps between universal jurisdiction and “extradite or prosecute” regimes, which require careful scrutiny.

The United Kingdom continues to note the practical constraints on delivering justice through universal jurisdiction. The primacy of the territorial approach to jurisdiction reflects the reality that the authorities of the State in whose territory an offence is committed are generally best placed to prosecute that offence, not least because of the obvious advantages in securing the evidence and witnesses necessary for a successful prosecution.

Consequently, there are only a small number of offences for which the courts in the United Kingdom can exercise universal jurisdiction where there is no apparent link between the crime and the United Kingdom.

The United Kingdom continues to consider that questions as to whether universal jurisdiction should apply to a particular crime are best

approached collaboratively between States. The United Kingdom considers that this is best done through treaties, with a focus on what would make an effective contribution to efforts to address the crimes in question.

The United Kingdom also considers that there would be merit in reaching shared views in respect of the definitional issues. Consistent with this, the United Kingdom stands ready to contribute to further discussions on this important topic in the Sixth Committee.

Thank you, Chair.