



**United Nations General Assembly 79th Session
Sixth Committee**

Statement of Ireland on Agenda Item 85:

'Universal Jurisdiction'

Delivered by James Kirk
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– CHECK AGAINST DELIVERY –

1. Chair,
2. Ireland welcomes today's debate on the scope and application of the principle of universal jurisdiction. This is a longstanding item for the consideration of this Committee with important implications for ensuring accountability for international crimes.
3. Universal jurisdiction is a key tool in the fight against impunity for international crimes. Holding the perpetrators of international crimes accountable not only serves an important role as a deterrent but is central to reconciliation processes, vindicating the rights of victims and consolidating peacebuilding efforts.
4. In the context of the preparation of the Secretary-General's report, Ireland submitted information to him detailing the current offences in Irish law that rest on universal jurisdiction. In Ireland's view, universal jurisdiction allows a state to assert and exercise jurisdiction over certain crimes under international law irrespective of the place in which they were committed, the nationality of the accused, the nationality of the victim or victims, or any other link with the prosecuting state.
5. As a general principle, Ireland's view is that the primary responsibility for investigating and prosecuting international crimes lies with the state with the closest link to the offence committed. This approach has substantive merit but also acknowledges the practicalities of evidence collection and the availability of witnesses if a successful prosecution relying on universal jurisdiction is to be undertaken. Indeed these and other practical considerations help explain the relative lack of state practice in the exercise of universal jurisdiction, which may in turn make it difficult to establish a clear view of *opinio juris*.
6. Nonetheless, we recognise that there are some exceptional circumstances in which investigations and prosecutions cannot – or will not – take place in the state with the

closest link to an international crime. In such instances, it is in our common interest, as individuals and as an international community, to ensure that universal jurisdiction can be used to deliver accountability for that crime.

7. The Secretary-General's report noted that certain practical issues may arise in the exercise of universal jurisdiction and that, across the state practice documented in the report, there are various legal factors which warrant consideration. In Ireland's case, the exercise of extra-territorial jurisdiction more broadly, including universal jurisdiction, remains limited. Irish courts consider that extra-territorial jurisdiction may only apply where it is an express provision of law or a necessary implication of a statutory provision. Additionally, Irish law does not provide for trials *in absentia*, and accordingly the presence of an accused person is necessary for any criminal trial in Ireland. As such, the exercise of extra-territorial jurisdiction has remained very limited under Irish law to date.
8. We also note the distinction between the discretionary right of states to assert and exercise universal jurisdiction, as recognised by customary international law, and the mandatory exercise of jurisdiction required by certain international conventions in cases where an alleged offender is present in the territory of the state concerned and not extradited to another state prepared to prosecute (the *aut dedere aut judicare* principle).
9. Chair,
10. We look forward to building on the report of the Secretary-General in the context of the working group that will consider the "relevant elements of a working concept of universal jurisdiction", which should be of assistance to states in identifying a concrete starting point from which we can make progress on the topic of the principle of universal jurisdiction. We hope that these efforts will assist us in determining how best to put the principle to work to strengthen the international justice system.
11. Thank you.