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Seventy-ninth session
Sixth Committee
Agenda item 85

**The scope and application of the
principle of universal jurisdiction**
Oral report of the Chair of the Working Group

Chair: Mr. Gustavo Ramírez Baca (**Costa Rica**)

Mr. Chair,

I. Introduction

1. Pursuant to General Assembly [resolution 78/113](#), of 7 December 2023, the Sixth Committee decided, at its first meeting, on 2 October 2024 to establish a Working Group to continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations. Pursuant to the same resolution, the General Assembly decided that the Working Group should be open to all Member States and that relevant observers to the Assembly would be invited to participate in the work of the Working Group.
2. At the same meeting, the Sixth Committee elected Me to serve as Chair of the Working Group.
3. The Working Group had before it the various reports of the Secretary-General on the scope and application of the principle of universal jurisdiction dating back to 2010, including, in particular

the report of the Secretary-General prepared for the current session reviewing all the submissions of Member States and relevant observers, as well as views expressed in the debates of the Sixth Committee, since the sixty-second session of the Assembly and identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction ([A/79/269](#)).¹ The Working Group also had before it the non-paper previously submitted by Chile ([A/C.6/66/WG.3/DP.1](#)), the Informal Paper of the Working Group ([A/C.6/66/WG.3/1](#)), which contains a roadmap on the methodology and issues for discussion, as well as the [2016 Informal Working Paper prepared by the Chair](#), which has been discussed in previous sessions of the Working Group. Two separate informal documents prepared in 2011 by the Secretariat, which contained a compilation of “Multilateral and other instruments” which may be relevant in relation to the work of the Working Group, as well as another on “Excerpts from decisions of international tribunals”, were made available to delegations by email via the Sixth Committee distribution list through the e-deleGATE portal.

II. Proceedings of the Working Group

4. The Working Group held two meetings on 31 October and 5 November 2024. It conducted its work in the framework of informal consultations. Pursuant to paragraph 3 of [resolution 78/113](#), the Working Group focused its work on the question “on the relevant elements of a working concept of universal jurisdiction”. It also held a discussion on the way forward. The plenary debate on the item, held at the [14th](#) and [15th](#) meetings of the Sixth Committee, on 15 and 16 October 2024, provided some useful information regarding positions of delegations.

¹ A/79/269 (2024), A/78/130 (2023), A/77/186 (2022), A/76/203 (2021), A/75/151 (2020), A/74/144 (2019), A/73/123 and Add.1 (2018), A/72/112 (2017), A/71/111 (2016), A/70/125 (2015), A/69/174 (2014), A/68/113 (2013), A/67/116 (2012), A/66/93 and Add.1 (2011) and A/65/181 (2010).

III. Informal summary

5. The present informal summary is for reference purposes only and is not an official record of the proceedings. At its first meeting, on 31 October, in my capacity as Chair, I offered an overview of past proceedings, including the discussions that had led to the Informal Working Paper, reiterating that the issues raised in the Informal Working Paper were intended to be illustrative and are without prejudice to future proposals made by delegations or to their positions. The Informal Working Paper did not reflect consensus among delegations and was expected to be subject to further deliberation. I reminded delegations that no modifications to the Informal Working Paper had been introduced to the text since 2016. No further modifications were made at the current session to the Informal Working Paper. The 2016 text remains the working text of the Working Group.

6. Delegations generally reiterated that the main role of universal jurisdiction was to fight impunity in the context of the most serious crimes under international law. Genocide, war crimes, crimes against humanity, piracy and torture were some of the crimes mentioned as the most serious crimes under international law. The view was expressed that identification of crimes that may attract universal jurisdiction should be assessed against the foundational rationale of the principle, together with a robust analysis of State practice and *opinio juris*.

7. It was also stated that universal jurisdiction was the assertion of criminal jurisdiction by a State when the only link to the crime was the presence of the alleged offender on its territory. The point was made that universal jurisdiction should not be the primary basis of jurisdiction by States and served to complement other established bases of jurisdiction when the State with the primary

jurisdictional links with the crime was unwilling or unable to prosecute it. Some delegations underlined that universal jurisdiction played a crucial role in the international justice architecture; it was stressed that international cooperation was essential for the investigation of the most serious crimes and The Hague-Ljubljana Convention was mentioned in that regard.

8. Some delegations expressed concern about the possible misuse or political abuse of universal jurisdiction, and their potential to tamper with fundamental principles of international law, such as sovereign equality of States, political independence and non-interference in internal affairs. It was stressed that universal jurisdiction should not be taken in isolation in the international legal framework and immunity of State officials from foreign criminal jurisdiction should be borne in mind when discussing the issue. It was stated that there was no consensus on the principle of universal jurisdiction under international law and the divergent notions of the principle by Member States was recalled, as evidenced by statements at the plenary debate and the report of the Secretary-General. The view was expressed that concerns about the possible abuse of the principle seemed to stem from uncertainty and lack of clarity on it. According to another view, there was clarity on the concept of universal jurisdiction, as outlined by the International Court of Justice.

9. Delegations also shared their views on how to better achieve the mandate entrusted to the Working Group, seeking the best way to proceed. Some delegations noted that the most constructive way forward would be to retain the agenda item in the Sixth Committee and to continue with the work in the Working Group. It was suggested that more specific topics for discussion at the Working Group level would be more productive. A proposal was reiterated for the International Law Commission to consider the legal aspects of the topic, but some delegations reiterated their

view that it would be counterproductive or premature for the Commission to undertake such a study.

Mr. Chair,

10. I remain committed to working closely with all delegations and I look forward to receiving their ideas and input in the coming intersessional period.

11. I request the Committee to take note of the present oral report.

This concludes my oral report. I thank you.