

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**)

I. Introduction

1. Pursuant to General Assembly resolution 76/118, of 9 December 2021, the Sixth Committee decided, at its first meeting, on 3 October 2022 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

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: 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). 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.

II. Proceedings of the Working Group

4. The Working Group held two meetings on 14 and 21 October. It conducted its work in the framework of informal consultations. Pursuant to resolution 76/118, the Working Group focused its work on the question “what should be the role and purpose of universal jurisdiction.” It also held a discussion on the way forward. The plenary debate on the item, held at the 12th and 13th meetingup.

the discussions that had led to the

others pointed towards a principle of effectiveness in the prosecution of specific crimes, or expressed that universal jurisdiction should be restricted to the prosecution of piracy at high seas. Some delegations expressed concern on the possible misuse or political abuse of universal jurisdiction, and their potential to tamper with fundamental principles of international law, such as sovereign equality, and reiterated the historical reasons of the introduction of the item in the agenda of the General Assembly. A view was expressed that the exercise of universal jurisdiction should be strictly subsidiary to the exercise of jurisdiction of the State on the basis of the nationality principle or territoriality principle. Some delegations reiterated that there was no consensus on the principle of universal jurisdiction under international law, or emphasized the divergent notions of the principle by Member States, questioning the usefulness of the debate in the Working Group and in the Sixth Committee without a general understanding of what it meant. The point was made that the work of the Sixth Committee on universal jurisdiction could focus on the negative aspects of universal jurisdiction, such as its potential conflict with other principles of international law. I also wish to note that at the request of the delegation of Sierra Leone, a non-paper by Sierra Leone providing views of that delegation on the question “what should be the role and purpose of universal jurisdiction” was shared with delegations after the Working Group completed its work.

8. Delegations also shared their views on how to better achieve the

seem to be the case. It was also noted that, due to the lack of a common understanding on the concept of universal jurisdiction, the debate in the Working Group or the Sixth Committee would not lead to productive results. Moreover, a view was expressed that the future consideration of the topic and next steps of the debate could better be addressed under agenda item “Revitalization of the work of the General Assembly”.

Mr. Chair,

9. I remain committed to working closely with all delegations and I look forward to receiving their ideas and input in the coming intersessional period.
10. I request the Committee to take note of the present oral report.

This concludes my oral report. Thank you.