

**PERMANENT MISSION OF IRELAND**

**TO THE UNITED NATIONS**

**1 DAG HANSEN DRIVE**

**800 NEW YORK AVENUE**

**NEW YORK, NY 10017**

IR/RMT/EN/2022/02

[REDACTED]

The Permanent Mission of Ireland to the United Nations presents its compliments to the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**COMMENTS BY IRELAND**  
**ON THE SCOPE AND APPLICATION OF UNIVERSAL JURISDICTION**

**I. The scope of universal jurisdiction<sup>1</sup>**

Ireland considers that universal jurisdiction allows a State to assert jurisdiction over an offence irrespective of the place in which it was committed, the nationality of the accused, the nationality of the victim, or any other link with the prosecuting State.

**II. The application of universal jurisdiction in Ireland**

The exercise of extra-territorial jurisdiction of any type – including universal jurisdiction – is exceptional in Ireland. The approach to extra-territorial jurisdiction is framed by Article 29.8

*[The remainder of the text in this section is obscured by heavy black redaction bars.]*

*b. Grave breaches of the Geneva Conventions and Additional Protocol I*

The Geneva Conventions Act 1962 was adopted to implement the Geneva Conventions in Ireland. The Geneva Conventions (Amendment) Act 1998 amends the 1962 Act to reflect the ratification by Ireland of the two Additional Protocols of 1977. Section 3 of the 1962 Act, as amended, provides that:

*“(1) Any person, whatever his or her nationality, who, whether in or outside the State, commits or aids, abets or procures the commission by any other person of a grave*

[REDACTED]

*offence...”*

The International Criminal Court Act was enacted in 2006 and makes it an offence in domestic law to commit within the State any act constituting genocide, a crime against humanity or a war crime as defined by the Rome Statute. Under the Act, jurisdiction is asserted over any such act committed within Ireland’s territory or where the alleged perpetrator is an Irish national (Sections 10(1) and 10(2)). S.I. 1004/2006 (S.I. 10/06)

3.—*A person, whatever his or her nationality, whether within or outside the State, who—*

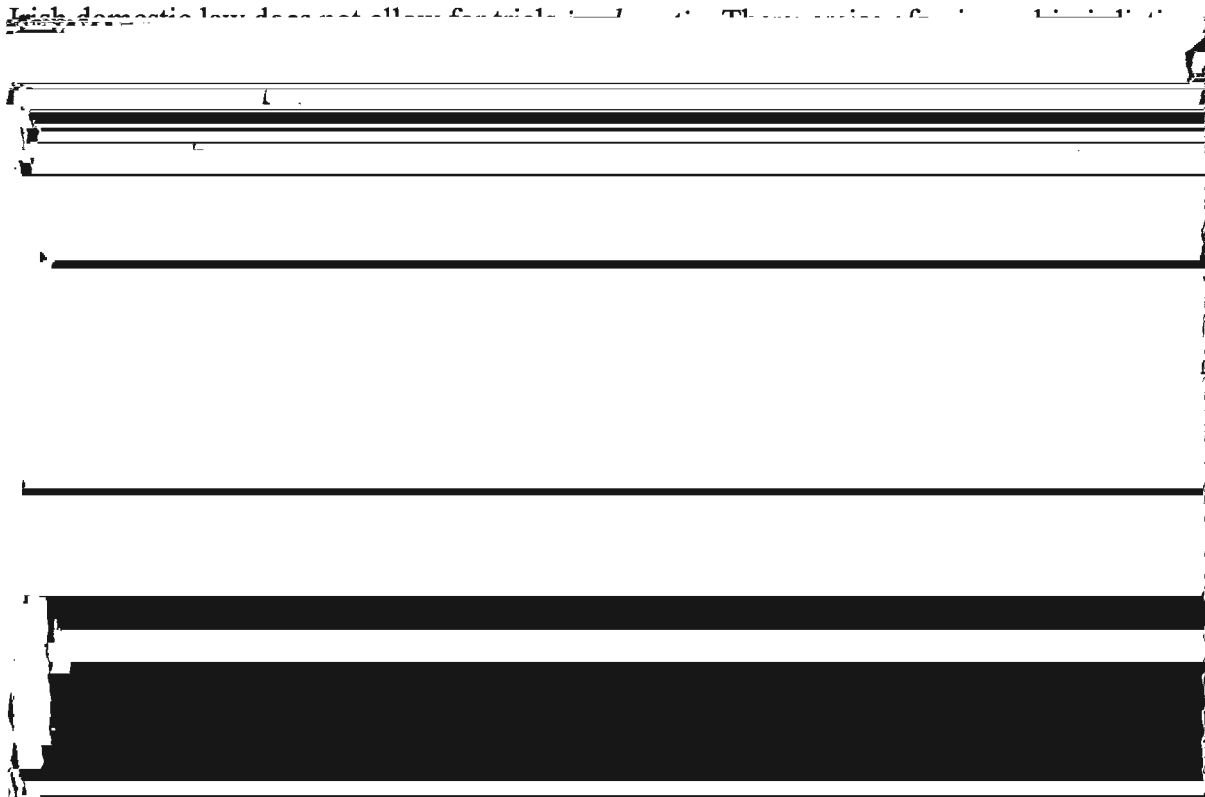
*(a) attempts to commit or conspires to commit the offence of torture, or*

*(b) does an act with the intent to obstruct or impede the arrest or prosecution of another person, including a person who is a public official, in relation to the offence of torture,*

*shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.”*

**ii. Procedural requirements under Irish law**

**a. Presence of the perpetrator**

Irish domestic law does not allow for trials in Ireland of persons who have committed  


Annex I

**Relevant Irish legislation**

<p>the Geneva Conventions</p>	<p>[Article 50], III [Article 129] and IV [Article 146].</p>	<p>1962, as amended by the Geneva Conventions (Amendment) Act 1998.  Section 12(2) of the ICC Act 2006.</p>
<p>Torture</p>	<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p>	<p>Sections 2 and 3 of the Criminal Justice (United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) Act 2002</p>

**Terrorism:**

International Convention for the

Sections 6, 10 and 43 of the Criminal

**terrorist bombing** [Article 6(4) and Article 8(1)].

Sections 3, 5 and 6 of Extradition

European Convention on the Suppression of Terrorism (European Convention) 4