



**General Assembly  
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**Sixth Committee**

**Agenda item 83: Universal jurisdiction**

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Adviser**

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Mr./Madam Chair,

I would like to start by thanking H.E. Ambassador Ulibarri of Costa Rica for the able manner in which he has chaired the working group on universal jurisdiction during the past few years. Norway also welcomes the Secretary-General's most recent report, which provides a valuable overview of national legislation on universal jurisdiction and also includes comments from observers such as the Council of Europe and the ICRC. In our view, this debate benefits from the open and inclusive approach, and the involvement of observer organisations.

The deliberations in the 6th Committee have revealed a united front against impunity. Norway remains convinced that universal jurisdiction is an important tool for ensuring that the most serious crimes do not go unpunished.

(Check against delivery)

Mr./Madam Chair,

Universal jurisdiction is now applied by many national jurisdictions, and has gained solid standing as a principle of international criminal law. However, previous deliberations have revealed differing views on *which crimes* the principle should apply to.

The scope of universal jurisdiction is constantly evolving, and new treaties, state practice, and the views of international tribunals and scholars are gradually providing more clarity and giving the principle more substance. For these reasons, we would caution against trying to reach consensus on a list of crimes to which universal jurisdiction can be applied. This would also involve the unprecedented exercise of trying to harmonise Member States' interpretation of their treaty obligations, which we do not consider to be the task of the General Assembly.

Mr./Madam Chair,

In our opinion, misuse of any form of jurisdiction is contrary to the principle that criminal law should be applied without bias or political interference. This is not an issue of particular concern in relation to universal jurisdiction, but rather one that addresses the fundamental challenge of ensuring that criminal justice systems are independent and impartial, and also maintain high legal standards. Rather than working on a list of crimes to which universal jurisdiction supposedly applies, we propose, as we have done previously, that the discussions should focus on procedural aspects of application of the principle.

The question of how to ensure that prosecutors can act independently of political and other external influence and pressure should be at the forefront of this debate. More specifically, it would be relevant to consider how prosecutorial discretion applies to cases based on universal jurisdiction, including how and to whom the competency to decide on universal jurisdiction is bestowed within States. Other elements are whether prosecutorial decisions

are made on a collegial basis or not, and to what extent a decision to prosecute cases based on universal jurisdiction may be appealed.

Mr./Madam Chair,

As illustrated by the principle of complementarity in the Rome Statute, international prosecutions alone will never be sufficient to end impunity and achieve justice. However, if territorial states fail to investigate and prosecute the most serious crimes, universal jurisdiction is an important tool for achieving justice at both national and international level.

It is in the interest of all states to ensure that the perpetrators of serious crimes are brought to justice. We therefore look forward to joining the working group's deliberations on this topic.

Thank you.