



UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America
Sixth Committee
The Scope and Application of the Principle of Universal Jurisdiction
Agenda Item 83
Leslie Kiernan, Senior Advisor**

Thank you, Mister Chairman.

We greatly appreciate the Sixth Committee's continued interest in this important item. We thank the Secretary-General for his reports, which have usefully summarized the submissions made by States on this topic.

Despite the importance of this issue and its long history as part of international law relating to piracy, basic questions remain about how jurisdiction should be exercised in relation to universal crimes and States' views and practices related to the topic. The submissions made by States to date, the work of the Working Group in this Committee, and the Secretary-General's reports on the issue, are extremely useful in helping us to identify differences of opinion among States as well as points of consensus on this issue.

In past years, the Committee has engaged on a number of important issues associated with universal jurisdiction, including its definition and the scope of the principle. We encourage this Committee to continue its work, and continue to believe that it would be fruitful to explore the practical application of universal jurisdiction. For instance, it would be useful to understand whether alternative bases of jurisdiction are relied upon at the same time.

Other topics that could warrant additional consideration in connection with discussion of the application of universal jurisdiction include: how states address competing jurisdictional claims by other states that may have a closer nexus to the underlying criminal act and whether and how national courts have addressed due process challenges.

The United States continues to analyze the contributions of other states and organizations. For instance, we were interested to see it reported that for some states, prosecution based on universal jurisdiction requires the authorization of the Government or a person designated by the Government. We would be interested to learn what other conditions or safeguards states have placed on the exercise of universal jurisdiction. The

United States believes that appropriate safeguards should be in place to ensure responsible use of universal jurisdiction, where it exists. We also note with interest the ICRC's views on procedural and evidentiary issues that may arise and would be interested in additional analysis of that aspect.

We welcome this group's continued consideration of this issue and the input of more states about their own practice. We look forward to exploring these issues in as practical a manner as possible.

Thank you, Mister Chairman.