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STATEMENT

by
Ms. Lizanne Aching
Second Secretary
of the Permanent Mission of the
Republic of Trinidad and Tobago
to the United Nations

on behalf of the Caribbean Community (CARICOM)

on

Agenda Item 86
“The Scope and Application of the Principle of Universal Jurisdiction”

70th Regular Session of the
United Nations General Assembly

United Nations, New York
October 20, 2015

Mr. Chairman,

I have the honour to speak on behalf of the fourteen (14) Member States of the Caribbean Community (CARICOM).

CARICOM associates itself with the statements delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM) and by Ecuador on behalf of the Community of Latin American and Caribbean States (CELAC).

We wish to thank the Secretary General for the report contained in document A/70/125 which provides useful information and observations from Member States and relevant observers on the scope and application of universal jurisdiction.

Mr. Chairman,

We welcome the opportunity to engage, once again, in this important dialogue on the scope and application of the principle of universal jurisdiction.

CARICOM recognises that discussions on this topic have been ongoing since 2009 and that many delegations have expressed serious concerns over the exercise of universal jurisdiction by States. In this regard, we believe that a comprehensive legal study would be helpful in providing us with a solid framework for future discussions on this important subject.

We, therefore, welcome the decision to establish, at this Seventieth Session of the General Assembly, a working group of the Sixth Committee to continue to undertake a thorough discussion on the scope and application of the principle of universal jurisdiction, in accordance with resolution 69/124.

Given its impact on international peace and security and on the codification of international law, CARICOM advocates that universal jurisdiction needs to be carefully examined, in order to ensure full respect for and adherence to the principles and norms of international law, as well as the peaceful coexistence and cooperation among States. In accordance with resolution 69/124, we reiterate that the *legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law.*

Mr. Chairman,

CARICOM is of the view that universal jurisdiction plays a pivotal role in ensuring that the perpetrators of the most serious crimes of concern to the international community are brought to justice. We recognise that the exercise of universal jurisdiction offers a

subsidiary basis for ensuring accountability, addressing the impunity gap and strengthening international justice systems.

Notwithstanding Article 31 of the Vienna Convention on Diplomatic Relations of 1961, which provides for the immunity of the diplomatic agent from criminal jurisdiction in the receiving State, CARICOM supports the jurisdiction of the International Criminal Court (ICC) which is governed by the provisions of the Rome Statute. We, therefore, fully uphold the provisions of article 27 (1) of the Rome Statute which provides that *the Statute shall apply equally to all persons without any distinction based on official capacity*. CARICOM is also guided by the core principle of the ICC, that under international law, no one is immune from crimes such as genocide, crimes against humanity, war crimes and the crime of aggression.

CARICOM reiterates that in accordance with its foundational principle of complementarity, the jurisdiction of the Court is only invoked when States are unable or unwilling to prosecute alleged perpetrators. National courts, therefore, have the primary responsibility to investigate and prosecute crimes, whether committed by their own nationals, in their own territory, or otherwise under their jurisdiction.

Further, CARICOM underscores the importance of clearly defining the circumstances under which it would be appropriate to exercise universal jurisdiction. We maintain that the application of universal jurisdiction is necessary and justifiable in instances where the crimes committed affect the international community, national justice systems allow the perpetrator to continue to act with impunity and in cases of mass atrocity crimes.

CARICOM also advances that the extraterritorial application of domestic laws by a State is contrary to the principle of universal jurisdiction unless permitted under international law, such as in cases where the State has jurisdiction to do so over one of its own nationals.

Mr. Chairman,

While we remain steadfast in our commitment to combat impunity, we are also conscious of the need to ensure that the exercise of universal jurisdiction does not generate abuse or conflict with international law. CARICOM, therefore, advocates that the exercise of universal jurisdiction must be guided by the principles of international law, respect for the sovereignty and territorial integrity of States, and the rule of law.

Thank you, Mr. Chairman.