

# ISRAEL

## 70<sup>th</sup> Session of the General Assembly

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**CHECK AGAINST DELIVERY**

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**Statement by:**

**Ms. Rachel Oberman**

**Permanent Mission of Israel to the United Nations**

**Sixth Committee**

**Agenda Item 86**

### **The Scope and Application of the Principle of Universal Jurisdiction**

**20 October 2015**

**United Nations**

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Mr. Chairman,

Israel welcomes this opportunity to once again engage in a dialogue on the Scope and Application of Universal Jurisdiction.

At the outset, the Government of Israel would like to thank the Secretary General for his recent report entitled "the scope and application of the principle of universal jurisdiction" (A/70/125), and for his ongoing contribution to this sensitive and complex topic. We also wish to commend the efforts made by the Sixth Committee and its Working Group, currently headed by H.E. Ms. Georgina Guillen-Grillo to facilitate and advance the discussion on the principle of universal jurisdiction over the course of the last six years.

Mr. Chairman,

Israel shares the view held by most countries regarding the importance of combating impunity and ensuring that perpetrators of the most serious crimes of international concern be brought to justice. As properly reflected in positions previously presented by a large number of States and outlined in the Secretary General's reports, universal jurisdiction, in principle and in practice, is of a supplementary nature, and is on occasion applied by national courts as an exception to the preferred jurisdictional principles of territoriality and nationality.

In order to achieve the lofty goal of combating impunity, and in order to prevent any misapplication or improper resort to universal jurisdiction, it is essential to agree upon a proper definition of universal jurisdiction and a shared understanding of the scope of its application. Based on the written comments submitted by member States as well as the discussions thus far in the Working Group during the 69<sup>th</sup> session, there appears to be a divergence in views among member States on this issue. We therefore, encourage this Committee to carry on its work, and continue to believe that it would be fruitful to explore the practical application of universal jurisdiction.

Israel believes that appropriate safeguards should be established in national legal systems to ensure the responsible exercise of universal jurisdiction in appropriate, exceptional cases. These include, for example, a requirement that prosecution based on universal jurisdiction be conducted by public prosecution; a requirement to seek approval from high-level legal officials for the exercise of universal jurisdiction; and a requirement that the accused be present, along with additional jurisdictional links to the forum State.

Israel also strongly believes that the legitimacy and credibility of the principle of universal jurisdiction greatly depend upon its proper application in conformity with other principles and rules of international law. In this context, further deliberation needs to be undertaken regarding questions such as how national courts should address due process challenges; competing jurisdictional claims by other States that may have a closer link to

the underlying criminal act; and the interplay with international law as it relates, for example, to immunities.

In conclusion Mr. Chairman, Israel looks forward to working closely with the Committee on this agenda item and welcomes this group's continued consideration of the principle of universal jurisdiction and the input of additional states regarding their own practice.

Thank you, Mr. Chairman.