



United Kingdom Mission  
to the United Nations

One Dag Hammarskjold Plaza  
(885 Second Avenue)  
New York, NY 10017

Tel: +1 (212) 745 9200  
Fax: +1 (212) 745 9316

Email: [uk@un.int](mailto:uk@un.int)  
[http://twitter.com/UKUN\\_NewYork](http://twitter.com/UKUN_NewYork)

# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,  
SEVENTIETH SESSION, AGENDA ITEM 86,  
THE SCOPE AND APPLICATION OF UNIVERSAL JURISDICTION

STATEMENT BY MS. AHILA SORNARAJAH  
FIRST SECRETARY (LEGAL AFFAIRS)  
UNITED KINGDOM MISSION TO THE UNITED NATIONS

20 OCTOBER 2015

Check against delivery

Mr, Chairman,

The United Kingdom of Great Britain and Northern Ireland considers that the term universal jurisdiction properly refers to national jurisdiction established over a crime irrespective of the place of perpetration, the nationality of the suspect or the victim or other links between the crime and the prosecuting State. The main rationale for universal jurisdiction is that the most serious international crimes affect the international legal order as a whole and that all States should therefore be able to prosecute such crimes.

The United Kingdom believes it important to distinguish universal jurisdiction from certain other types of jurisdiction:

- Firstly, from the jurisdiction of international judicial mechanisms, including the International Criminal Court;
- Secondly, from jurisdiction established under treaties which provide for an “extradite or prosecute” regime, although some States, including the United Kingdom, may establish universal jurisdiction at the domestic level in order to implement such treaties.
- Finally, universal jurisdiction should be distinguished from the extra-territorial jurisdiction of the national courts to prosecute crimes committed by a State’s nationals overseas. In the United Kingdom, domestic courts do not have jurisdiction over offences committed by our nationals across the board, but there is legislation establishing such jurisdiction over certain offences, including murder and manslaughter, slavery and sexual offences against children.

The United Kingdom has in some cases extended its extra-territorial jurisdiction to cover persons with a close connection with the United Kingdom other than its own nationals. For example, the International Criminal Court Act 2001 provides for jurisdiction over genocide, war crimes and crimes against humanity committed overseas by persons who are resident in the United Kingdom.

The United Kingdom considers that under international law, universal jurisdiction in its true sense is only clearly established for a small number of specific crimes including piracy, and war crimes, including grave breaches of the Geneva Conventions. Universal jurisdiction is permissive, unless a mandatory treaty-based obligation exists to provide for the prosecution of a crime, for example, as provided for by the Geneva Conventions in respect of grave breaches. In other words, under international law, States are entitled, but not obliged, outside of treaty based obligations, to assert universal jurisdiction over these crimes.

We also acknowledge that there is a further limited group of crimes which some States consider to attract universal jurisdiction, but there can be a lack of international consensus on these issues. A careful study of state practice and opinion iuris would be required to determine whether other crimes are

established under customary international law as crimes of universal jurisdiction, and whether there are conditions for the exercise of such jurisdiction.

The United Kingdom legal system is built on the tradition that, as a general rule, the authorities of the State in whose territory an offence is committed are best placed to prosecute the crime, in particular because of the availability of evidence and witnesses, and the visibility of justice for victims. However, the exercise of territorial jurisdiction is not always possible. In such cases, while it will not be an option of first resort (as illustrated by the very limited examples of its exercise in practice), universal jurisdiction can be a necessary and important tool to ensure that the perpetrators of serious crimes do not escape justice.

Where universal jurisdiction is exercised – or indeed, in other cases where there may be competing jurisdictional claims – the United Kingdom considers that it is advisable that safeguards be put in place to ensure that jurisdiction is exercised responsibly. For example, our prosecuting authorities would not usually seek to proceed against any suspect who was not present in the United Kingdom. In addition, our legislation requires the consent of the Attorney General for England and Wales, or his equivalent elsewhere in the United Kingdom, for a prosecution under universal jurisdiction to proceed. This ensures that public interest considerations, including issues of international comity, can be taken into account in decisions to proceed with such prosecutions.

The Secretary-General's report makes clear that there continues to be a diversity of views among member States on the scope and application of universal jurisdiction. Views are similarly diverse on the question of the conditions for the exercise of such jurisdiction. In that context, the United Kingdom considers that it would be premature to conclude that the time was ripe for the adoption of any new standards on this issue. Nevertheless, we stand ready to contribute to further discussions on this important topic in the Sixth Committee.

Thank you, Mr Chairman.