
(Translation from Spanish)

Response by the Republic of Cuba to General Assembly resolution 70/119 of 14 December 2015, on the scope and application of the principle of universal jurisdiction

Work to define the scope and application of the principle of universal jurisdiction should be carried out in the framework of the United Nations General Assembly, with the participation of all interested Member States.

Cuba reiterates its support for the work of the open-ended working group of the Sixth Committee of the General Assembly on the review of the scope and application of the principle of universal jurisdiction, to be undertaken in a transparent and inclusive manner.

The work of the United Nations General Assembly on universal jurisdiction should be aimed at establishing an international standard, or failing that, international guidelines, to safeguard international peace and security and should avoid the contrived and selective use of the principle of universal jurisdiction. Any decision on the matter must be adopted by consensus.

The international standard or guidelines should be in line with the principles of the Charter of the United Nations, and should clearly establish the conditions or limits within which the principle of universal jurisdiction may be invoked, and also the offences to which this principle would apply. The offences should be restricted to crimes against humanity and the principle should be invoked with the approval of the State where the act in question occurred or of the countries of which the defendant is a citizen and only when it has been accepted that there is no other way to bring legal action against the offenders.

The utmost respect for the principles enshrined in the Charter of the United Nations, in particular the principles of sovereign equality, political independence and non-interference in the internal affairs of States, is of vital importance in the application of the principle of universal jurisdiction.

The application of universal jurisdiction should be duly limited by absolute respect for the sovereignty and national jurisdiction and the legal systems of States. The application of universal jurisdiction should be complementary to the national jurisdiction of each State. At the same time, its

application should be limited to exceptional situations and circumstances in which there is no other means of preventing impunity.

The principle of universal jurisdiction cannot, through its scope, undermine the immunity enjoyed under international law by Heads of State and Government, diplomatic staff and other incumbent high-ranking officials. The immunity that comes with the exercise of their functions should not in any way be called into question.

Universal jurisdiction may not be used as a pretext to disparage and discredit the integrity, values and legitimacy of the different legal systems. Application of the principle of universal jurisdiction may not be used as a means of undermining respect for the national jurisdiction of a country and disrupting its legal system.

Cuba reiterates its concern about the misuse of this principle and denounces the unilateral, selective and politically motivated exercise of universal jurisdiction by the courts of some developed countries against individuals and legal entities of developing countries, with no basis in any international rule or treaty.

Cuba rejects the enactment, at the national level, of politically motivated extraterritorial laws targeting other States. This application for interventionist purposes of the principle of universal jurisdiction is in breach of the rules and principles of international law.
