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Sixth Committee

Agenda item 85:  
The scope and application of the principle of universal  
jurisdiction

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Chair,

Let me start by welcoming the recent report of the Secretary-General (A/72/112), which was prepared on the basis of information and observations received from States and comments submitted by observers, including the Council of Europe, the ICRC and UNEP.

This topic has been discussed since 2011 within the framework of the working group on the scope and application of the principle of universal jurisdiction. The discussions indicate that all States engaging in this debate share the view that impunity for serious crimes of concern to the international community as a whole is no longer acceptable. Norway considers the principle of universal jurisdiction to be an important tool for States to ensure that atrocity crimes and other crimes covered by universal jurisdiction do not go unpunished.

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We are pleased to note that the principle has gained solid ground as a fundamental principle of criminal law, both within national jurisdictions – as illustrated in the past reports of the Secretary-General – and at the international level.

Chair,

Norway is of the view that the Sixth Committee is the most suitable forum for discussing this issue. The discussions in the working group have contributed to clarifying the positions of Member States, and in the context of this debate, some delegations have alluded to the potential abuse of the principle of universal jurisdiction. Norway agrees that any form of misuse of prosecutorial powers would be a grave concern, and measures should be taken to prevent this from occurring. However, we are of the view that attempting to develop an exhaustive list of crimes for which universal jurisdiction applies would not be a constructive way to move this agenda item forward. We continue, therefore, to urge caution against pursuing this path.

Chair,

In the countries where the principle of universal jurisdiction has already been incorporated into domestic legislation, responsibility for determining the scope and application of the principle in specific cases rests with national prosecutorial offices. A range of other countries are currently considering whether to incorporate the principle into their domestic laws, and, if so, how. This means that the content of the principle of universal jurisdiction will to a large extent be shaped by the practices of bodies at national level.

In this context, Norway is of the view that the discussions here would benefit from a continued focus on organisational and procedural aspects of prosecution systems in relation to the application of the principle of universal jurisdiction.

We believe that it would be constructive to look in greater depth at how different Member States have organised their prosecution systems in the application of the principle. An important task would be to identify well-functioning mechanisms for ensuring that prosecution offices are independent. Furthermore, are there “best practices” for ensuring that prosecutors’ work is not subject to inappropriate interference or pressure from political or other external actors? Another key issue would be to examine whether and how prosecutorial discretion applies in cases based on universal jurisdiction in the various States.

Norway welcomes a discussion on these issues with a view to informing our common understanding of how independent prosecutors should apply the principle of universal jurisdiction in a responsible manner. If we learn from the best practices of national prosecution offices in the application of the principle, this could help us to ensure that the principle is only applied after thorough consideration and only in the interest of justice. Norway believes that this approach would be an effective way to address the concern of potential misuse of the principle, while also improving our understanding of this complex issue.

Chair,

Norway continues to follow this item with great interest, and looks forward to working with you and other delegations in the context of the working group.

Thank you.

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