

**Canada** 

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

**UNGA 75 (November 3, 2020)**

Mr. President,

I have the honour of speaking today on behalf of Australia and New Zealand, as well as my own country, Canada.

CANZ welcomes the opportunity to engage in a dialogue on the scope and application of universal jurisdiction.

CANZ recognizes universal jurisdiction as a well-established principle of international law over the most serious international crimes that violate the interests of all States, so that universal or global denunciation is warranted.

These serious international crimes are well established in customary international law, and include piracy, genocide, war crimes, crimes against humanity, slavery, and torture. Some have been codified in international legal instruments, such as the crimes established by the *Rome Statute of the International Criminal Court*. It is in the interests of the international community to ensure that these serious international crimes are prevented, and that the perpetrators are held to account.

CANZ recognizes that, as a general rule, primary responsibility for investigating and prosecuting international crimes rests with the Territorial State in which the criminal conduct was alleged to have occurred, or the State of nationality of the accused. Those States are often in the best position to achieve justice, given their access to evidence, witnesses and victims, and their ability to enforce sentences. They are also likely to be best placed to deliver the “justice message” to perpetrators, victims, and affected communities. Ensuring accountability for serious crimes is crucial to ending impunity and creating the conditions for lasting peace.

However, universal jurisdiction is an important complementary mechanism that can fill a jurisdictional gap in circumstances where the Territorial State is unwilling or unable to exercise jurisdiction. In these circumstances, all States, consistent with their domestic laws and international obligations, should assist national courts and international

tribunals in prosecuting serious international crimes by providing all available means of cooperation, including mutual legal assistance to assist them in obtaining evidence.

Australia, New Zealand and Canada have all incorporated the principle of universal jurisdiction into our respective domestic legislation, by allowing domestic prosecution of certain crimes that did not take place on our respective States' territory. We applaud the work of other States that have incorporated universal jurisdiction over serious international crimes into their domestic legislation. We encourage others to do the same, in accordance with international law.

We also welcome recent decisions by prosecutors to bring new cases against the alleged perpetrators of serious international crimes under the principle of universal jurisdiction, such as the German prosecution of two Syrian nationals for charges of crimes against humanity committed in Syria. Such efforts are particularly important with respect to cases where the International Criminal Court does not have jurisdiction over the relevant crimes.

During this session, CANZ is particularly looking forward to receiving the submission of the report by the Secretary-General, based on contributions by Member States provided earlier this year, regarding their understanding of the scope and application of universal jurisdiction, including their national legal rules and judicial practice.

Mr. President,

We look forward to continuing this valuable discussion. We reiterate our willingness to work constructively with other States on this important issue. By working cooperatively and collaboratively, we can ensure that perpetrators of such grave crimes do not receive safe haven anywhere in the world.

Thank you.