



PERMANENT MISSION OF CUBA TO THE UNITED NATIONS

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STATEMENT BY THE DELEGATION OF CUBA ON ITEM 87 “SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION”

New York, 3 November 2020

Mr. Chairman,

Cuba endorses the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We take note of the Secretary-General’s Report, prepared on the basis of remarks and observations made by the Member States, contained in document A/75/151.

Cuba reiterates its firm commitment to the fight against impunity for crimes against humanity.

The scope and application of the principle of universal jurisdiction is a major issue, whose questions should be discussed by the United Nations General

Assembly, the chief representative body of the Organization where all Member States are represented on equal terms.

Cuba expresses its deep concern about the improper use of the principle of universal jurisdiction in the unilateral, selective and politically motivated exercise of jurisdiction by courts of developed countries against natural or legal persons from developing countries, without being derived from international standards or treaties.

For this reason, we condemn the promulgation, at the national level, of politically motivated laws against other States, which has dire effects on international relations.

Mr. Chairman,

The prime objective of the work of the General Assembly in this matter should be to regulate or create international guidelines to avoid the improper

use of this principle and preserve international peace and security.

In the practice of the application of this principle by national courts, it is essential to fully respect the principles of sovereign equality, political independence and non-interference in the internal affairs of States.

Universal jurisdiction should not be used to undermine the integrity and values of the different legal systems existing in the world, break respect for national jurisdiction; or underestimate the integrity and values of a legal system. Nor should it be selectively used for political purposes and to the detriment of the rules and principles of international law.

The limit of the application of this principle should be restricted by the full respect for the sovereignty and national jurisdiction of States, maintaining its supplementary nature in relation to the national action and jurisdiction of each State and should be limited to

special circumstances, when there is no other resource in order to prevent impunity.

Mr. Chairman,

Full immunity of acting Heads of State, diplomatic personnel and other high-ranking officials, granted by virtue of international law, should not be subject to any questioning; universally accepted international principles and rules under universal jurisdiction should not be contravened. This is contrary to the principles and provisions of the Charter of the United Nations and the Rule of Law, which we have so often spoken of in this very room.

Mr. Chairman,

Cuba supports the development of international standards or guidelines that clearly establish the conditions or limits in which the principle of universal jurisdiction should be invoked, as well as the crimes it should be applied to.

In this regard, we appreciate the performance of the Open-ended Working Group and the work carried out by its Chairman.

The crimes that remain under the application of this principle should be restricted to crimes against humanity and should only be used when it has been acknowledged that there is no other way of exercising legal action against the perpetrators of such crimes.

Finally, Cuba reiterates its deepest support for the efforts of the international community in the fight against impunity and prosecution of those responsible for the most serious crimes against humanity.

Thank you.