



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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The Scope and Application of the Principle of Universal Jurisdiction

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Mr. Chairperson,

Israel welcomes this opportunity to continue engaging in the discussion on the Scope and Application of Universal Jurisdiction.

At the outset, the Government of Israel would like to thank the Secretary General for his recent report entitled "The Scope and Application of the Principle of Universal Jurisdiction (A/75/151)" and for his ongoing contribution to this nuanced and multifaceted topic. We also wish to commend the efforts made by the Sixth Committee and its Working Group, currently headed by His Excellency, Ambassador Rodrigo A. Carazo of Costa Rica, to facilitate the ongoing discussion regarding the principle of universal jurisdiction.

In the interest of time, and due to the circumstances imposed on the work of the Sixth Committee because of the COVID-19 pandemic, I would like to keep my remarks brief and reference for the record my Government's statement made on this issue in the seventy-fourth session of the Sixth Committee.

Mr. Chairperson,

Israel shares the view held by most States regarding the importance of combatting impunity and ensuring that perpetrators of the most serious crimes of international concern are brought to justice.

While the Government of Israel recognizes the importance of the struggle against impunity, we also share the concern expressed by other States that, all too often, actors attempting to advance political agendas file, using this principle, spurious complaints in jurisdictions that have no nexus or a tenuous connection at best to the incident. Such complaints not only undermine the principles of sovereignty, subsidiarity and comity, but at times even adversely impact diplomatic relations unnecessarily. To maintain the integrity of domestic judicial procedures, it is crucial to ensure that, alongside legislation that enables the use of universal jurisdiction, States enact legislative, regulatory and/or policy safeguards to prevent such abuse.

There continue to be divergent views among States with regard to issues such as the definition, legal status, scope, and conditions for the application of the principle of universal jurisdiction. The Government of Israel believes that it is still premature for any decisions to be reached regarding core issues such as the possible list of crimes over which universal jurisdiction could be exercised, the legal status of the principle, or the conditions for its application.

Universal jurisdiction is a particularly complex topic, and identifying sufficient relevant state practice in this area continues to present significant challenges. One of the central challenges is that the majority of the relevant factual and legal data regarding State practice is kept confidential, including material information regarding the basis for the disposition of domestic complaints; whether complaints were filed in a State with closer jurisdictional links; or whether complaints were dismissed on jurisdictional grounds. The unavailability of this material data continues to be a cause for concern, as the ILC relies only upon publicly available information, and is limited by the contents of such information. Therefore, there is a significant and substantive risk of painting a misrepresentative and inaccurate picture of State practice, which would serve as a precarious foundation for conducting a proper legal analysis.

Mr. Chairperson,

It would therefore, in our opinion, be preferable for States to continue to deliberate this matter in the framework of the Sixth Committee, which operates on the basis of consensus. In this regard, Israel would like to repeat its position that the decision of the International Law Commission to include this topic in its long-term programme of work is counterproductive and premature, not to mention lacking the requisite consensus, since it was not supported by a significant number of Member States as indicated by their respective statements in this forum.

I thank you Mr. Chairperson.