

**Statement by Sweden on behalf of the Nordic countries
(Denmark, Finland, Iceland, Norway and Sweden)**

at the

**General Assembly,
Seventy-fifth Session**

Sixth Committee

**Agenda item 87:
The scope and application of the principle of universal jurisdiction**

United Nations, New York

27/28 October 2020

– CHECK AGAINST DELIVERY –

Mme/Mr Chair,

I have the honour to speak on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway – and my own country, Sweden.

Let me start by welcoming the recent report of the Secretary-General (A/75/151) which was prepared based on information and observations received from States and comments submitted by observers, including the African Union, Council of Europe, the ICRC and UNEP.

States have the primary responsibility for investigating and prosecuting international crimes within their jurisdiction. Yet, such crimes continue to be committed with impunity.

In this context, the exercise of universal jurisdiction can serve as an effective mechanism to ensure accountability and provide justice for victims.

In addition, all States should assist courts at national and international level in prosecuting serious international crimes through cooperation.

Mme/Mr Chair,

We are pleased to note that the principle of universal jurisdiction 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.

Domestic prosecutions based on universal jurisdiction play an important part in the fight against impunity. We note, for instance, that in German and Swedish courts several cases have been pursued against individuals linked to State and non-State actors for atrocities in Syria, most of them on the basis of universal jurisdiction.

Mme/Mr Chair,

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 expressed concerns as to the potential abuse of the principle of universal jurisdiction. The Nordic countries continue to urge caution against developing an exhaustive list of crimes for which universal jurisdiction would apply. We agree that any form of misuse of prosecutorial powers would be of grave concern and should be prevented from occurring.

In order to advance the application of universal jurisdiction, we call on States to adopt national legislation based on the Rome Statute of the International Criminal Court (ICC), ensuring direct prosecution of crimes under the jurisdiction of the Court, namely the most serious crimes of concern to the international community, and a more effective cooperation framework with international courts.

Mme/Mr Chair,

At the international level, the ICC plays an important role in the fight against impunity for the most serious crimes. As a court of last resort, it seeks to complement, not replace, national courts. The ICC provides an avenue for prosecution when states do not exercise their jurisdiction.

Other bodies at the international level, such as the International, Impartial and Independent Mechanism (IIIM) for Syria, the Fact-Finding Mission for Myanmar (IIFFM), the Independent Investigative Mechanism for Myanmar (IIMM) and UNITAD can play important roles in assisting criminal proceedings at the international, regional or national level that have or may have, jurisdiction in the future. The role of these evidence investigative bodies and other possible future mechanisms, may also help shape the development of the application of the principle of universal jurisdiction.

The Nordic countries continue to follow this item with great interest and look forward to working with you and other delegations in the Sixth Committee and in other UN forums.

Thank you.