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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

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SEVENTY-FIFTH SESSION, AGENDA ITEM 87,
UNIVERSAL JURISDICTION
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Mr Chair/Madam Chair,

The United Kingdom would like to thank the Secretary-General for his report on the scope and application of the principle of universal jurisdiction. We note with interest the contributions from other States.

The United Kingdom has previously referred to the lack of international consensus about the nature, scope and application of universal jurisdiction.

As noted in the Secretary-General's report, the United Kingdom considers that the term "universal jurisdiction" refers to national jurisdiction established over a crime irrespective of the location of the alleged crime, the nationality of the alleged perpetrator, the nationality of the victim or other links with the prosecuting State. It is distinct from the jurisdiction of international judicial mechanisms established by treaty (including that of the International Criminal Court). It is also distinct from other established categories of extra-territorial jurisdiction enjoyed as a matter of domestic law and distinct from, though sometimes linked to, "extradite or prosecute" regimes provided for in treaties.

Mr Chair/Madam Chair

The United Kingdom considers that there are practical constraints on delivering justice by means of exercising universal jurisdiction. The primacy of the territorial approach to jurisdiction reflects that the authorities of the State in whose territory an offence is committed are generally best placed to prosecute that offence, not least because of the advantages in securing the evidence and witnesses necessary for a successful prosecution.

There is only a small number of offences for which the courts in the United Kingdom can exercise jurisdiction where there is no apparent link to the United Kingdom. Details of these offences are referred to in the Secretary-General's report.

The United Kingdom continues to consider that the lack of consensus between States on the nature, scope and application of universal jurisdiction indicates that it would be premature to take a definitive view on the crimes to which universal jurisdiction should apply or on a methodology to determine such crimes. It is important that questions as to whether universal jurisdiction or another form of extra-territorial jurisdiction should apply to a particular crime are approached collaboratively between States, as has been done to date, through treaties. The United Kingdom therefore continues to doubt whether the issues faced by States in respect of universal jurisdiction are best addressed by the International Law Commission.

I thank you Mr Chair/Madam Chair