



PHILIPPINES

STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
Agenda Item 84: The scope and application of the principle of universal jurisdiction
Sixth Committee

78th Session of the United Nations General Assembly
13 October 2023, Trusteeship Council
UN Headquarters New York

Thank you, Mr Chair.

The Philippines aligns itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non- Aligned Movement.

We thank the Secretary General for his report to the Assembly reviewing the submissions of Member States and relevant observers as well as views expressed in the debates of the Sixth Committee identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction.

Universal jurisdiction, as a generally accepted principle of international law, is considered part of Philippine law, both through the incorporation clause of our Constitution and through the enactment in 2009 of the Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes Against Humanity.

We wish to share the following views:

First, for the Philippines the general rule is that jurisdiction is territorial. Universal jurisdiction is, thus, an exception, grounded on the imperative need to preserve international order. It allows any State to assert criminal jurisdiction over certain offenses, even if the act occurred outside its territory or was committed by a person not its national, or inflicted no injury to its nationals.

Second, because it is exceptional, its scope and application must be limited and clearly defined. Immunity of state officials, in particular, must be preserved and respected, on the basis of international law. Unrestrained invocation and abuse of the exercise of universal jurisdiction only undermines the principle.

Third, these “certain offenses” must be limited to *jus cogens* crimes that have been deemed so fundamental to the existence of a just international legal order that states cannot derogate from them, even by agreement. The rationale behind this principle is that the crime committed is so egregious that it is considered to be committed against all members of the international community and thus granting every State jurisdiction over the crime.

We will continue to engage in the context of the Committee as we continue our work in the process of defining the scope and application of the principle, recognizing the value of the principle of universal jurisdiction in the context of international humanitarian law and in investigating and prosecuting violations of *jus cogens* crimes.

Thank you.