



Statement by H.E. Archbishop Bernardito Auza
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Sixth Committee, Agenda Item 87:
The scope and application of the Principle of universal jurisdiction
New York, 9 October 2018

Mr. Chair,

My Delegation would like to thank once again this Committee for the important work it performs in furthering the cause of justice in the world, particularly as it relates to the issue of redressing genocide, war crimes and crimes against humanity.

In a sense, this debate is an extension of this Committee's discussion on the rule of law. When the most egregious crimes are met with impunity, the rule of law in fact has broken down at its most fundamental level.

Genocide, war crimes and crimes against humanity more often than not affect those who live at the margins of society, the poor and the members of ethnic and religious minorities, thus heightening our shared responsibility to act on their behalf. Those crimes not only harm those

alleged perpetrator. To the extent that they are willing and able to prosecute those crimes, the community of nations ought to defer to them.

Moreover, in order to exercise universal jurisdiction, the State of the forum should have some concrete link to the facts or to the parties in the case, such as the presence of the accused or of the victims in its territory. Universal jurisdiction should not justify prosecutions in absentia, forum shopping or the unwarranted interference in the internal affairs of other States. In addition, in light of the principle of the Sovereign equality among States, particular attention must be given to the procedural conditions that must be met in order to set aside the jurisdictional immunities of public officials. While universal jurisdiction might be an effective method for punishing crimes of international significance, it is indispensable to develop mechanisms to prevent that the exercise of that jurisdiction generates inter-State conflicts.

Naturally, universal jurisdiction should also comprehend the threat and the attempt to commit war crimes and crimes against humanity, particularly when they force the displacement of migrants and refugees.

Much work remains to be done if this Committee is to create rule based systems for the

application of universal jurisdiction. My Delegation supports further work on this topic, including through the Working Group for further study and concrete recommendations on the creation of jurisdictional systems established by Resolution 60/147. A number of