

The scope and application of the principle of universal jurisdiction
Oral report of the Chair of the Working Group

Chair: Ms. Shara Duncan-Villalobos (Costa Rica)

I. Introduction

1. Pursuant to General Assembly resolution 72/120 of 7 December 2017, the Sixth Committee decided, at its 1st meeting, on 3 October 2018, to establish a Working Group to continue to undertake a thorough discussion of the scope and application of universal jurisdiction. Pursuant to the same resolution, the Assembly decided that the Working Group should be open to all Member States and that relevant observers to the General Assembly would be invited to participate in the work of the Working Group

(A/C.6/70/SR.27), 2014 (A/C.6/69/SR.28), 2013 (A/C.6/68/SR.23) and 2012 (A/C.6/67/SR.24)). The Working Group also had before it the Informal Paper of the Working Group (A/C.6/66/WG.3/1), which contains agreements on the methodology, as well as an enumeration of issues for discussion, commonly referred to as the “roadmap”. Finally, the Working Group had before it the Informal Working Paper that had been discussed in previous sessions of the Working Group.

II. Proceedings of the Working Group

4. The Working Group held two meetings, on 11 and 17 October 2018. It conducted its work in the framework of informal consultations. The Working Group was convened against the backdrop of the plenary debate at the 10th, 11th and 12th meetings of the Sixth Committee held on 9, 10 and 11 October

5. This summary is for reference purposes only and is not an official record

questions, which had been circulated to delegations in advance:

(i) "What crimes are subject to prosecution on the basis of universal

Working Group as to whether the item in whole, or in part, should be referred to the Commission. Certain delegations noted that the inclusion of such topic

under the present programme of work did not necessarily mean that the

Commission would work on the topic, while one delegation noted a potential distinction between the topic as formulated by the Commission and the present item. During our discussions, delegations remained divided and there was no consensus on this issue. Some delegations voiced support for the decision taken by the Commission and, furthermore, for the Commission to

move the topic to its programme of work and start considering it, while others suggested that the Commission's work could be limited to considering practical technical questions relevant to the scope and application of the

Group, noting that such dialogue was part of the confidence-building exercise that could be seen as central to the work of the Working Group.

fair to say that there is a certain impasse in our work. It is linked partly to the lack of agreement on the intended output of the Working Group, but it is not limited to it. This impasse may well be unavoidable given the lack of agreement on the issues that have informed the roadmap. That being said, there is no doubt that this item encompasses vital issues of importance to Member States and it is the very function of our Committee to provide the necessary guidance. In this connection, I would once again urge interested delegations to use the intersessional period to consult with each other with the aim of identifying the potential outcome of the Working Group that would both make use of the time wisely and also be appropriate to the nature of the topic.

12. I remain firmly committed to working closely with all delegations and I look forward to receiving your ideas and input in the coming intersessional