



The Scope and Application of the Principle of Universal Jurisdiction

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Mr. President,

I have the honour of speaking today on behalf of Australia and New Zealand, as well as my own country, Canada.

CANZ welcomes the opportunity to engage in a dialogue on the scope and application of universal jurisdiction.

CANZ recognizes universal jurisdiction as a well-established principle of international law over the most serious international crimes that violate the interests of all States, so that universal or global denunciation is warranted.

These serious international crimes are well established in customary international law, and include piracy, genocide, war crimes, crimes against humanity, slavery, and torture. Some have been codified in international legal instruments, such as the crimes established by the *Rome Statute of the International Criminal Court*. It is in the interests of the international community to ensure that these serious international crimes are prevented, and that the perpetrators are held to account.

CANZ recognizes that, as a general rule, primary responsibility for investigating and prosecuting international crimes rests with the Territorial State in which the criminal conduct was alleged to have occurred, or the State of nationality of the accused. Those States are often in the best position to achieve justice, given their access to evidence, witnesses and victims, and their ability to enforce sentences. They are also likely to be best communities. Ensuring accountability for serious crimes is crucial to ending impunity and creating the conditions for lasting peace.

However, universal jurisdiction is an important complementary mechanism that can fill a jurisdictional gap in circumstances where the Territorial State is unwilling or unable to exercise jurisdiction. In these circumstances, all States, consistent with their domestic laws and international obligations, should assist national courts and international

