## Permanent Mission of Brazil to the United Nations New York



N° 201

The Permanent Mission of Brazil to the United Nations has the honor to refer to the letter requesting information and observations pursuant to General Assembly resolution 75/142, entitled "The scope and application of the principle of universal jurisdiction", and has the honor of submitting the following information:

Brazil exercises its jurisdiction first and foremost based on the territoriality

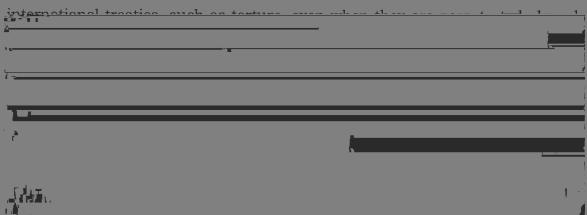


The Brazilian Criminal Code only accepts the principle of universal jurisdiction in exceptional circumstances and under clear and objective conditions.



of genocide even if committed abroad, as long as the perpetrator is a Brazilian national or someone that resides in the Brazilian territory.

According to article 7 II b of the same Code, Brazil may also exercise its jurisdiction over crimes that it has obliged itself to repress through



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importance of the universal jurisdiction, for instance, in the extradition demands Ext. 595 of 1993, Ext. 658 of 1996, Ext. 1151 of 2011, Ext. 1275 of 2012, and Ext. 1300 of 2013. In none of these cases the Supreme Court has applied the universal jurisdiction, but it has mentioned doctrinal comments and observed that the principle has been adopted in the domestic system of several countries. According to the Brazilian Supreme Court, the principle is an expression of international solidarity in combating crimes (Ext. 595/1993). However, the Supreme Court has also stated that the presence of the alleged criminal in the territory of the state is a precondition to the exercise of jurisdiction (Ext. 1300/2013).

Therefore, under no circumstance Brazil exercises its jurisdiction "in absentia",

2. The Permanent Mission of Brazil to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 4 May 2021