



# AUSTRALIA



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UNITED NATIONS GENERAL ASSEMBLY SIXTH COMMITTEE:  
The scope and application of the principle of universal  
jurisdiction (agenda item 85)  
12 October 2022

Statement on behalf of Australia, Canada and New Zealand

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Thank you Chair,

I have the honour to speak today on behalf of Canada, New Zealand and my  
own country, Australia.

CANZ welcomes the opportunity to continue its work on universal jurisdiction

national laws and on developments in domestic judicial  
practice.

We look forward to continued discussion on the role and purpose of  
universal jurisdiction through the Working Group of the Sixth Committee.

[Madame/Mr] Chair,

Universal jurisdiction is a fundamental principle of international law. It vests in every State the competence to exercise on behalf of the international community, criminal jurisdiction over those individuals responsible for the most serious crimes of international concern.

Universal jurisdiction applies regardless of where the conduct occurs, the nationality of the perpetrators or the victims, or any other links between the crime and the prosecuting State.

These serious international crimes are well established in customary international law. They include piracy, genocide, war crimes, crimes against humanity, slavery, and torture.

Such abhorrent crimes are contrary to the interests of all States. It is therefore in the interests of all States to ensure these crimes are prevented and their perpetrators prosecuted.

Indeed, our dialogue on universal jurisdiction should focus on ensuring that no perpetrator of the most serious international crimes goes unpunished.

[Madame/Mr] Chair,

Universal jurisdiction must be applied in good faith, consistent with the rule of law and the right to a fair trial.

At all times, the exercise of universal jurisdiction must be free from political motivation, discrimination and arbitrary application. It must also operate in accordance with laws relating to diplomatic relations and privileges and immunities.

CANZ reiterates that, as a general rule, primary responsibility for investigating and prosecuting serious international crimes rests with the State in the territory of which the criminal conduct was alleged to have occurred, or the State of nationality of the accused.

States with territorial jurisdiction are often in the best position to achieve justice, given their access to evidence, witnesses and victims.

Australia, Canada and New Zealand all have legislation establishing jurisdiction in respect of the most serious international crimes. We continue to encourage Member States that have not already done so to incorporate universal jurisdiction into their domestic legislation, in accordance with international law.

The establishment of such jurisdiction sends an unequivocal message to perpetrators and would be perpetrators that serious violations of international humanitarian and human rights law will not be tolerated.

In practice, many perpetrators go unpunished for a number of reasons, including their cross



[Madame/Mr] Chair,

We look forward to working cooperatively with other States to bring perpetrators to account for the most egregious crimes.

By collaborating at the international level, and incorporating universal jurisdiction in domestic legislation, we can ensure that justice is done.

Thank you.