



### **Italy's observations pursuant to GA Res. 76/118**

The observations herein are submitted pursuant to para. 4 of GA res. 76/118 and complement and update the relevant information previously submitted by the Government of Italy under the agenda item allocated to the Sixth Committee, "The Scope and Application of the Principle of Universal Jurisdiction".

The rationale behind the concept of universal jurisdiction lies in the need to prosecute international

their activities or any link of nationality concerning the perpetrators or the victims. This has been confirmed by both UNCLOS and, more recently, by the UN Security Council<sup>4</sup>. Even with reference to international humanitarian law, the study of the ICRC on customary international humanitarian law recognizes *the right to prosecute and punish war crimes*, and not the obligation<sup>5</sup>. At the same time, international case law has identified an obligation for States to prosecute and punish the crime of genocide, as a result of the *jus cogens* nature of the prohibition of genocide and the resulting application of the principle of universal jurisdiction<sup>6</sup>.

As a rule, the Italian Criminal Code provides that national authorities have jurisdiction over crimes committed in the territory of Italy (Art. 6). Arts. 7 to 10 provide for certain exceptions to the above rule. Art. 7 provides for four categories of crimes for which prosecution and punishment are applicable in Italy, despite being committed abroad. The purpose is to defend the State

include, *inter alia*, provisions on universal jurisdiction regarding "core crimes" (i.e. war crimes, crimes against humanity, genocide and aggression).