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Seventy-ninth session
Sixth Committee
Agenda item 85

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

Chair: Mr. Gustavo Ramírez Baca (**Costa Rica**)

Mr. Chair,

I. Introduction

1. Pursuant to General Assembly [resolution 78/113](#), of 7 December 2023, the Sixth Committee decided, at its first meeting, on 2 October 2024 to establish a Working Group to continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations. Pursuant to the same resolution, the General Assembly decided that the Working Group should be open to all Member States and that relevant observers to the Assembly would be invited to participate in the work of the Working Group.

2. At the same meeting, the Sixth Committee elected Me to serve as Chair of the Working Group.

3. The Working Group had before it the various reports of the Secretary-General on the scope and application of the principle of universal jurisdiction dating back to 2010, including, in particular

the report of the Secretary-General prepared for the current session reviewing all the submissions of Member States and relevant observers, as well as views expressed in the debates of the Sixth Committee, since the sixty-second session of the Assembly and identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction (A/79/269).

III. Informal summary

5. The present informal summary is for reference purposes only and is not an official record of the proceedings. At its first meeting, on 31 October, in my capacity as Chair, I offered an overview of past proceedings, including the discussions that had led to the Informal Working Paper, reiterating that the issues raised in the Informal Working Paper were intended to be illustrative and are without prejudice to future proposals made by delegations or to their positions. The Informal Working Paper did not reflect consensus among delegations and was expected to be subject to further deliberation. I reminded delegations that no modifications to the Informal Working Paper had been introduced to the text since 2016. No further modifications were made at the current session to the Informal Working Paper. The 2016 text remains the working text of the Working Group.

6. Delegations generally reiterated that the main role of universal jurisdiction was to fight impunity in the context of the most serious crimes under international law. Genocide, war crimes, crimes against humanity, piracy and torture were some of the crimes mentioned as the most serious crimes under international law. The view was expressed that identification of crimes that may attract universal jurisdiction should be assessed against the foundational rationale of the principle, together with a robust analysis of State practice and *opinio juris*.

7. It was also stated that universal jurisdiction was the assertion of criminal jurisdiction by a State when the only link to the crime was the presence of the alleged offender on its territory. The point was made that universal jurisdiction should not be the primary basis of jurisdiction by States and served to complement other

jurisdictional links with the crime was unwilling or unable to prosecute it. Some delegations underlined that universal jurisdiction played a crucial role in the international justice architecture; it was stressed that international cooperation was essential for the investigation of the most serious crimes and The Hague-Ljubljana Convention was mentioned in that regard.

8. Some delegations expressed concern about the possible misuse or political abuse of universal jurisdiction, and their potential to tamper with fundamental principles of international law, such as sovereign equality of States, political independence and non-interference in internal affairs. It was stressed that

view that it would be counterproductive or premature for the Commission to undertake such a study.

Mr. Chair,