



General Assembly Seventy-first Session

11 October 2016

Sixth Committee

Agenda item 85:
The Scope and Application of the
Principle of Universal Jurisdiction

Statement by Mr. Andreas Motzfeldt Kravik
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Mr Chair,

This topic has been discussed since 2011 within the framework of the working group on the scope and application of the principle of universal jurisdiction. The discussions, as well as the information provided by Member States to the Secretary-General on their national legal rules and judicial practice, clearly show that all States share the view that there can be no impunity for crimes of such gravity that they represent a concern to the international community as a whole.

Norway considers the principle of universal jurisdiction as an important tool for ensuring that atrocity crimes and other crimes covered by universal jurisdiction do not go unpunished.

(Check against delivery)

We are pleased to note that the concept of universal jurisdiction has developed into a fundamental principle of criminal law, both within national jurisdictions – as illustrated in the last report of the Secretary-General – and at the international level.

Mr Chair,

Norway is of the view that the Sixth Committee is the most suitable forum for discussing the scope and application of the principle of universal jurisdiction. The discussions in the working group have helped clarify positions of Member States and it is our strong impression that positions have been converging. We recognize that some delegations continue to be concerned about the potential abuse of the principle of universal jurisdiction.

Needless to say, no principle of international law should be subjected to misuse, and we therefore continue to encourage an open and transparent discussion with the view to identifying measures that can prevent any misuse of the principle of universal jurisdiction. However, we remain convinced that attempting to develop an exhaustive list of crimes for which universal jurisdiction apply would not be a constructive way to move this agenda item forward. We continue, therefore, to caution against pursuing such a path.

Mr Chair,

In the countries where the principle of universal jurisdiction has already been incorporated into domestic legislation, responsibility for determining the scope and application of the principle in specific cases rests with national prosecutorial offices. A range of other countries are currently considering whether and potentially how to incorporate the principle of universal jurisdiction into their domestic laws. The content and application of the principle of universal jurisdiction will to a large extent be determined by national judicial entities.

In this context, Norway is of the view that our deliberations here in the committee would benefit from a continued focus on the way in which national jurisdictions organize their prosecutorial offices and the way in which those offices apply the principle.

An important task would be to identify appropriate mechanisms for ensuring that prosecution offices are independent, free from inappropriate political influence. Another key issue is to examine how prosecutorial discretion is applied in cases based on universal jurisdiction.

Norway welcomes a discussion on these issues with a view to informing our common understanding of how independent prosecutors should apply the principle of universal jurisdiction in a responsible and predictable manner. We believe that exchanging national experiences and learning from each other best practices are essential to making progress.

Mr Chair,

Norway continues to follow this item with great interest, and looks forward to working with you and other delegations in the context of the working group.

Thank you.