New Zealand Permanent Mission to the United Nations

Te Mangai o Aotearoa

600 THIRD AVENUE 14TH FLOOR NEW YORK, NY 10016-1901, USA TELEPHONE (212) 826 1960 FACSIMILE (212) 758 0827 HOMEPAGE: http://www.nzembassy.com/newyork

Sixth Committee

Agenda item 84
The scope and application of the principle of universal jurisdiction

Statement on behalf of CANZ by Ms Alice Revell
Second Secretary/ Legal Adviser

17 October 2012

Check against delivery

Mr Chair

I have the honour to speak today on behalf of Australia, Canada and New Zealand. CANZ welcomes this opportunity to once again engage in a dialogue on the scope and application of universal jurisdiction.

CANZ recognises universal jurisdiction as an established principle of international law. Universal jurisdiction confers on every State the ability to exercise criminal jurisdiction over those individuals responsible for the most serious crimes of international concern irrespective of where the conduct occurs, irrespective of the nationality of the perpetrator and irrespective of any other links between the crime and the prosecuting State. Such crimes attack the interests of all States; and as such it is in the interests of all States to ensure the prosecution of the perpetrators.

CANZ maintains that primary responsibility for investigating and prosecuting serious international crimes should always rest with the State in which the conduct occurs. The balance of justice requires that those who have been harmed should judge the offenders. The State where the crimes were committed benefit most from the transparency of a trial and the accountability of a verdict. That State is also usually best placed to see that justice is done, because it has the best access to evidence, witnesses and victims. Universal jurisdiction provides a complementary mechanism to ensure that accused persons are held accountable for their crimes in circumstances where the territorial State is unable or unwilling to exercise jurisdiction, thereby ensuring that individuals who commit grave crimes do not enjoy safe haven anywhere in the world.

Mr Chair

Universal jurisdiction should always be exercised in good faith

Chair