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67 Período Ordinario de Sesiones de la Asamblea General de las Naciones Unidas

**INTERVENCION DE LA REPRESENTACION PERMANENTE DE CHILE ANTE LAS NACIONES  
UNIDAS A NOMBRE DE LA COMUNIDAD DE ESTADOS LATINOAMERICANOS Y  
CARIBEÑOS, CELAC**

Tema 84

**Alcance y aplicación del principio de jurisdicción universal**

Nueva York, 17 de octubre de 2012

-Cotejar con texto leído-

67<sup>th</sup> Sessions of the General Assembly of the United Nations

**STATEMENT OF THE PERMANENT MISSION OF CHILE TO THE UNITED NATIONS ON  
BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND CARRIBEAN STATES, CELAC**

Item 84

**The scope and application of the principle of universal jurisdiction**

New York, October 17, 2012

Señor Presidente:

Tengo el honor de hablar en nombre de la Comunidad de Estados de América Latina y el Caribe, CELAC.

Señor Presidente:

CELAC quisiera expresar la importancia que le asigna al tratamiento del tema titulado "Alcance y Aplicación del Principio de la Jurisdicción Universal", pues se trata de una materia que atañe a todos los Estados miembros de la Organización. Asimismo, CELAC estima que el marco para su estudio y análisis debe ser el del Derecho Internacional, que es precisamente el que regula y orienta los trabajos de la Sexta Comisión cuando la Asamblea General le remite un tema para su consideración.

Señor Presidente:

Para este per7 (.47 -0 Tp0 (e )Jdpo6.4(e)-1Tp0 (-0 (,)-1)0 (c).7 (ent)-1.3 (de)-s-6 (m)-0 (os)0

la jurisdicción penal, la cual sirve para combatir la impunidad y reforzar la justicia. Es por ello que al ser la jurisdicción universal una institución jurídica de Derecho Internacional, es éste quien define el marco de aplicación que la habilita para su ejercicio por parte de los Estados.

CELAC encuentra muy productivo que, como resultado de las deliberaciones en el marco de la Sexta Comisión y de la información adicional proporcionada por los Estados en sus informes, podamos constatar que diversas delegaciones han expresado que no se debe confundir a la jurisdicción universal con el ejercicio de la Jurisdicción Penal Internacional, ni con de la “obligación de juzgar o extraditar” (*aut dedere aut iudicare*). Así, los Estados han indicado claramente que se trata de instituciones jurídicas diferentes, pero que resultan complementarias a fin de acabar con la impunidad, y es éste precisamente el entendimiento que tiene CELAC sobre la materia.

CELAC quisiera comprometer sus mayores esfuerzos para coadyuvar en los trabajos que se lleven a cabo en el Grupo de Trabajo. A estas alturas resulta prematuro determinar los resultados a los que pueda llegar el Grupo de Trabajo, pero no descartamos la posibilidad, en el futuro, de solicitar el estudio del tema por parte de la Comisión de Derecho Internacional.

Muchas gracias

Mr. Chairman,

I have the honor to speak on behalf of the Community of Latin American and Caribbean States, CELAC.

Mr. Chairman,

CELAC would like to express the importance that it gives to the treatment of the agenda item entitled "Scope and application of the principle of universal jurisdiction", as it is a topic that concerns all members of the Organization. Also, CELAC believes that international law should provide the framework for the study and analysis of the matter, as international law is precisely what regulates and guides the work of the Sixth Committee when the General Assembly refers an issue for its consideration.

Mr. President,

For this session, we have a third Report by the Secretary-General (A/67/116) based on "the comments and observations of Governments", which provides us with more elements to address the study of universal jurisdiction in order to determine what steps we should take in the future.

Moreover, in accordance with the provisions of Resolution A/RES/65/33, a Working Group was established, within the Sixth Committee, in order to carry out a thorough review of the scope and application of universal jurisdiction. During the Sixty-Sixth session of the General Assembly, after wide consultations, the Chair of the Working Group, Ambassador Ulibarri from Costa Rica, presented a document entitled "Informal working notes from the Chair" (A/C.6/66/WG.3/1), with the spirit of contributing to and facilitating the debates on the topic.

We are at a stage that requires dialogue, as well as the study of the applicable international regulations. In this sense, within the framework of the Working Group, we should be capable of advancing on points at which there is a better common understanding, and identifying other matters which should be studied more deeply. It would be very productive to focus our discussions, during this session, on the elements that were addressed in the "Informal working notes from the Chair".

In this regard, CELAC recalls that universal jurisdiction is an institution of International Law of exceptional character for the exercise of criminal jurisdiction, which serves to fight impunity and strengthen justice. Since universal jurisdiction is an institution of international law, it is what defines the scope of its application and enables States to exercise it.

CELAC finds very productive that, as a result of the discussions within the framework of the Sixth Committee and the further information provided by States

in their reports, several delegations have again expressed that Universal Jurisdiction should not be confused with the exercise of International Criminal Jurisdiction, or with the “obligation to extradite or prosecute” (*aut dedere aut iudicare*). Thus, States have clearly indicated that they are different legal institutions, but which are complementary to the goal of ending impunity, and this is precisely the understanding that CELAC has on this subject.

CELAC would like to commit its best efforts in contributing to the work to be carried out within the Working Group. At this stage it is premature to determine the results that the Working Group may reach, but we do not discard the possibility, as mentioned before, of a future request to the International Law Commission for the study of this topic.

I thank you, Mr. President.