

67th

CHIEF

Statement by

Ms. Ady Schonmann

Legal Advisor, Permanent Mission of Israel to the United Nations

Agenda Item 37

The scope and application of the principle of universal jurisdiction

18 October 2012

United Nations

New York

Mr. Chairman,

Israel would like to commend the Secretary General for his recent report (A/67/116) which furthers our collective knowledge on this important area. The broad range of international consensus on the definition and scope of the principle of universal jurisdiction is reflected in the broad range of opinions and approaches presented in the current and previous reports of the Secretary General. We look forward to further study of the topic.

Israel previously submitted information and its observations on the scope and application of universal jurisdiction. We take this opportunity to highlight some important points:

First, Israel shares the view expressed by many other States that there exists a distinction between universal jurisdiction and the newly noted jurisdiction to arrest or prosecute. A duty-based obligation to exercise universal jurisdiction does not confer universal jurisdiction with respect to the relevant offences.

Second, Israel views universal jurisdiction as a mechanism to ensure the priority of jurisdiction among States with ordinary jurisdictional links.

Third, Israel believes that under international law, States have an obligation to include certain safeguards on the exercise of universal jurisdiction in order to prevent its abuse and to ensure the responsible exercise of such jurisdiction. We note the increasing number of examples of such safeguards currently in the domestic law of States which include limiting the right to initiate criminal proceedings to the public prosecution authority or requiring the authorization of a senior legal official before initiating an investigation or the use of universal jurisdiction. Israel believes that such safeguards are important checks and balances to the exercise of universal jurisdiction.

In closing, Mr. Chairman, we would like to thank you for your continued interest with respect to the scope and application of universal jurisdiction. We would like to request for the working group to obtain information from additional States about their national practice with respect to this important issue.

We look forward to future discussions on this topic.

Thank you.