



consistent with the fundamental principles of criminal justice (inter alia *nullum crimen, nulla poena sine lege*, the right to due process and the presumption of innocence).

Subsidiarity requires that a State with national or territorial jurisdiction be given the first opportunity to investigate and, if appropriate, to prosecute such crimes. Indeed, this principle lessens the controversy around universal jurisdiction, which should only apply as a mechanism of last resort when States with the primary connection to the crimes or perpetrators are either unwilling or unable to prosecute the crimes of gravest concern. Moreover, even then, States seeking to exercise universal jurisdiction must possess a clear connection to the facts or to the parties concerned in the case, such as the presence in its territory of the accused or the victims. Universal jurisdiction should not justify prosecutions *in absentia*

finding a balance between sovereign concerns and the need to hold accountable the perpetrators of the most heinous crimes. With unified and resolute action, we can deter future atrocities and ensure justice for the victims.

Thank you, Mr. Chair.