



The Delegation of the International Committee of the Red Cross (ICRC) to the United Nations presents its compliments to the Legal Counsel of the United Nations and has the honour to refer to the letter (LA/COD/59/2) dated 6 January 2020 regarding UN General Assembly Resolution 74/192, entitled “The scope and application of the principle of universal jurisdiction.” The ICRC is pleased to provide its contribution, enclosed, in its capacity as an Observer of the UN General Assembly for the report of the Secretary-General as requested in operative paragraph 3 of the above mentioned General Assembly Resolution.

The Delegation of the International Committee of the Red Cross to the United Nations avails itself of this opportunity to convey to the Legal Counsel of the United Nations the renewed assurance of its highest consideration.

Information and Observations

According to the ICRC database on national implementation of IHL database, no new legislation directly related to universal jurisdiction has been recently adopted.⁵ As reported in previous submissions, the ICRC has observed that the number of States that have established some form of universal jurisdiction legislation over serious violations of IHL in their national frameworks has grown over recent years. Many States have created specialized units to deal exclusively with the substantive and procedural specificities of international crimes. The International Law Commission on the one hand⁶, and a group of States on the other⁷, have proposed draft treaty elements which aim at further facilitating mutual legal assistance and extradition for domestic prosecution of the most serious international crimes

In its various national, regional and multilateral engagements on IHL throughout the world, the ICRC continues to address issues relating to the prevention and repression of serious IHL violations and promotes the application of universal jurisdiction over these violations.

Conclusion

The ICRC reiterates its support to States to establish appropriate national legislation to respond to serious IHL violations on the basis of all grounds of jurisdiction, including universal jurisdiction. The ICRC nonetheless recognizes the judicial, procedural and practical challenges that States face regarding the efficient exercise of the principle of universal jurisdiction.

In view of the importance of the principle of universal jurisdiction, the ICRC reiterates its willingness to continue to contribute to future reports of the Secretary-General on this subject.

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International Committee of the Red Cross