

The proceedings in the A.K. case demonstrated once again that cooperation between States in the prosecution of the most serious international crimes is crucial. There were some challenges in arranging to hear the testimonies of the plaintiffs and witnesses under appropriate conditions. However, it was done successfully, as a result of close cooperation between various States. International legal cooperation plays a key role in the collection of evidence. Switzerland is committed to facilitating legal cooperation in relation to the prosecution of the most serious crimes and calls on all States to collaborate in order to promote the success of proceedings.

Switzerland is convinced that proceedings based on universal jurisdiction contribute to the fight against impunity. Switzerland also guarantees that such proceedings will be conducted in accordance with its international commitments. This could contribute to the prevention of future atrocities.

Position of Switzerland regarding the discussions on universal jurisdiction in the Sixth Committee of the General Assembly

Switzerland welcomes the fact that the General Assembly, in its resolution 75/142, reiterated its commitment to fighting impunity. The Assembly also noted that “the views expressed by States that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law”.

Universal jurisdiction is one of the best ways to fight impunity. It enables the judicial authorities to bring persons accused of the most serious crimes to trial.

Switzerland therefore regrets that no universal consensus on the definition and scope of universal jurisdiction has been reached. Given the highly legal and technical nature of the topic, Switzerland continues to propose that the International Law Commission examine the topic. The first step would be for experts in international law to examine the topic, free from the political considerations that inevitably surround the issue. States could then use that work as a solid basis for discussion in order to move towards an agreement in the context of the Sixth Committee and the working group on the topic.
