



*Permanent Mission of El Salvador
to the United Nations*

ITEM 87

THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

STATEMENT BY THE PERMANENT MISSION OF THE EL SALVADOR TO THE UNITED NATIONS ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES (CELAC)

New York, 09 October 2018

Mr. President,

I have the honor to speak on behalf of the 33 countries that make up the Community of Latin American and Caribbean States CELAC.

CELAC reiterates the importance we give to the agenda item entitled "Scope and application of the principle of universal jurisdiction" as a topic that concerns all members of the United Nations and in which our region has actively participated since its inclusion as an agenda item of the sixth committee in 2010.

In this session, we take note of the report of the Secretary-General on the subject (A/73/123), compiling further comments and observations from Governments and relevant observers, as appropriate, on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and their national legal rules and judicial practice. This report provides additional elements to address the study of universal jurisdiction in order to determine our future work on the subject.

Moreover, we also take into account the consultations carried out by the Working Group established in this Committee in accordance with General Assembly's resolution 70/119 of 14 December 2015. CELAC welcomes the fact that the working group is coordinated by a representative of our region.

CELAC recalls that during the 66th session of the General Assembly, the Working Group discussed for the first time, and that the Chair of the working group presented a document entitled "Informal working notes from the Chair of the Working Group" (A/C.6/66/WG.3/1). This document was prepared after wide consultations and was presented in the spirit of contributing to and facilitating the debates on the topic. It



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contains agreements on the methodology, as well as an enumeration of issues for discussion.

Following the procedure agreed in 2011, the Working Group has discussed thoroughly during its 2012, 2013, 2014 and 2015 sessions, each of the sections of the roadmap prepared by the Chair: first, the elements of the concept of Universal Jurisdiction, including its role and purpose, its relevant components and the distinction from other related concepts; then, the Scope of Universal Jurisdiction, dedicating several meetings to the possible list of crimes, and, the conditions for its application, including procedural aspects and interaction with other concepts of international law.

As a result of our previous efforts, we have been capable of advancing in our dialogue. Thus, the Working Group has explored several points of common understanding, along with others that might need further discussions.

The Working Group has certainly made progress in its six years of work, moving from a very concise roadmap to a combined set of elements on each of the three pillars and now to a full set of policy indicators covering the three pillars.

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. Hence, International Law defines its scope of 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, both during the debate and the working group, as well as with the information provided by States in their reports, several delegations have reiterated their views 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, an important group of States has clearly indicated the different legal nature of such institutions, notwithstanding their complementarity for the purposes of fighting impunity. This is precisely the understanding that CELAC has on this subject, in accordance with relevant applicable law and the diverse set of obligations of each state under international law and with the observance of the Rule of Law in the national and international levels.

We welcome the decision by the International Law Commission to include this item on its Long-Term Program of work. CELAC is of the view that an ILC study of this topic would likely enable the General Assembly to achieve more progress in clarifying



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certain legal aspects of the principle under international law. This would be particularly useful if we take into account that the Commission is currently examining a number of issues linked to the Universal Jurisdiction Principle.

Finally, Mr. President, we believe that this is the opportunity to make substantial and valuable contributions and therefore, we will continue committed to work to achieve the best results in this Committee.

Thank you very much.