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The scope and application of the principle of universal jurisdiction

Report of the Sixth Committee

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I. Introduction

1. The item entitled “The scope and application of the principle of universal jurisdiction” was included in the provisional agenda of the seventy-eighth session of the General Assembly pursuant to Assembly resolution [77/111](#) of 7 December 2022.
2. At its 2nd plenary meeting, on 8 September 2023, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 12th, 13th and 37th meetings, on 13 and 16 October and on 17 November 2023. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹
4. For its consideration of the item, the Committee had before it the reports of the Secretary-General submitted to the General Assembly at its sixty-fifth to seventy-eighth sessions ([A/65/181](#), [A/66/93](#), [A/66/93/Add.1](#), [A/67/116](#), [A/68/113](#), [A/69/174](#), [A/70/125](#), [A/71/111](#), [A/72/112](#), [A/73/123](#), [A/73/123/Add.1](#), [A/74/144](#), [A/75/151](#), [A/76/203](#), [A/77/186](#) and [A/78/130](#)).

II. Consideration of draft resolution [A/C.6/78/L.15](#)

5. At the 37th meeting, on 17 November, the representative of Mauritius, on behalf of the Bureau, introduced a draft resolution entitled “The scope and application of the principle of universal jurisdiction” ([A/C.6/78/L.15](#)).
6. At the same meeting, the Committee adopted draft resolution [A/C.6/78/L.15](#) without a vote (see para. 8).
7. The representative of Cameroon spoke in explanation of position after the adoption of the draft resolution.

¹ [A/C.6/78/SR.12](#), [A/C.6/78/SR.13](#) and [A/C.6/78/SR.37](#).



III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The scope and application of the principle of universal jurisdiction

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations, to international law and to an international order based on the rule of law, which is essential for peaceful coexistence and cooperation among States,

Recalling its resolutions [64/117](#) of 16 December 2009, [65/33](#) of 6 December 2010, [66/103](#) of 9 December 2011, [67/98](#) of 14 December 2012, [68/117](#) of 16 December 2013, [69/124](#) of 10 December 2014, [70/119](#) of 14 December 2015, [71/149](#) of 13 December 2016, [72/120](#) of 7 December 2017, [73/208](#) of 20 December 2018, [74/192](#) of 18 December 2019, [75/142](#) of 15 December 2020, [76/118](#) of 9 December 2021 and [77/111](#) of 7 December 2022,

Taking into account the comments and observations of Governments and observers and the discussions held in the Sixth Committee at the sixty-fourth to seventy-eighth sessions of the General Assembly on the scope and application of universal jurisdiction,²

Noting the constructive dialogue in the Sixth Committee, including in the context of its working group, recognizing the diversity of views expressed by States, including concerns expressed in relation to the abuse or misuse of the principle of universal jurisdiction, and acknowledging, in order to make progress, the need for continuing discussions on the scope and application of the principle of universal jurisdiction in the Sixth Committee,

Noting also the decision of the International Law Commission at its seventieth session to recommend the inclusion of the topic “Universal criminal jurisdiction” in its long-term programme of work,

Reiterating its commitment to fighting impunity, and noting 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,

1. *Takes note with appreciation* of the report of the Secretary-General prepared on the basis of comments and observations of Governments and relevant observers;³

² See [A/C.6/64/SR.12](#), [A/C.6/64/SR.13](#), [A/C.6/64/SR.25](#), [A/C.6/64/SR.1–28/Corrigendum](#), [A/C.6/65/SR.10](#), [A/C.6/65/SR.11](#), [A/C.6/65/SR.12](#), [A/C.6/65/SR.27](#), [A/C.6/65/SR.28](#), [A/C.6/66/SR.12](#), [A/C.6/66/SR.13](#), [A/C.6/66/SR.17](#), [A/C.6/66/SR.29](#), [A/C.6/67/SR.12](#), [A/C.6/67/SR.13](#), [A/C.6/67/SR.24](#), [A/C.6/67/SR.25](#), [A/C.6/68/SR.12](#), [A/C.6/68/SR.13](#), [A/C.6/68/SR.14](#), [A/C.6/68/SR.23](#), [A/C.6/69/SR.11](#), [A/C.6/69/SR.12](#), [A/C.6/69/SR.28](#), [A/C.6/70/SR.12](#), [A/C.6/70/SR.13](#), [A/C.6/70/SR.27](#), [A/C.6/71/SR.13](#), [A/C.6/71/SR.14](#), [A/C.6/71/SR.15](#), [A/C.6/71/SR.31](#), [A/C.6/72/SR.13](#), [A/C.6/72/SR.14](#), [A/C.6/72/SR.28](#), [A/C.6/73/SR.10](#), [A/C.6/73/SR.11](#), [A/C.6/73/SR.12](#), [A/C.6/73/SR.33](#), [A/C.6/74/SR.14](#), [A/C.6/74/SR.15](#), [A/C.6/74/SR.16](#), [A/C.6/74/SR.17](#), [A/C.6/75/SR.11](#), [A/C.6/75/SR.12](#), [A/C.6/76/SR.14](#), [A/C.6/76/SR.15](#), [A/C.6/77/SR.12](#), [A/C.6/77/SR.13](#), [A/C.6/77/SR.35](#), [A/C.6/77/SR.36](#), [A/C.6/78/SR.12](#) and [A/C.6/78/SR.13](#).

³ [A/78/130](#); see also [A/65/181](#), [A/66/93](#), [A/66/93/Add.1](#), [A/67/116](#), [A/68/113](#), [A/69/174](#), [A/70/125](#), [A/71/111](#), [A/72/112](#), [A/73/123](#), [A/73/123/Add.1](#), [A/74/144](#), [A/75/151](#), [A/76/203](#) and [A/77/186](#).

2. *Decides* that the Sixth Committee shall continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations, and for this purpose reiterates its decision to establish, at its seventy-ninth session, a working group of the Sixth Committee to continue to undertake a thorough discussion of the scope and application of universal jurisdiction;

3. *Invites* the working group of the Sixth Committee, to be established at its seventy-ninth session, to consider and comment on the question “on the relevant elements of a working concept of universal jurisdiction”;

4. *Invites* Member States and relevant observers to the General Assembly, as appropriate, to submit, before 26 April 2024, information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and on their national legal rules and judicial practice, and requests the Secretary-General to submit a report to the Assembly at its seventy-ninth session reviewing all the submissions of Member States and relevant observers, as well as views expressed in the debates of the Sixth Committee, since the sixty-second session of the Assembly and identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction for the consideration of the Committee;

5. *Decides* that the working group shall be open to all Member States and that relevant observers to the General Assembly will be invited to participate in the work of the working group;

6. *Also decides* to include in the provisional agenda of its seventy-ninth session the item entitled “The scope and application of the principle of universal jurisdiction”.