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Agenda item 86

The scope and application of the principle of universal jurisdiction

Report of the Sixth Committee

Rapporteur: Mr. Tofiq **Musayev** (Azerbaijan)

I. Introduction

1. The item entitled “The scope and application of the principle of universal jurisdiction” was included in the provisional agenda of the sixty-eighth session of the General Assembly pursuant to Assembly resolution [67/98](#) of 14 December 2012.
2. At its 2nd plenary meeting, on 20 September 2013, 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, 14th, 23rd, 28th and 29th meetings, on 17 and 18 October and on 4, 8 and 15 November 2013. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records ([A/C.6/68/SR.12-14](#), 23, 28 and 29).
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, sixty-sixth, sixty-seventh and sixty-eighth sessions ([A/65/181](#), [A/66/93](#) and Add.1, [A/67/116](#) and [A/68/113](#)).
5. At its 2nd meeting, on 7 October, the Committee established a working group pursuant to General Assembly resolution [67/98](#) to continue to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction and elected Mr. Eduardo Ulibarri (Costa Rica) Chair of the Working Group. In its resolution [67/98](#), the Assembly decided that the Working Group should be open to all Member States and that relevant observers to the Assembly would be invited to participate in its work. The Working Group held three meetings, on 23, 24 and 25 October.



6. At its 23rd meeting, on 4 November, the Committee heard and took note of the oral report of the Chair of the Working Group (see [A/C.6/68/SR.23](#)).

II. Consideration of draft resolution A/C.6/68/L.17

7. At the 28th meeting, on 8 November, the representative of Togo, on behalf of the Bureau, introduced a draft resolution entitled “The scope and application of the principle of universal jurisdiction” ([A/C.6/68/L.17](#)).

8. At its 29th meeting, on 15 November, the Committee adopted draft resolution [A/C.6/68/L.17](#) without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. 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 and [67/98](#) of 14 December 2012,

Taking into account the comments and observations of Governments and observers and the discussions held in the Sixth Committee at the sixty-fourth to sixty-eighth sessions of the General Assembly on the scope and application of universal jurisdiction,¹

Recognizing the diversity of views expressed by States and the need for further consideration towards a better understanding of the scope and application of universal jurisdiction,

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;²

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 decides to establish, at its sixty-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* Member States and relevant observers, as appropriate, to submit, before 30 April 2014, information and observations 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, and requests the Secretary-General to prepare and submit to the General Assembly at its sixty-ninth session a report based on such information and observations;

¹ See A/C.6/64/SR.12, 13 and 25, and A/C.6/64/SR.1-28/Corrigendum; A/C.6/65/SR.10-12, 27 and 28; A/C.6/66/SR.12, 13, 17 and 29; A/C.6/67/SR.12, 13, 24 and 25; and A/C.6/68/SR.12-14 and 23.

² A/68/113; see also A/67/116, A/66/93 and Add.1 and A/65/181.

4. *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;

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