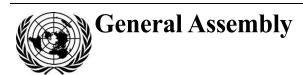
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Agenda item 85

The scope and application of the principle of universal jurisdiction

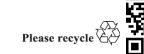
Report of the Sixth Committee

Rapporteur: Ms. Sarah Zahirah Ruhama (Malaysia)

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-seventh session of the General Assembly pursuant to Assembly resolution 76/118 of 9 December 2021.
- 2. At its 3rd plenary meeting, on 16 September 2022, 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 1st, 12th, 13th, 35th and 36th meetings, on 3, 12 and 13 October and on 10 and 18 November 2022. 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-seventh 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 and A/77/186).
- 5. At its 1st meeting, on 3 October, the Committee established a working group pursuant to General Assembly resolution 76/118 to continue to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction. In its resolution 76/118, 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 two meetings, on 14 and 21 October

¹ A/C.6/77/SR.1, A/C.6/77/SR.12, A/C.6/77/SR.13, A/C.6/77/SR.35 and A/C.6/77/SR.36.





- 2022. Pursuant to resolution 76/118, the Working Group focused its work on the question "what should be the role and purpose of universal jurisdiction".
- 6. At its 35th meeting, on 10 November, the Committee heard and took note of the oral report of the Chair of the working group.

II. Consideration of draft resolution A/C.6/77/L.21

- 7. At the 36th meeting, on 18 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.6/77/L.21).
- 8. At the same meeting the Committee adopted draft resolution A/C.6/77/L.21 without a vote (see para. 9).

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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, 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 and 76/118 of 9 December 2021,

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-seventh sessions of the General Assembly on the scope and application of universal jurisdiction,¹

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;²

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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.14, A/C.6/76/SR.15, A/C.6/77/SR.12 and A/C.6/77/SR.13.

² A/77/186; 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 and A/76/203.

- 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 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 28 April 2023, 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, requests the Secretary-General to prepare and submit to the Assembly at its seventy-eighth session a report based on such information and observations, and also 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-eighth session the item entitled "The scope and application of the principle of universal jurisdiction".

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