Statement by

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Before the Sixth Committee

68th Session of the United Nations General Assembly

On Agenda item 86:

"The scope and application of the principle of universal jurisdiction"

New York, 18 October 2013

بسم الله الرحمن الرحيم

Mr. Chairman,

My delegation reaffirms the statement delivered on behalf of the Non-Aligned Movement and would like to make the following remarks in its national capacity.

Mr. Chairman,

As it also seems to be evident in the observations and information provided by Member States, we have yet to develop a common understanding of the concept of universal jurisdiction as there are different and sometimes rather divergent views on this concept. In our joint effort to exchange views on this item, we should not lose sight of the original reasons this item was introduced to the Sixth Committee. The key question would be whether the Committee shall in fact engage in a sort of codification or development of international law concerning this notion and that how far the Committee should go in that direction.

That said, it is imperative that the scope of universal jurisdiction as a judicial tool envisaged in a number of international treaties as well as the conditions for its application be identified in accordance with the relevant provisions of those treaties, taking into account the relevant fundamental principles of international law. In this context the opinion of some of the ICJ judges, including in the *Case Concerning the Arrest Warrant of 11 April 2000*

which bars states from exercising criminal jurisdiction beyond borders and is key to the principle of sovereign equality of states. My delegation has outlined its views and observations concerning this item on previous occasions. In our last year statement we referred to conditions under Iranian legal system on which the domestic courts shall exercise jurisdiction in respect of any offence committed outside its territory. However, there is no express legislation concerning universal jurisdiction in our legal system. We do not seem to have any precedent applying this jurisdiction in our judicial practice either.

According to Article 8 of the Iranian Penal Code, "With regard to crimes which the perpetrators shall be prosecuted, under a special law or international treaties, in any country where they are found, they shall be prosecuted and punished according to criminal laws of the Islamic Republic of Iran, if the perpetrator is present in Iran." In other words, the Iranian courts are entitled to exercise criminal jurisdiction over certain crimes, irrespective of location of the crimes or nationality of the alleged offender, provided that: 1) the crimes have been established under an international treaty to which Iran is a party; and 2) the alleged offender is present on the Iranian territory.

Iran is a party to a good number of international instruments, including a number of multilateral treaties on suppression of international terrorism. Almost all include, in one way or the other, *extradite or prosecute* provision. This shall not, however, be construed, or imply as, to be equivalent with universal jurisdiction. The two notions should not be confused. And as far as bilateral agreements are concerned, there is no track of this kind of jurisdiction in our bilateral agreements on extradition/mutual legal assistance, either.

Mr. Chairman,

The main concern raised with regard to the notion of universal jurisdiction is that its application in certain cases may contravene some of the fundamental principles of international law, in particular the principle of immunity of State officials from foreign criminal jurisdiction, which emanates from the prin

interpretation of international crimes to national courts would have adverse affects on the stability and integrity of international law.

Let me conclude by commending the able leadership of Ambassador Ulabarri of Costa Rica as the Chair of the Working Group with whom we have had useful cooperation both as NAM coordinator and in national capacity, and welcome our discussions on this subject within the Sixth Committee in the coming days.

I thank you.