



PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS

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STATEMENT BY MRS RENA LEE,
DELEGATE TO THE 68th SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 86,
ON THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL
JURISDICTION,
SIXTH COMMITTEE,
17 OCTOBER 2013

[Please check against delivery]

1. Mr Chairman, Singapore associates itself with the statement made by the distinguished representative from the Islamic Republic of Iran on behalf of the Non-aligned Movement (NAM). Our delegation would also like to thank the Secretary General for his report on this agenda item, A/68/113.

2. At the outset, Mr Chairman, I wish to state that it is the understanding of this delegation that we are here discussing the principle of universal jurisdiction only in relation to the exercise of criminal jurisdiction. The principle of universal jurisdiction is an important one as perpetrators should be held accountable for the crimes they have committed. The application of universal jurisdiction can contribute to the global fight against impunity. At the same time, however, it is also important to understand what the principle is not.

3. The principle of universal jurisdiction is not and should not be the primary basis for the exercise of criminal jurisdiction by states. The primary basis

Another key basis for the exercise of criminal jurisdiction by states is the nationality principle. Taken together, the application of the principles of territoriality and nationality mean that the state in whose territory the crime has occurred, or the state of which the alleged perpetrator is a national are the states which have the main responsibility to exercise their criminal jurisdiction. In addition, there may be other states which also have links with the crime which has been committed, which links may also be an appropriate basis for the exercise of criminal jurisdiction. One example would be a state whose national is a victim of the crime. It is only when these states are unable or unwilling to take action that the application of universal jurisdiction can be considered. Universal jurisdiction is intended to complement the jurisdiction of these states, not supplant them. There are a number of reasons why this is so, not least because of the practical challenges of conducting a prosecution in a situation where evidence may be difficult to obtain and the attendance of witnesses difficult to secure.

4. Where the application of universal jurisdiction is being considered, the question is, in what circumstances would such application be considered appropriate? In our view, universal jurisdiction should only be applied in exceptional circumstances where the following three criteria are met.

5. First, the principle of universal jurisdiction cannot be applied to any and all crimes as determined by national jurisdictions. They should only be applied for

not doing so would allow the alleged perpetrator to continue to act with impunity, with the actions going unpunished. It should be borne in mind that the principle of universal jurisdiction is only one of several tools which may be utilised to fight impunity.

7. Third, it should be understood that universal jurisdiction cannot be exercised to the exclusion of other principles of international law, which continue to be applicable. These principles include the principle of immunity of state officials from foreign criminal jurisdiction. Another principle is that of state sovereignty and territorial integrity; the application of the principle of universal jurisdiction cannot be taken to justify the exercise of enforcement jurisdiction to the detriment of the sovereignty or territorial integrity of another state.

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