



Statement

by

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of

The principle of universal jurisdiction should not be exercised in another jurisdiction while the judicial mechanisms of a country are in the process of addressing an infraction. It is disturbing that in certain instances, judicial officers of countries investigating such cases have proceeded on a unilateral basis, and have ignored decisions of national courts. When a state chooses to exercise universal jurisdiction *in absentia*, it must also ensure that certain safeguards are in place to prevent the abuse of the principle.

The abuse of the principle of universal jurisdiction will ultimately result in weakening the principle itself as well as the principles applicable to inter-state relations. Perhaps the most damaging aspect of the application of the principle of universal jurisdiction is its encroachment on the sovereign equality of States enshrined in the UN Charter itself.

It is observed that several cases invoking the principle of universal jurisdiction in the past have deliberately targeted high officials. We welcome the fact that certain States have begun to recognize the need to prevent such abuses and have introduced constraints such as requiring the prior approval of senior state authorities before claims can be instituted. We are also concerned about targeting of diplomatic agents who enjoy full immunity in bilateral and multi-lateral fora in an attempt to test the scope of diplomatic privileges and immunities.

The practical application of the development of the principle of universal jurisdiction should be guided by international consensus. It is important that the framework for the application of the principle have substantial input from the widest possible sections of the international community. The 6th Committee should seek to clarify issues such as the difference between universal jurisdiction and the treaty-based obligation to extradite or prosecute. The Working Group on this matter should seek to delineate between these two related but distinct concepts.

Thank You, Mr. Chairman.