

PERMANENT MISSION OF THE REPUBLIC OF SIERRA LEONE TO THE UNITED NATIONS

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by

Deputy Permanent Representative

New York, 21st October 2021

- 1. The delegation of Sierra Leone aligns this statement to the statement delivered by the Distinguished Representative of the on behalf of the
- Sierra Leone, once again, thanks the Secretary-General of the United Nations. This time for his 11th Report on the agenda item The scope and application of the principle , in fulfillment of

paragraph 3 of General Assembly Resolution 75/142 adopted on 15 December 2020. Sierra Leone remains concerned that, after more than a decade of discussions, the present agenda item has not progressed substantially in the Sixth Committee. This despite the annual reports of the Secretary-General which, as in confirm an increasing State practice based on the universality principle.

3. On the important aspect of State practice, Sierra Leone did not make a further submission following our previous submission contained in document . We, however, note a member State in A/76/203 is reported as

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concerns a Sierra Leone national undergoing trial for the alleged crimes committed outside of Sierra Leone.

- 4. Although Serra Leone has cooperated with the court, in the form of a request for mutual legal assistance for witness depositions in Serra Leone, which we consented to despite the peculiar procedure adopted, my delegation deems it appropriate to make the following clarifications relating to our position on the application of universal jurisdiction: Serra Leone only embraces a form of universal jurisdiction for grave breaches of the 1949 Geneva Conventions and their 1977 Additional Protocols through the Geneva Conventions Act, of 3rd December 2012. The Act also provides for offences and penalties for other violations of the Geneva Conventions and their Additional Protocols.
- 5. In this vein, concerning grave breaches, the Act covers not only offences committed by citizens of Sierra Leone or criminal conduct carried out on our territory; it also extends

. Furthermore, section 2(5) of the Act permits our national courts to prosecute violations of international

6. , the consent to the request for mutual legal assistance for witness depositions in Sierra Leone was

Sierra Leone may provide without the necessary clarity and safeguards.

7. , the process leading to the exercise of universal jurisdiction over a national of Serra Leone has been less than satisfactory, and even as we remain committed to accountability for atrocity crimes. It is evident to us, more than ever, that there is need fo

will, therefore, reinforce our concrete submission to ensure both the Sixth Committee and the International Law Commission can work together to provide the much needed guidance on this important but often unclear legal principle in a manner that is consistent with the rules and principles of international law.

8. As prospects for substantial progress appear to get slimmer, as each year passes, we are of the view that incremental steps could be taken in carrying out substantive discussions on the legal and policy questions in the topic. There is need to instil new life in the annual debate and the working group open to all States. The working group remains an excellent idea, and although its previous chairs have confirmed over the years the level of participation for busy delegates is low, an informal intersessional element could be built into its work to 9. Serra Leone reiterates the view that we see great merit in separating the legal issues from the policy issues in order for the Sixth Committee to make more progress on this topic. It is for this reason that

encouraging the progressive development of international law and its codification. Sierra Leone, therefore, renews its call on the Commission to inscribe this topic to its current programme of work.

11. The alternative is a return to the status quo or a loss of interest in this topic in the Sixth Committee. In this vein, we have noted that the ILC proposal will not address policy issues that are the purview of States. The syllabus proposed to

which it can, through its work and engagement with the We welcome this approach. For it is faithful to both the independent

expert body role of the Commission and the competence of the Sixth Committee as delegates of StateeW*nBT/F9 15.96 Tf1 (understanding of the issues of interest to all delegations in relation to this topic. Based on the roadmap, we offered three practical suggestions for consideration by the Sixth