

Statement

by

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at

the 6th Committee of the 67th Session of the General Assembly of the

United Nations

On

Agenda Item 84

The scope and application of the principle of universal jurisdiction

17 October 2012

New York

Mr. Chairman,

My delegation appreciates the international efforts to rule out any hope of safe havens for those who have committed heinous international crimes.

The principle of universal jurisdiction is a twofold concept belonging, to both international law and municipal law, and tries to ensure that individuals and groups who commit grave offences do not do so with impunity and are brought to justice.

Ambiguity exists not only with regard to which crimes or what offences exactly constitute crimes under international law but also to whom universal jurisdiction may be applied. The question of when can a state invoke universal jurisdiction, and to what extent this reflects international customary law, and if so for which crimes, has been debated for years.

The different approaches pursued by different countries on its application and the range of its coverage have resulted in subjective considerations which may be undermining the common and united resolve to fight impunity.

There seems to be a consensus that there is no widely established state practice of universal jurisdiction yet. We believe that States exercising universal jurisdiction over persons suspected of any crime should take extra care since national legal systems apply different procedural and evidentiary rules.

In its actual implementation, the principle should be able to give respect for the principle of state sovereignty and primacy of actions by states regarding criminal prosecutions. The fact that this is often neglected poses a serious danger to the noble attempt to cultivate the dissemination of the appreciation of the rule of law and international law.

Mr. Chairman,

Under universal jurisdiction, international organs are customarily bound to take into account the immunities to which foreign state officials are entitled under international law while exercising representative functions on behalf of their respective governments. Consequently, the member states exercising universal jurisdiction are duty bound to refrain from prosecuting those officials entitled to such immunities.

Mr. Chairman,

The principle of universal jurisdiction is enshrined in the Criminal Code of Ethiopia as complementary jurisdictional instrument in the fight against impunity.

In practice, Ethiopia attaches significant value to this legal principle, and commits itself to its application with especial care not to abuse/disguise the principle.

My delegation supports the sixth committee to continue its substantive debate with a view to reaching in a consistent standard on the scope and application of the principle of universal jurisdiction.

Thank you