



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS

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Statement by Nigeria

delivered

by

**Ambassador Abel Ayoko,
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on

**THE SCOPE AND APPLICATION OF THE PRINCIPLE
OF UNIVERSAL JURISDICTION
(Sixth Committee)**

**At the Trusteeship Council Chamber,
United Nations Headquarters, New York**

11 October, 2016

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Mr. Chairman,

My delegation aligns itself with the African Group Statement delivered by the distinguished representative of South Africa.

2. Nigeria welcomes the report of the Secretary-General on this agenda item contained in document A/71/111, which was prepared on the basis of comments and observations of Governments, on the scope and application of universal jurisdiction, including, information on the relevant applicable international treaties and their national legal rules and judicial practices.

3. We have studied the comments by governments and international organizations on their general application and understanding of the subject. In particular, we like to align with the comment of the African Union by which it drew attention to the African Union Model National Law on Universal Jurisdiction over International Crimes, adopted in July 2012 at the Twenty-First Ordinary Session of the Executive Council of the Union.

Mr. Chairman,

4. The principle of Universal Jurisdiction has remained a controversial issue among UN Member States over the years. This among other reasons is because, under this principle, states are allowed to claim criminal jurisdiction over an accused person irrespective of where the alleged crime was committed and irrespective of the accused person's nationality or country of residence. This, as we all know, is underpinned by the worthy objective of ensuring that those who commit grave offences, such as war crimes and crimes against humanity, are ultimately brought to justice. Notwithstanding this, there are a number of issues that should be properly

addressed to make this principle practicable and widely acceptable to UN Member States.

5. As a country that believes in the rule of law, Nigeria recognizes the importance of this principle, which is crucial in the fight against impunity and to ensure that individuals who commit serious crimes of international concern, including genocide, crimes against humanity and war crimes, are held accountable. We appreciate that this is a cardinal principle of international law, which has arisen as a major strategy in the global crusade to prevent and repress violations of international humanitarian law and other international crimes. We believe that this principle compliments and strengthens the principles of rule of law at both the national and international levels, which we hold very dear.

Mr. Chairman,

6. Consistent with the foregoing, Nigeria has always supported efforts to ensure that anyone who commits such crimes does not go unpunished. They must be held accountable and brought to justice. Nonetheless, we believe that the principle should always be exercised in good faith and in accordance with other principles of international law, including the sovereign equality of states and immunity of state officials. On the specific subject of immunity, Nigeria believes that immunity of relevant officials should not be sacrificed on the altar of applying the principle of universal jurisdiction. We also hold firm to the view that the primary responsibility for investigating and prosecuting serious international crimes lies with the state possessing territorial jurisdiction, and that Universal Jurisdiction

provides a complementary mechanism to ensure that accused persons can only be held accountable where the State is unable or unwilling to exercise its jurisdiction.

7. Consequently, the principle of Universal Jurisdiction should, as much as possible, only be used as a last resort. It must not be used by States to prematurely or hastily assume jurisdiction over matters when there is a possibility of cooperating with the state where a crime was originally committed, especially through the mechanism of Extradition Agreements or Agreements on Mutual Legal Assistance.

Mr. Chairman

8. My delegation welcomes the idea of establishing a Working Group of the Sixth Committee during this session to continue to undertake an in-depth discussion on this agenda item. It is our hope that the Group would address hitherto identified gray areas with the aim of attaining a consensus on the subject. To attain this, the Working Group should extensively review and discuss the different views and shades of opinions on the nexus between the question of immunity and principle of Universal Jurisdiction, which has been one of the thorny issues on the subject of Universal Jurisdiction.

9. Furthermore, the Working Group should comprehensively address the concern of many Member States, including states in the African Union who albeit respect the principle but are concerned about the uncertainty of its scope and application. The Group should aim at defining the terminology or definition of Universal Jurisdiction, what it encompasses and how far it

extends. In this regard, the Group should explore the possibility of adopting measures that will put an end to the abuse and political manipulations of the principle and also work towards ensuring that the scope is clearly defined to avoid any abuse or manipulation in future. There is the need for this clarity to guide against its misapplication for settling political scores.

Mr. Chairman,

10. Nigeria encourages all Member States to engage actively in the discussions on this agenda item this Session, to identify the scope and limits of the application of this important principle. We also call on the International Law Commission to contribute to the discussion, considering the technical nature of the topic and the Commission's focus on related topics. We look forward to further elucidation and consensus-building that would not only strengthen the application of universal jurisdiction but will most importantly give legitimacy and credibility to its usage consistent with acceptable international law.

11. In conclusion, we like to reiterate our commitment to and our abiding faith in the principles of Universal Jurisdiction as an important tenet of international law, which is aimed at combating impunity, and a complementary mechanism to ensure accountability for the most serious crimes against humanity. However, we like to underline that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application in-line with international law.

I thank you.