



**Statement by the Delegation of Indonesia
at the Sixth Committee of the United Nations**

**Agenda item 85: The Scope and Application of
the Principle of Universal Jurisdiction
New York, 11 October 2017**

Mr. Chairman,

First of all, my delegation wishes to express its appreciation for the continuation of deliberation on this item on the Agenda of the Committee. We hope our discussions will contribute to promoting the rule of law, particularly in ending impunity and promoting justice, and that there will be substantive progress during the current session of the work of the committee.

My delegation also wishes to thank the Secretariat for the report contained in document A/72/112, reflecting observations of relevant legal rules of member states, applicable international treaties and judicial practices.

Before I continue, we would like to associate ourselves with the statement delivered by Iran on behalf of the Non-Aligned Movement.

Mr. Chairman,

Indonesia considers this agenda item to be very important, given a situation of a growing number of atrocities and humanitarian crises, as evident from the growing number refugees and displaced persons.

It is critical to close the legal gap to end impunity, protect the rights of victims and uphold justice.

My delegation calls for the scope and application of the principle of universal jurisdiction to be cautiously addressed. The absence of clarity and consensus as to the scope and application will lead to inappropriate, perhaps even abusive application of domestic law toward foreign nationals that would undermine fundamental principles of international law.

We attach considerable importance to the need to clarify all the conceptual ambiguities, identify the crimes falling under this jurisdiction, and explore conditions for its application.

Mr. Chairman,

Indonesia holds the view that universal jurisdiction is not the primary jurisdiction to fight the impunity. It shall only be exercised on exceptional basis, not substituting, but complementary to territoriality and nationality jurisdiction. It serves to close the legal gaps when no states are able or willing to exercise the jurisdiction.

Fighting impunity is urgent and imperative, but we need to be fully aware that this undertaking must also respect the principle of the sovereign equality, territorial integrity, the principle of good faith and in conformity with the principles and purposes of the Charter of the United Nations.

We are of the view that there must be international consensus on the scope and application of the universal jurisdiction, under the following consideration:

First, the absence of international consensus will lead to different applications in different states, and open the door for abusive applications which have no basis on customary international law and undermine other well established rules and principle of international law, such as immunity of State officials from foreign criminal jurisdiction.

Second, an international consensus will foster international cooperation in legal proceedings involving at least two different jurisdictions. To ensure due process of law and fair trials, states applying universal jurisdiction must be able to obtain evidence, testimonies, and other practical requirements located in other jurisdictions, or even to request the appearance of the alleged perpetrator. This can only be realized with the consent of the state where the crime takes place or the state of nationality of the alleged perpetrator.

Finally, Mr. Chairman, I would like to reiterate our commitment to engaging actively in this deliberation with a view to reaching common conceptual understanding of universal jurisdiction and ensuring its proper application. We fully support continuing the discussion of this item in the General Assembly.

Thank you.