



**PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS**

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**STATEMENT BY MS SERAPHINA FONG,
DELEGATE TO THE 72ND SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 85,
ON THE SCOPE AND APPLICATION OF THE
PRINCIPLE OF UNIVERSAL JURISDICTION,
SIXTH COMMITTEE,
10 OCTOBER 2017**

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1. Mr. Chairman, Singapore aligns itself with the statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM). We also thank the Secretary-General for his report on this agenda item, contained in document A/72/112.

2. The existence of the principle of universal jurisdiction is undisputed. The principle is based on a recognition that some crimes are so heinous and of such exceptional gravity that it gives every State a right to exercise its criminal jurisdiction to prosecute the perpetrators. There is a common interest and responsibility of the international community in combating these crimes. The existence of universal jurisdiction is thus consistent with the global commitment to combat impunity.

3. Mr Chairman, the scope and application of universal jurisdiction must not be

inconsistent with its conceptual underpinnings. In this regard, my delegation wishes to raise four points on the principle of universal jurisdiction, which we think should be borne in mind during our discussions in the Working Group on this topic.

4. First, the principle of universal jurisdiction is not and should not be the primary jurisdictional basis for the exercise of criminal jurisdiction by states. Universal jurisdiction is complementary to the other bases of jurisdiction recognized under international law, including the territoriality principle and nationality principle. The main responsibility for the exercise of criminal jurisdiction lies with the state in whose territory the crime has occurred, or the state of nationality of the alleged perpetrator. In this regard, universal jurisdiction should only be asserted in cases where no state is willing or able to exercise jurisdiction under the primary grounds of jurisdiction established under international law.

5. Second, the application of universal jurisdiction should be limited to the most heinous crimes. These are crimes which, by their inherent gravity, affect the international community as a whole, and which the international community has generally agreed is a crime for which the application of the principle of universal jurisdiction would be appropriate. Therefore, to determine if a crime is subject to universal jurisdiction, it is necessary to make a thorough and robust analysis of state practice and *opinio juris*. It is an abuse of the principle of universal jurisdiction to extend its application beyond crimes of exceptional gravity, in a manner unsupported by state practice and *opinio juris*.

6. Third, the principle of universal jurisdiction should not be conflated with other concepts of international law. Universal jurisdiction is discrete from the obligation to extradite or prosecute under treaties. A treaty can establish the obligation to extradite or prosecute for a crime, even if that crime is not one for which States may take universal jurisdiction. Moreover, universal jurisdiction is discrete from the jurisdiction of international tribunals established pursuant to an international treaty. The three concepts we have just described are founded on different objectives of law and policy. Thus the applicable rules and principles governing these concepts are also distinct. For these reasons, we hope that our discussions will avoid implicit conflation of the concepts of universal jurisdiction with the obligation to extradite or prosecute, or the jurisdiction of international tribunals.

7. Finally, my delegation wishes to emphasize that universal jurisdiction should not be exercised in isolation from other applicable principles of international law. These principles include the principle of immunity of state officials from foreign criminal jurisdiction and the principles of state sovereignty and territorial integrity. Universal jurisdiction must also be applied in a manner consistent with the principles of due process, transparency, rules of procedure and evidence, and international comity, amongst others.

8. We hope that these are useful points that will assist the discussions of the Working Group. We look forward to engaging with other delegations on this topic.

9. Thank you, Mr. Chairman.
