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Statement by

**The Delegation of Indonesia
at the Sixth Committee of the General Assembly**

on

Agenda item 87:

**“The scope and application of the principle of universal jurisdiction”
November 2020**

Mdm/Mr. Chairperson,

First, Indonesia would like to align itself with the statement delivered by the delegate of the Islamic Republic of Iran on behalf of the Non-Align Movement.

We also take note of the Secretary-General's report on ‘the scope and application of the principle of universal jurisdiction’, contained in document A/75/151.

My delegation continues to follow the discussion and development of this matter with great interest.

We believe that the deliberation on this agenda item is a valuable opportunity to exchange views/information on domestic legislation or approaches regarding the scope and application of the principle of universal jurisdiction in different States.

In general terms we are of the view that universal jurisdiction is a crucial notion in addressing certain and specific types of crimes. Nonetheless, we found that, based on the report, state practices show diverse approaches, definitions, and scope of this concept.

Thus, since the principle of universal jurisdiction is not uniformly applied, the application of the principle would not be easy at all.

Mdm/Mr. Chairperson,

In the national context, we would like to reiterate that Article 4 of Indonesia’s Penal Code stipulates that Indonesia’s criminal jurisdiction may be established towards crimes of, among others, piracy and hijacking regardless of the location of the crimes, and nationality of the perpetrators or victims.

In this regard, the conditionality towards universal jurisdiction arose from the idea that such crimes are generally heinous in nature, and as such, Indonesia, may try the perpetrators through the application of extraterritoriality principle.

Mdm/Mr. Chairperson,

Furthermore, Indonesia would also like to maintain that the application of universal jurisdiction depends on the cooperation with other States as we highlighted from year to year. Without cooperation on legal/criminal matters, no investigation and trial will take place.

In addition, we also wish to stress that the principle of universal jurisdiction is different from the obligation to prosecute or extradite, which in many instances has a more specific scope, as agreed in various agreements between states.

It is also important to note that the application of universal jurisdiction will have to be conducted in accordance with due process of law and be conducted as a last resort, therefore confined only to circumstances where a state that has jurisdiction is unable or unwilling to prosecute.

Finally, we would like to reaffirm that it is critical to have further consultations, recognizing the delicate and complex nature of the universal jurisdiction issue.

We therefore encourage Member States to conduct further deliberations within the Sixth Committee concerning this.

I thank you.

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