



**PERMANENT MISSION OF THE REPUBLIC OF
SIERRA LEONE TO THE UNITED NATIONS**

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STATEMENT

by

H.E. DR. MICHAEL IMRAN KANU
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at the 75th Session of the United Nations General Assembly

Agenda Item 78:
“The scope and application of the principle of universal jurisdiction”

New York, 3rd November 2020

Check Against Delivery

Mr. Chair,

The delegation of Sierra Leone aligns this statement to the statement delivered by the Distinguished Representative of South Africa on behalf of the African Group. Sierra Leone, once again, thanks the Secretary-General of the United Nations. This time for his Tenth Report on the agenda item “The scope and application of the principle of universal jurisdiction”, **A/75/151**, in fulfillment of paragraph 3 of General Assembly Resolution 74/192 adopted on 18 December 2019. Sierra Leone remains concerned that, after over a decade of discussions, the present agenda item has not progressed substantially in the Sixth Committee. This despite the annual reports of the Secretary-General which, as in this year’s report, confirm an increasing State practice based on the universality principle.

The prospects for substantial progress appear to get slimmer, as each year passes, as we are not carrying out substantive discussions of the legal issues in the topic. This despite the annual debate and the annual establishment of a working group open to all States. The working group seems to be an excellent idea, but as its previous chairs have confirmed over the years, the level of participation for busy delegates is low. That makes substantive discussions of the many areas of agreement on the principle harder to accomplish. The lack of progress seems implicitly recognised by our Bureaus and the Secretariat as less and less hours are allocated to this agenda item each year. This year adds a special challenge for our work, due to the COVID-19 pandemic.

Mr. Chair,

In order for us to make more progress on this topic, Sierra Leone sees great merit in separating the legal issues from the policy issues. It is for this reason that we have welcomed the interest the International Law Commission has shown in assisting the Sixth Committee with the technical legal aspects when it added, during its 70th session, an identical topic entitled “Universal Criminal Jurisdiction” on to its Long-Term Programme of Work. Like many other delegations, which since 2010 have either expressed a preference that we refer the issue to the Commission *or* called on it to address the topic under its own mandate, Sierra Leone remains convinced that the Sixth Committee can benefit from a comprehensive study of the legal issues by the independent experts in the Commission. They simply have more time to dedicate to this challenging topic.

Mr. Chair,

My delegation has previously explained our belief that, as an added bonus on this topic, we also have an unusual opportunity to strengthen the symbiotic relationship between the Commission and the Sixth Committee. Both bodies work, albeit from two different vantage points, towards the same goal of helping the General Assembly discharge its responsibility under Article 13(1)(a) of the *Charter of the United Nations* to initiate studies and make recommendations for the purpose of promoting international cooperation in the political field and encouraging the progressive development of international law and its codification. And, considering the extent of State support for an ILC study on the present topic and the recent conclusion of the topic crimes against humanity and upcoming conclusion of up to four *additional* topics on the programme of work in the next two years, Sierra Leone renews its call on the Commission to inscribe this topic to its current programme of work as soon as possible.

The alternative is a return to the status quo or a loss of interest in this topic in the Sixth Committee. In this vein, we have noted that the ILC proposal will not address policy issues that are the purview of States. The syllabus proposed to “concentrate on a more limited set of legal concerns on which it can, through its work and engagement with the Sixth Committee, provide further guidance.” We welcome this approach. For it is faithful to both the independent expert body role of the Commission and the competence of the Sixth Committee as delegates of States. It is also consistent, as we have stressed in the past, with the letter and spirit of Resolution A/74/192, last adopted on 18 December 2019, in which the General Assembly decided, at paragraph 2, that consideration of the scope of universal jurisdiction shall continue in the Sixth Committee “without prejudice to the consideration of this topic and related issues in other forums of the United Nations.”

Mr. Chair,

Sierra Leone seeks a pragmatic way forward. We have thus carefully studied the informal working paper and annex prepared by the previous chairs of the working group on this topic, otherwise known as the road map. While not binding, it does represent a shared understanding of the issues of interest to all delegations in relation to this topic. Based on the roadmap, we offer three practical suggestions for consideration.

First, we call on the Sixth Committee to agree to take up at least one policy question regarding the topic in the context of our working group this year. For

example, Sierra Leone considers that it might be useful for delegations to discuss under item 1 of the road annex to the map what *should be* the role and purpose of universal jurisdiction. A coordinator, for each region, could assist the chair of the working group to compile views on that question within his or her regional group. We could then use the answers to that question, which would be without prejudice, as the bases for further discussions.

Second, Sierra Leone finds quite helpful the detailed reports and materials collected by the Secretary-General on State practice on universal jurisdiction. In this regard, we propose that the Sixth Committee specifically mandate the Secretary-General to carry out a thorough study of those materials and a review of the whole debate on this topic in the General Assembly over the past ten years. The purpose would be a stocktaking exercise, in light of the issues flagged in the road map and its annex, both to identify a) the specific topics on which there was broad agreement and the b) specific issues where there were gaps in agreement. The Secretary-General could also identify the general trends in the debate, without reaching firm conclusions.

Third, Sierra Leone believes that it might be useful for delegations and the Sixth Committee if the Commission, whether in the context of an ad hoc working group established for that purpose or through another means of its own choosing, provide a report that could assist in guiding next year's discussions in the Sixth Committee by addressing the following question stated in the informal paper: "what is meant by the concept of universal jurisdiction, what it includes and what it does not include. Is it considered to be a principle under international law?" The ILC response could help to focus the substantive discussions in our plenary debate and in the working group without, of course, prejudging the outcome that is a matter for States.

Mr. Chair,

Our hope is that these three specific suggestions might help build confidence, among delegations, and encourage more substantive discussions. Perhaps the incremental steps might even offer a potentially useful model for a more dynamic interaction with the Commission, while at all times, respecting each of our respective spheres of competence. We look forward to a discussion of these suggestions during the informal consultations.

I thank you.