



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 22 OCTOBER 2021

GENERAL ASSEMBLY, SIXTH COMMITTEE

STATEMENT BY MR. SINA ALAVI, LEGAL ADVISER

THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

Madam Chair

Liechtenstein is encouraged by the accomplishments of national judiciaries in bringing to justice those responsible for atrocities by invoking universal jurisdiction. Most notably, the recent Koblenz trials in Germany, which led to a judgment against a Syrian national in Germany that was involved in crimes against humanity in Syria, are a sign of progress. Nevertheless, significant impunity gaps remain with regard to the fight against impunity for the most serious international crimes. Therefore, our discussion on the principle of universal jurisdiction should aim at our common goal of ending impunity for the most serious crimes of international concern.

Madam Chair

An increasing number of States acknowledge the principle of universal jurisdiction as an effective tool in the fight against impunity. Universal jurisdiction is indeed a key tool in our collective effort to ensure accountability for the worst crimes – including in particular genocide, war crimes and crimes against humanity. Undoubtedly, national judicial authorities carry the primary responsibility to prosecute perpetrators of the most serious international crimes, primarily on the basis of territoriality. Other widely accepted jurisdictional links include the nationality of the perpetrator and the nationality of the victims. If the States, on whose territory the crimes were committed, are unwilling or unable to hold the perpetrators

accountable, other States should fill the gap on the basis of universal jurisdiction. Liechtenstein believes that the scope of universal jurisdiction is sufficiently clear from existing treaty law and customary international law. Liechtenstein has ratified all relevant applicable international treaties both at the European and the International levels, while there have been no cases of application of universal jurisdiction so far.

Madam Chair

Universal jurisdiction is however a critical component of the international criminal justice system, in that it helps fill the gap regarding the large number of perpetrators operating beyond the jurisdiction of the ICC in particular. In cases of glaring impunity gaps, the Security Council should provide the ICC with jurisdiction by referring situations to it. But more often than not this does not happen and we, unfortunately, do not expect the political dynamic in the Security Council to change in the near future. Alternatives, such as the application of universal jurisdiction in national proceedings become all the more important. And, UN-mandated evidence-gathering Mechanisms such as the International, Impartial and Independent Mechanism (IIIM) for Syria are critical – especially in tandem with the application universal jurisdiction by national judiciaries.

Liechtenstein would like to see more progress with regard to universal jurisdiction. In particular, once on the program of work of the ILC, the Commission could assist States by formulating guidelines or drawing conclusions clarifying the nature, scope, limits and procedural safeguards that guide the proper application of universal jurisdiction.

I thank you.