

**Statement by Mr. Bahram Heidari, Representative of the Islamic Republic of Iran
On behalf of the Non-Aligned Movement
Before the Sixth Committee
78th Session of the United Nations General Assembly
On Agenda Item 84:
“The Scope and Application of the Principle of Universal Jurisdiction”
New York, 12 October 2023**

I have the honour to deliver this statement on behalf of the Non-Aligned Movement.

While the Non-Aligned Movement continues to diligently follow agenda item 84 entitled “The scope and application of the principle of universal jurisdiction”, the Movement also reiterates its call upon all States to seize this opportunity to consider its various aspects in order to identify its scope and limits of application as well as prevent any inappropriate resort to it.

Moreover, the Movement takes note of the Secretary-General's report contained in document A/78/130 prepared pursuant to General Assembly Resolution 77/111 on the basis of information and observations received from Governments and relevant observers.

The Non-Aligned Movement firmly believes that the principles enshrined in the Charter of the United Nations, particularly the sovereign equality of States as well as their political independence and non-interference in the internal affairs of other States, should be strictly observed during any judicial proceedings, including the exercise of universal jurisdiction.

In this regard, the involvement of incumbent high-ranking officials should be addressed in conformity with international law. By invoking universal jurisdiction, the exercise of criminal jurisdiction by national courts over high-ranking officials who enjoy immunity under international law violates one of the most fundamental principles of international law, namely, the sovereignty of States.

The Movement therefore submits that the immunity of the States' officials, which is deeply rooted in the Charter of the United Nations and firmly established in international law, should be fully respected.

In this regard, it is important for the Sixth Committee to be cognizant of the context in which this item was included in the agenda of the Sixth Committee. As you may recall, the African Group requested the inclusion of this agenda item in the Sixth Committee to address the issue of the uncertain scope and application of this principle as well as its abuse in February 2009.

Although universal jurisdiction provides a tool for the prosecution of the perpetrators of certain serious crimes under international treaties, there are questions and controversies concerning universal jurisdiction, including understanding the range of crimes that fall under this jurisdiction as well as the conditions for its application. Furthermore, the Non-Aligned Movement is alarmed regarding the implications of the application of universal jurisdiction on the immunity of States officials and, consequently, on the sovereignty of the States concerned. The invocation of universal jurisdiction against some Member Countries of the Non-Aligned Movement in violation of the principle of immunity of State officials before the courts of other States has generated significant concerns over its legal and political implications.

Further clarification is also needed in order to prevent any misapplication or improper utilization of universal jurisdiction. The decisions and judgments of the International Court of Justice and the work of the International Law Commission are among the sources which might be useful in our discussions in the Sixth Committee. The Non-Aligned Movement cautions against the unwarranted expansion of the crimes under universal jurisdiction.

The Non-Aligned Movement's Members will actively engage in the deliberations on this agenda item, including within the Working Group established in accordance with paragraph 2 of General Assembly Resolution 77/111. As such, we encourage all Member States of the United Nations to ardently participate in these discussions as well in order to identify the scope and limits of the application of universal jurisdiction as well as to consider establishing a mechanism to monitor such application and prevent its abuse in the future.

With respect to the discussions in the Working Group, the Movement reiterates that universal jurisdiction shall not replace other jurisdictional bases, namely territoriality and nationality, and only assert it among the most serious crimes. Expansion of the principle to include anything less than the most heinous crimes could risk calling into question its very legitimacy. Moreover, it cannot be exercised in isolation or to the exclusion of other relevant rules and principles of international law, including not only state sovereignty and the territorial integrity of states but also the immunity of state officials from foreign criminal jurisdiction.

The Member Countries of the Movement remain open to sharing information and practices with other Member States in this regard. We are also of the view that it is premature at this stage of discussion to request the International Law Commission to undertake a study on the different aspects of universal jurisdiction.

We look forward to reaching our common goal of mutual respect, which includes maintaining rule of law around the globe as well as the proper application of universal jurisdiction without its abuse, while reiterating that the legitimacy and credibility of the use of universal jurisdiction would be ensured by its responsible and judicious application consistent with international law.

I thank you.