

Universal jurisdiction is a jurisdiction based solely on the nature of the crime. It must be appreciated that National courts can exercise universal jurisdiction to prosecute and punish, and thereby deter, heinous acts recognized as serious crimes under international law. When national courts exercise universal jurisdiction appropriately, in accordance with internationally recognized standards of due process, they act to vindicate not merely their own interests and values but the basic interests and values common to the international community. Universal jurisdiction holds out the promise of greater justice, but the jurisprudence of universal jurisdiction is disparate, disjointed, and poorly understood. So long as that is so, this weapon against impunity is potentially beset by incoherence, confusion, and, at times, **uneven justice**.

Mr. Chairman international crimes, which we sometimes are called core crimes, are crimes such as war crimes, crimes against humanity, genocide, and aggression naked aggression as we presently witness, we now see the crime of torture being added to the list we have also seen controversial matters from Terrorism, to Crimes against the environment and corruption being similarly classified. It must, however, be appreciated that criminalization of these offenses is not merely about which of these specific acts warrant the status of international crimes, we must realize that it also involves what treating them as international crimes would entail. What are the defining features what is it that warrants a special treatment of these offenses, what is the international component that we need to have, is it some

sort of transnational crime. We need to distinguish these features and appreciate the distinction.

International criminal tribunals also have a vital role to play in combating impunity as a complement to national courts. In the wake of mass atrocities and of oppressive rule, national judicial systems have often been unable or unwilling to prosecute serious crimes under international law, this is ostensibly why international criminal tribunals have been established. Treaties entered into in the aftermath of World War II have strengthened international institutions, and have given greater clarity and force to international criminal law. A signal achievement of this long historic process occurred at a United Nations Conference in July 1998 when the Rome Statute of the International Criminal Court was adopted. When this permanent court becomes effective, the international community will acquire an unprecedented opportunity to hold accountable some of those accused of serious crimes under international law. The jurisdiction of the International Criminal Court will, however, be available only if justice cannot be done at the national level. The primary burden of prosecuting the alleged perpetrators of these crimes will continue to reside with national legal systems.

Enhancing the proper exercise of universal jurisdiction by national courts will help close the gap in law enforcement that has favored perpetrators of serious crimes under international law. Crafting

clearer and sounder principles to guide the exercise of universal jurisdiction by national courts should help to punish, and thereby to deter and prevent, the commission of these heinous crimes. Nevertheless, the aim of sound principles cannot be simply to facilitate the speediest exercise of criminal jurisdiction, always and everywhere, and irrespective of circumstances. We must be guarded against improper exercises of criminal jurisdiction, including universal jurisdiction, as it may be used merely to harass political opponents, or for aims extraneous to criminal justice as in politics and misuse of law. What is needed are principles to guide, as well as to give greater coherence and legitimacy to, the exercise of universal jurisdiction. These principles should promote greater accountability for perpetrators of serious crimes under international law, in ways consistent with a prudent concern for the abuse of power and a reasonable solicitude for the quest for peace.

We must take cognizance, as some academics say that it is a peremptory norm that must be given primacy of place whilst other academics think it does not have jus cogens status. We have to concede that perpetrators deserving of prosecution have only rarely been held accountable. It is observed that the (the term envisages) preamble presents a broad reflection of contemporary international criminal law, as (envisaged in)similar to the preamble to the Rome Statute which is mindful that all people are united by common bonds. we must, however, appreciate that this approach has many shortcomings particularly that the idea of a one size fits all distinction between international and domestic

offenses gets very complicated. This is one area I believe that needs to be carefully considered. (Thank you.)

We must stand firm on the footing that to stop this cycle of violence and to promote justice, impunity for the commission of serious crimes must yield to accountability. We know that that is easier said than done. But how can this be done, and what will be the respective roles of national courts and international tribunals is another aspect that we need to give our mind to.

International law describes an international crime as an act that international law deems universally Criminal. The international law requirement is what distinguishes an international crime from a domestic crime although some acts that qualify as domestic crimes are universally Criminal they are universality is not derived from international law but from the fact that every state in the world has independently, decided to criminalize them.