



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of the
Republic of the Union of Myanmar to United Nations
agenda Item 84: The Scope and Application of the Principle of Universal Jurisdiction
at the Sixth Committee of the Seventy-Eighth session of UN General Assembly
(New York, 16 October 2023)**

Mr. Chair,

At the outset, I wish to thank the Secretary-General for his comprehensive report on this agenda item.

Mr. Chair,

States have primary responsibility for the prevention and punishment of serious international crimes including genocide, ethnic cleansing, crimes against humanity and war crimes. First and foremost, perpetrators of these atrocity crimes must be held accountable through the credible national judicial systems based on the rule of law and justice.

The international community and the United Nations can and should play an important role in promoting the rule of law and strengthening justice systems at the national levels especially in conflict situations.

We are of the view that universal jurisdiction is not a principle that is intended to replace criminal justice system of states. Instead, it is a complementary tool of international criminal justice system.

The application of the principle of universal jurisdiction is an important, sometimes necessary, to be exercised particularly when states are unable or unwilling to conduct credible prosecutions for serious crimes and hold the perpetrators accountable, or when the

domestic rule of law has been destroyed and widespread impunity is not addressed by the competent international bodies like the UN Security Council. In such situations, the principle of universal jurisdiction can be an appropriate mechanism to promote criminal accountability and bring justice for victims of grave crimes.

Mr. Chair,

My delegation shares concerns regarding the potential abuse of this principle and its legal and political implications on the international law and the conduct of international relations. The important issue is to determine what the scope of the principle of universal jurisdiction is and how it can be applied to effectively complement combating impunity while abiding by the international law including the UN Charter.

In this regard, we urge the continued deliberation of this topic within the Committee. We would welcome it if the International Law Commission moves the topic from its long-term programme to its current one.

Mr. Chair, Distinguished delegates,

Based on our nation's own continued experience, my delegation said so to strongly support the application of the principles of universal jurisdiction.

We believe that in the absence of timely and decisive action from the UN Security Council and the ICC to save lives of innocent civilians, the application of the principle of universal jurisdiction at the international level will not only complement the work of the UN Security Council and the ICC but also encourage further strengthening effectiveness and timeliness of the UN Security Council's action on the matters related to ending impunity and bringing perpetrators accountable.

You may recall my intervention about the situation of my country Myanmar under the agenda of the crimes against humanity.

Since the military coup in 2021, the illegal military junta has been conducting a campaign of brutal violence against the civilian population of Myanmar across the country.

The military and security forces, unable to contain the growing resistance, use three specific tactics in a widespread and systematic manner: indiscriminate airstrikes against the civilian populations, repeated massacres, intentional wholesale burning of residential homes and properties.

So far, the military junta forces have murdered over 4,100 civilians since the coup. About 1.7 million people have been driven out of their homes by the military indiscriminate attacks on the civilian population. The total number of IDPs is now nearly 2 million. More than 75,000 homes burnt down or destroyed. Multiple massacres have been committed by the military forces across the country. The latest inhumane massacre was just four days ago. The military pursued aerial attacks on Munglai Hkyet IDP camp in Laiza, Kachin State, killing 30 civilians including 13 children and injuring many more.

The evidence of serious international crimes being committed in Myanmar is being collected and preserved by the United Nations Independent Investigative Mechanism for Myanmar (IIMM). We hope the case files and evidence packages prepared by the Mechanism will be made available not only to the current international judicial proceedings, but also to future national and international accountability efforts including universal jurisdiction applications.

We acknowledge that in Myanmar there is no environment for credible investigations into the allegations of serious international crimes under the illegal military junta, which itself has destroyed the rule of law and been mounting brutality against the people of Myanmar. Subsequently, military impunity is widespread.

The Security Council has not addressed the issue effectively and seriously despite the overwhelming evidence and repeated calls from the people of Myanmar. Until the people of Myanmar restores democracy and establishes the rule of law and justice under the Federal Democratic governance, ongoing universal jurisdiction cases regarding the military junta's atrocities should have our support and the victims' voices should be heard.

We support any good-faith exercise of universal jurisdiction to hold the military junta accountable for their past and ongoing atrocities.

At the same time, I wish to again urge the UN in particular the UN Security Council to address the issue of Myanmar effectively and take decisive action timely to save lives of innocent civilians and not to fail Myanmar.

I thank you.
