

Statement

by

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at

the Sixth Committee

On

Agenda Item 86

The Scope and Application of the Principle of Universal Jurisdiction

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Mr. Chairman

Allow me, at the outset, to associate my delegation with the statements made by the representative of Egypt on behalf of the African Group and the representative of Iran on behalf of the Non Aligned Movement. My delegation welcomes the report of the Secretary General Report as contained in document A/68/113.

Ethiopia has always been committed to ensure that individuals who commit grave offenses against the international community as a whole are brought to justice through the rigorous application of the principle of universal jurisdiction. Our strong belief that member states of the United Nations should not serve as safe havens for those who have committed heinous international crimes, in fact, emanates from this principled position. This is why the principle of universal jurisdiction is clearly stipulated in the Criminal Code of Ethiopia, as complementary jurisdictional instrument in the fight against impunity.

Mr. Chairman

My delegation strongly believes that the exercise of the principle of universal jurisdiction shall be in accordance with universally recognized rules of international law and firmly supports the notion that the primary responsibility of prosecuting and serving justice rests with the member state where the crime has been committed. Moreover, in our view, the principle should only be invoked as a complimentary jurisdiction for serious crimes based on their effect on the entire humanity; and provided that these acts are condemned by the global community as heinous crimes compromising our common values and interests.

However, the absence of generally accepted definition of the concept and lack of consensus on the offences that are subject of the jurisdiction made it difficult to strike the appropriate balance between bringing perpetrators to justice on the one hand and limiting the scope and the application of the principle on the other. The different approaches on its application and the range of its coverage have resulted in subjective considerations which, unfortunately, are undermining the common resolve to fight impunity.

Mr. Chairman

The various decisions of the Assembly of Heads of States and Governments of the African Union on the abuse of the principle of universal jurisdiction are the case in points. Indeed these decisions clearly reflect the concern by the Heads of States and Governments of member states of the African Union over the prosecutions instituted and the arrest warrants issued by certain foreign courts against sitting African Heads of States or Governments or other high ranking officials in violation of the immunity granted to them under international law.

We believe, therefore, that the scope and application of the principle of universal jurisdiction should give respect for the principle of state sovereignty and primacy of actions by states regarding criminal prosecutions. Its application should also take into account the immunities to which foreign state officials are entitled under international law while exercising representative functions on behalf of their respective governments. In this context, we believe that the General Assembly should urge member states, while exercising universal jurisdiction, to refrain from misapplication of the principle and prosecute African state officials. For this reason, we believe that it is imperative for the General Assembly to adopt a resolution that limits the scope and application of the principle.

Mr. Chairman

In closing, my delegation, while emphasizing the importance of regulating the scope and application of the principle of universal jurisdiction, strongly believes that clear and unambiguous position must be taken to avoid its arbitrary application. As we continue to address this challenge, we also believe that the Sixth Committee should continue its substantive debate on the matter with the aim of exploring the possibility of developing a consistent standard on the scope and application of the principle of universal jurisdiction acceptable to all member states.

Thank you!

