



**PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS**

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**STATEMENT BY MR LUKE TANG,
DELEGATE TO THE 69TH SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 83,
ON THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL
JURISDICTION,
SIXTH COMMITTEE,
15 OCTOBER 2014**

[Please check against delivery]

1. Mr Chairman, Singapore associates itself with the statement made by the distinguished representative from the Islamic Republic of Iran on behalf of the Non-aligned Movement (NAM). Our delegation would also like to thank the Secretary-General for his report on this agenda item, A/69/174.

2. The existence and utility of universal jurisdiction as one of the bases of criminal jurisdiction are undeniable. It serves mainly as a complement to the other bases of jurisdiction, the primary ones being territoriality and nationality. The challenge however, that lies before us, is defining its scope and its application. Based on the written comments submitted by member States as well as the discussions thus far in the Working Group during the 68th Session, there appears to be a divergence in views among member States on this issue. Whilst our delegation is keenly aware of the importance of resolving the differences in views, we are equally mindful of the sensitivity and complexity of the issues involved. As such, our delegation favors a step-by-step approach, starting with the identification of key areas where there is or is likely to be general consensus, upon which further

discussion can be grounded.

3. In this regard, our delegation wishes to highlight three key areas where general consensus may be found. First, the principle of universal jurisdiction cannot be applied to any and all crimes. It is widely accepted that the principle of universal jurisdiction should only be applied for particularly heinous crimes that are of interest, or which affect the international community as a whole, and which the international community has generally agreed is a crime for which the application of the principle of universal jurisdiction would be appropriate. The question then is what crimes would fall under the scope of universal jurisdiction. In this regard, we appreciate the efforts of the Chairman of the Working Group on this agenda item in compiling a preliminary list of crimes, which would undoubtedly serve as a useful starting point for discussions in the Working Group.

4. Second, on the question of application, it is widely accepted that the principle of universal jurisdiction should not be the primary basis for the exercise of criminal jurisdiction by States. It is only when no State is able or willing to exercise the primary bases of jurisdiction, such as those based on territoriality or nationality, that the application of universal jurisdiction should be considered in order to fill these gaps. This graduated and measured approach affirms the supplementary nature of the principle of universal jurisdiction, and would also serve to reduce the potential for its abuse, whilst continuing to ensure that the most heinous crimes do not go unpunished.

5. Third, it is also widely accepted that the principle of universal jurisdiction cannot be applied in isolation, but together with other applicable principles of international law. These principles include the principle of immunity of state officials from foreign criminal jurisdiction. Another principle is that of

state sovereignty and territorial integrity. In this regard, the principle of universal jurisdiction should always be exercised in good faith and cannot be taken to justify the exercise of enforcement jurisdiction to the detriment of the sovereignty or territorial integrity of another State. In other words, whilst States might rely on the principle of universal jurisdiction to prescribe certain conduct as crimes under their laws, the primary jurisdiction to enforce remains firmly the prerogative of the State which has jurisdiction based on the principles of territoriality or nationality.

6. In conclusion, Mr Chairman, our delegation remains optimistic that the general consensus on the key areas highlighted above will serve as a stable platform upon which member States can work together towards a substantive and productive outcome. Our delegation looks forward to the forthcoming discussions of the Working Group on this agenda item with great interest.

7. I thank you, Mr Chairman.