



Statement by

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Permanent Representative of the Democratic Socialist Republic of Sri Lanka to the UN

Sixth Committee, 69th Session of the United Nations General Assembly, Agenda Item 83:

**The Scope and Application of the Principle of
Universal Jurisdiction**

16th October, 2014

Mr. Chairman,

My delegation aligns itself with the statement made by Iran on behalf of the Non-Aligned Movement.

The principle of universal jurisdiction is a significant development in law. From its early beginnings, primarily as a means for maritime States to assert jurisdiction over piracy, a gradual development has seen the expansion of the content of universal jurisdiction to encompass other egregious acts such as war crimes, genocide and torture. The expansion of the principle of universal jurisdiction, with unavoidable implications for a range of other concepts, such as the sovereign equality of states, the immunity of state officials for official acts, and when and who is entitled to exercise such jurisdiction, still continues to be debated.

Mr. Chairman,

Some jurisdictions have been more willing to apply this concept than others. The invocation of this principle selectively in certain cases and not others has given rise to concern. It is difficult to not note the overwhelming number of individuals from developing countries who have been the subject of judicial proceedings for acts allegedly committed in their own countries. The suggestion has been made that the principle has become a political tool clothed in a legal veneer to advance narrow political interests. The expansion of the principle of universal jurisdiction may infringe upon established principles of diplomatic privileges and immunities. Much more clarification of the scope of the principle is still needed to avoid misapplication and abuse.

Mr. Chairman,

The principle of universal jurisdiction should not be exercised by another country while the judicial mechanisms of the country where the alleged infractions occurred are in process. It is unfortunate that in certain instances, judicial mechanism of other countries have been activated against individuals on a unilateral basis, ignoring the proceedings of national courts. When the authorities of a state choose to exercise universal jurisdiction, *in absentia*, it must also ensure that certain safeguards are in place to ensure justice and the non-abuse of the principle.

Mr. Chairman,

A clear delineation of both the scope and application of the principle of universal jurisdiction is still to be achieved. Such an initiative should primarily emphasize its conformity with existing principles of international law and the UN Charter. It is a fundamental prerequisite that domestic legal remedies be given priority. A consensus-based framework, which encapsulates the principle's scope and possible applications, would only serve to strengthen and reinforce the legitimacy of the principle itself.

Mr. Chairman,

There are still too many uncertainties. A firm legal basis must be established regarding the application of the principles of universal jurisdiction. As we develop the principle further, we must seek inputs from the widest spectrum of the international community. We look forward to the outcome of the working group of the 6th committee on the scope and application of the principle of universal jurisdiction. We hope that the working group can make a valuable contribution to the advancement of the discussion on this subject.

I Thank You.