



**PERMANENT MISSION OF SINGAPORE
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**STATEMENT BY MS DANIELLE YEOW PING LIN,
DELEGATE TO THE 70TH SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 86,
ON THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION,
SIXTH COMMITTEE,
20 OCTOBER 2015**

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Mr Chairman,

Our delegation align ourselves with the statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM). We also thank the Secretary-General for his report on this agenda item, contained in document A/70/125.

2. We acknowledge the substantial progress the Working Group has made on this complex and sensitive issue since its establishment. We take this opportunity to share our perspectives in the hope that it will contribute to a graduated approach that allows commonalities to be identified and built upon.

3. First, the objective - The foundational rationale of universal jurisdiction is the idea that certain crimes were of such exceptional gravity that rendered their suppression a joint concern of the international community and consequently gave every State a right to exercise its jurisdiction to prosecute the perpetrators. These are

particularly heinous, abhorrent crimes that affect the international community as a whole, and which the international community as a whole has generally agreed is a crime for which the application of the principle of universal jurisdiction would be appropriate. The assessment whether a specific crime is subject to universal jurisdiction should be measured against this criteria.

4. While the principle is not disputed, the appreciation and application of it varies among States. This can be seen from the range of crimes that States consider to fall under the scope of universal jurisdiction, as set out in the annual Reports of the Secretary-General on this agenda item since 2010. We also recall the engaging discussion on the preliminary list of crimes compiled by the Chair of the Working Group during the 69th Session and suggestions that instead of having a list of specific crimes, general references alluding to the obligations arising under customary international law and treaty law could be developed. Taking this further, it may be useful to consider whether and what underlying approaches can be identified.

5. Whether a crime attracts universal jurisdiction is not a question of preference, or priorities specific to a single or group of States, or a particular region, but to be assessed against the foundational rationale of universal jurisdiction, accompanied by a robust analysis of state practice and *opinio juris*. Given that, careful and robust deliberations are needed when identifying the crimes which attract universal jurisdiction.

6. Mr Chairman, in our deliberations, we should also keep in mind the principled distinction between the jurisdiction of national courts over crimes which the international community as a whole has generally agreed is a crime for which the application of the principle of universal jurisdiction would be appropriate, the jurisdiction of international tribunals over treaty crimes, as well as the obligation to

extradite or prosecute as required by specific international treaties.

7. Second, the application - The principle of universal jurisdiction is one of several tools that may be utilized to fight impunity and to maintain international peace and security. It is not and should not be the primary basis for the exercise of criminal jurisdiction by States. It thus complements and not supplants the primary jurisdictional basis of territoriality or nationality, whether active or passive. It is only in situations where no State is able or willing to exercise the primary basis of jurisdiction, that universal jurisdiction should be applied to prevent the alleged perpetrator from continuing to act with impunity. This serves to reduce the potential for abuse, while ensuring that the perpetrators of the most heinous crimes are held accountable.

8. Third, other applicable principles - At the same time, universal jurisdiction exists within an international legal order and cannot be exercised in isolation or to the exclusion of other applicable principles of international laws, such as the principle of immunity of state officials from foreign criminal jurisdiction, state sovereignty and territorial integrity. There also remain fruitful ground for continued dialogue on the interaction with other elements such as good faith, impartiality, judiciousness, transparency, due process, prosecutorial discretion and international comity, to name a few.

9. To conclude, the legitimacy and credibility of the principle of universal jurisdiction hinges on its principled application as a complementary basis of jurisdiction, one that is exercised in a non-arbitrary, non-selective manner and is not overly expansive in scope and application. To do otherwise would undermine the very utility and legitimacy of this principle.

10. We hope that these perspectives provide useful signposts in our deliberations

and look forward to the discussions of the Working Group on this agenda item.

11. Thank you, Mr Chairman.

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