



STATEMENT

by

**AMBASSADOR HUSSEIN ABDULLAHI,
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on

**THE SCOPE AND APPLICATION OF THE PRINCIPLE
OF UNIVERSAL JURISDICTION
(Sixth Committee)**

**At the Trusteeship Council Chamber,
United Nations Headquarters, New York**

15.00 HOURS, 10 OCTOBER 2017

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Mr. Chairman,

My delegation aligns itself with the Statement delivered on behalf of the African Group by the distinguished representative of Algeria.

2. Nigeria is grateful to the Secretary-General for his Report tabled for our consideration on this agenda item. We have studied the various comments on the subject and on the general application of the principle of universal jurisdiction. Nigeria aligns itself with the position of many of the Member States that individuals who commit heinous crimes capable of threatening the peace and security as well as the well-being of the world must not go unpunished.

Mr. Chairman,

3. Nigeria appreciates that this is a cardinal principle of international law, which has arisen as a major strategy in the global efforts to prevent and repress violations of international humanitarian law and other international crimes. In addition, we recognize the importance of this principle in the fight against impunity and to ensure that the perpetrators of heinous crimes are held accountable. We also believe that this doctrine complements and strengthens the principles of the rule of law at both the national and international levels. For this reason, Nigeria supports the punishment of anyone who commits heinous crimes against humanity.

4. However, while the principle is meant to ensure that alleged perpetrators do not go unpunished, as you are aware, over the years, the principle has provoked continuous controversies among UN Member States.

This is because, any state can unilaterally apply the principle over an accused person regardless of where the alleged crime was committed and irrespective of the nationality of the accused. Against this backdrop, Nigeria holds to its conviction that the doctrine should be exercised in good faith and in line with other principles of international law, including the sovereignty of states and immunity of state officials.

Mr. Chairman,

5. In this connection, Nigeria is of the very strong view that relevant officials must be immune against the doctrine of universal jurisdiction. We are also firmly committed to our view that the primary responsibility for investigating and prosecuting serious crimes lies with the state possessing territorial jurisdiction. In this regard, the principle should be a complementary mechanism to ensure that the accused persons can only be held accountable where the state is unable or unwilling to exercise its jurisdiction.

6. To that effect, the principle of universal jurisdiction should, as much as possible, only be used as a last resort. It must not be used prematurely or hastily to assume jurisdiction over matters when there is a possibility of cooperating with the state where a crime was originally committed, especially through the mechanism of Extradition Agreements, Agreements on Mutual Legal Assistance and other relevant instruments.

Mr. Chairman,

7. My delegation supports the idea of establishing a Working Group of the Sixth Committee during this session to continue to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction. We also support the decision to make the working group open to all Member States and to invite relevant observers to participate in its work. It is our hope that the Group would clarify some ambiguous areas with the aim of attaining a consensus during this session. We also expect the Working Group to focus on the different views and opinions on the nexus between immunity and the principle of universal jurisdiction, which has been one of the thorny issues on this subject.

8. Furthermore, the Working Group should comprehensively address the concern of many Member States, including African states who although respect the principle but are concerned about the uncertainty of its scope and application. The scope and applicability of the concept of Universal Jurisdiction, along with its definition should also be clarified to guide against its misapplication for settling political scores.

Mr. Chairman,

9. Nigeria looks forward to the active participation of all Member States on this important discussion. We also call on the International Law Commission to contribute to the debate, considering its technical nature. We hope further understanding of the principle would not only strengthen

its application but also give legitimacy and credibility to its usage consistent with international law.

10. In conclusion, Nigeria reiterates its commitment to the principle of Universal Jurisdiction as an important tenet of international law against impunity and a complementary mechanism to ensure accountability for the most serious crimes against humanity. In the same vein, we like to also reiterate our conviction that the principle can be considered as legitimate and credible only when it is applied in line with the provisions of international law.

11. I thank you.