



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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GENERAL ASSEMBLY, SIXTH COMMITTEE

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THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

Mr. Chairman

Progress in the fight against impunity for the most serious crimes under international law has been significant in the last decades. But substantial impunity gaps still remain. In this regard, our common goal of ending impunity for the most serious crimes of international concern should govern our discussions on the principle of universal jurisdiction. We welcome the fact that more and more States are recognizing the principle of universal jurisdiction as an effective tool in the fight against impunity. And, we are encouraged that the efforts of a number of national judiciaries to hold those responsible for atrocities to account by invoking universal jurisdiction are bearing fruit.

Mr. Chairman

There is no question that the primary responsibility to prosecute perpetrators of the most serious international crimes rests with those States on whose territory the crimes were committed. Other jurisdictional links, such as the nationality of the perpetrator as well as the nationality of the victims, are also widely accepted. If these States are unwilling or unable to bring perpetrators of crimes to account, other States that have no direct connection to the crime should fill the gap on the basis of universal jurisdiction. When practiced this way, universal jurisdiction is an important subsidiary tool to ensure accountability for the worst

crimes – including in particular genocide, war crimes and crimes against humanity. As for the scope of universal jurisdiction, we are of the opinion that existing treaty law and customary international law are sufficiently clear. Liechtenstein is party to all relevant applicable international treaties both on the European and the International levels. There have, however, been no cases of application of universal jurisdiction in Liechtenstein so far.

Mr. Chairman

Universal jurisdiction only relates to domestic jurisdiction and must be clearly distinguished from international courts and tribunals, in particular with respect to the scope of jurisdiction of the International Criminal Court. The Rome Statute only governs the jurisdiction of the ICC itself and is not a basis for universal jurisdiction. Where the ICC is relevant in this discussion, however, is with regard to the large number of perpetrators operating beyond the Court's jurisdictional reach. Where the seriousness of the situation so requires and where all other options fail – in particular national prosecutions - the ICC should be able to act. And, it is often up to the Security Council to provide the Court with jurisdiction to fill glaring impunity gaps. This more often than not does not happen. And, we cannot realistically expect the dynamic in the Council on this issue to change in the near future. Thus, we must look for alternatives to ensure justice, such as the application of universal jurisdiction in national proceedings. This makes universal jurisdiction a critical component of the international criminal justice system.

Mr. Chairman

We would like to take particular note of the important role that the International, Impartial and Independent Mechanism (IIIM) for Syria can play. The mandate of the IIIM is to prepare case files for prosecutions in courts that have jurisdiction over crimes committed in Syria, irrespective of the affiliation of the perpetrators. In the case of continued unwillingness or inability of Syrian national courts, other judiciaries or an international tribunal can step in. The path to the ICC remains obstructed by the use of the veto. By invoking universal jurisdiction, however, a number of European courts have been able to prosecute perpetrators in a limited, but still very meaningful way. Liechtenstein welcomes this development and encourages all States to cooperate with the IIIM. The recent establishment by the Human Rights Council of a IIIM-type accountability mechanism for Myanmar is a further sign of the strong political

acceptance the Syria IIM enjoys in the international community. Mechanisms of this nature can produce paths to accountability, if complemented by prosecutions. And, universal jurisdiction is bound to remain an important tool in this respect.

I thank you.