



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS

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STATEMENT

BY

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NIGERIA TO THE UNITED NATIONS

ON

"THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION"

AT THE 73RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

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CHECK AGAINST DELIVERY

Mr. Chairman

Permit me, on behalf of my Delegation to thank the Secretary-General for providing us, an in depth Report on the Scope and Application of the Principles of Universal Jurisdiction. This lucid and comprehensive Report contains information from Member States on relevant applicable international treaties, their domestic legal roles and judicial practice as well as synopsis of issues raised by governments of Member States for possible discussion.

2. Nigeria aligns itself with the Statements delivered on behalf of the African Group and the Non-Aligned Movement by the Distinguished Representatives of the Gambia and the Islamic Republic of Iran, respectively. We appreciate that Universal Jurisdiction 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 recognise the importance of this principle in the fight against impunity and to ensure that the perpetrators of heinous crimes are held accountable. It complement 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.

3. Adherence to this principle is meant to ensure that alleged perpetrators are investigated and do not go unpunished, if found guilty. Nonetheless, we are aware that over the years this principle has provoked continuous

controversy among UN Member States. This is because any State can unilaterally invoke it against an accused person regardless of where the alleged crime was committed and irrespective of the nationality of the accused. Against this backdrop, Nigeria holds that it 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,

4. In this connection, we also hold 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.

5. 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.

6. My Delegation supports the established Working Group of the Sixth Committee to undertake a thorough discussion of the Scope and Application of the Principle of Universal Jurisdiction. This should address the concern of

many Member States, including African States who although they respect the Principle are concerned about the uncertainty of (if not bias in) 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 to settle political scores.

Mr. Chairman,

7. Nigeria looks forward to the active participation of all Member States on this important discussion. We also call on the International Law Commission to as usual contribute to the debate, considering its technical nature. We hope that further understanding of the principle would not only strengthen its application, but will also give legitimacy and credibility to its usage consistent with international law.

8. 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. On that premise, we would like to also reiterate our conviction that the principle can be considered legitimate and credible only when it is applied in line with the provisions of international law.

I thank you for your attention.