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Statement by

**The Delegation of Indonesia
at the Sixth Committee of the General Assembly**

on

Agenda item 84:

**“The scope and application of the principle of universal jurisdiction”
October 2019**

Mr. Chairman,

Indonesia would like to align itself to the statement delivered by the delegate of the Islamic Republic of Iran on behalf of the Non-Align Movement.

We also would like to extend our sincere appreciation to the Secretary General for the report provided to us, which adequately inform us of the relevant legislations and practices on the principle of universal jurisdiction in Member States.

Indonesia follows the discussion and development of this matter with great interest, and support the continuation of the discussion in the Sixth Committee.

This agenda item continues to be a very important one for us, and it is our hope that our consideration will contribute to end impunity and to deny safe haven to individuals who commit heinous crimes.

Mr. Chairman,

In general terms the universal jurisdiction refers to the criminal jurisdiction of State towards certain and specific types of crimes, irrespective of the location of the crime and the nationality of the perpetrator or the victim. Nonetheless, according to the reports, state practices show differences in the definition, scope and list of crimes.

The application of the principle of universal jurisdiction also remains difficult, as it is an issue of not only international but also of national law. Consequently, the principle of universal jurisdiction is not uniformly applied.

Mr. Chairman,

At the national context, Article 4 of the Indonesia’s Penal Code stipulates that Indonesia’s criminal jurisdiction may be established towards crimes of, among others, piracy and hijacking. The conditionality towards Indonesia’s criminal

jurisdiction was arising from the idea that such crimes are so repugnant to all humankind, in as much that Indonesia, as part of civilized nations, may try the perpetrators through the application of extraterritoriality of Indonesia's jurisdiction.

Hence, through the Law No. 26 of 2000 on the Human Rights Court we also recognize the jurisdiction of Indonesia's human rights courts over gross violation of human rights committed by Indonesian irrespective of the location of the crime.

However, as specified in Article 43 of the Human Rights Court Law, as for the gross violation of human rights occurred in the past, it should proceed through the special human rights court, which endorsed by the Parliament based on the President's decision.

Mr. Chairman,

Indonesia is of the view that it is critical to close the legal gap in order to end impunity, protect the rights of victims, and uphold justice. To that end, the scope and application of the principle of universal jurisdiction must be addressed cautiously.

We would like to highlight that the implementation of universal jurisdiction depends on the cooperation of other states. Without cooperation, no investigation and trial will take place. A strong cooperation regime is crucial, but this will only possible if there is an agreement on the scope and application of the principle of jurisdiction among states.

To the same vein, in 1999, at the United Nations General Assembly's Sixth Committee, Indonesia made a positive statement to this application of universal jurisdiction, setting out Indonesia's view that universal jurisdiction should be a product of mutual cooperation among all nations aimed at furthering justice.

Finally, Indonesia wish also to stress that the principle of universal jurisdiction is different from the obligation to prosecute or extradite, which in many instances has a broader scope, as agreed in various agreements between states.

I thank you.