



**PERMANENT MISSION  
OF THE PRINCIPALITY OF LIECHTENSTEIN  
TO THE UNITED NATIONS  
NEW YORK**

---

NEW YORK, 14 OCTOBER 2019

GENERAL ASSEMBLY, SIXTH COMMITTEE

**STATEMENT BY MR. SINA ALAVI, LEGAL ADVISER**

THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

Mr. Chair

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. While universal jurisdiction is a last resort, it can be a very powerful tool. We therefore welcome the fact that more and more States are recognizing the principle of universal jurisdiction. 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. Chair

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. Such grave

crimes threaten the peace, security and well-being of the entire international community; therefore they should be our common concern and must not go unpunished and their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation.

Mr. Chair

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. 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 supported by UN-mandated accountability mechanisms where possible. This makes universal jurisdiction a critical component of the international criminal justice system.

Mr. Chair

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. By invoking universal jurisdiction for the most serious crimes committed in Syria, a number of European courts have been able to prosecute perpetrators in a statistically limited, but symbolically meaningful way. Liechtenstein welcomes this development and encourages all States to cooperate with the Syria IIIM. The recent operationalization of the Independent Mechanism for Myanmar is a further sign of the strong political acceptance such accountability mechanisms enjoy. Mechanisms of this nature can produce paths to accountability, if complemented by prosecutions, which is why we believe such mechanisms should be funded from the regular budget of the United Nations – as was

decided in the case of the Myanmar mechanism. We are confident that the General Assembly will approve regular budget funding for the Syria IIIM this year.

I thank you.