

**Statement by Mr. Saad Ahmad Warraich, Counsellor, at the Sixth
Committee of the General Assembly on Agenda item 84: “the scope
and application of the principle of universal jurisdiction”**

17 October 2019

Mr. Chairman,

My delegation aligns itself with the statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We take note of the Secretary General’s report, A/74/144.

While the imperative underlying the principle of universal jurisdiction is to uphold the ideals of accountability and justice by bringing to account perpetrators of certain egregious crimes, fundamental divergences in its nature, scope and application, has continued to cast a shadow over our efforts to evolve a common understanding on the issue.

Thus, issues like immunity of state officials, and conditions for the invocation of the principle of universal jurisdiction, including by whom, reflect legitimate concerns of member states and must be addressed in a comprehensive and holistic manner. This is intrinsic to the legitimacy of the principle, itself.

Mr. Chairman,

The virtues of consistency and uniformity cannot be over-emphasized either. After all, if we are selective in our approach – expressing indignation at some transgressions while choosing to ignore others, any ‘norm’ will be quickly turned into a mere ‘pretense’.

Against this backdrop, calls for accountability would invariably smack of double standards and selectivity, especially when egregious crimes including killings and mass-blinding are being committed in full view of the international community.

What is therefore, needed, is not a dereliction from our collective responsibility to prevent these grave crimes, but to apply consistent moral and legal standards to them.

Mr. Chairman,

At its core, the principle of universal jurisdiction is not a license to undermine state sovereignty, but, instead, a call for ‘non-indifference’ to impunity; a means to ensure that jurisdictional gaps do not serve as an escape route to evade justice, in full conformity with principles of international law and the UN Charter.

It is not a primary jurisdiction but instead, is to be exercised in exceptional circumstances; it is subordinate to the territoriality and nationality jurisdictions and not a substitute for them. Domestic legal remedies must be given priority.

We consider that this committee is the most appropriate forum to continue our ongoing discussion.

I thank you.