



**PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS**

318 EAST 48TH STREET, NEW YORK, NY 10017
TEL: (212) 826 0840 FAX: (212) 826 2964

**STATEMENT BY MS DIANE TAN,
DELEGATE TO THE 75TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY, ON AGENDA ITEM 87,
ON THE SCOPE AND APPLICATION OF THE PRINCIPLE
OF UNIVERSAL JURISDICTION, SIXTH COMMITTEE,
3 NOVEMBER 2020**

[Please check against delivery]

1 Singapore thanks the Secretary-General for his report A/75/151 on this agenda item.

2 Universal jurisdiction is an important principle of international law which supports the global commitment to combat impunity and bring justice to victims. The principle is based on a recognition that certain crimes are so heinous, and of such exceptional gravity, that their commission shocks the conscience of all humanity. In line with the common interest and responsibility of the international community in combating such crimes, every State has a right to prosecute the perpetrators of these crimes.

3 Singapore's views on this topic are well-known. In view of the Working Group discussions, my delegation would like to reiterate four key points:

- (a) First, the principle of universal jurisdiction is not and should not be the primary basis for the exercise of criminal jurisdiction by States. Universal jurisdiction should only be invoked as a last resort, in situations where no State is able or willing to exercise the other established bases of jurisdiction, including on the principles of territoriality and nationality.
- (b) Second, the principle of universal jurisdiction should only be applied in respect of particularly grave crimes which affect the international community as a whole and which the international community has generally agreed are crimes for which the application of the principle of universal jurisdiction would be appropriate. In this regard, we must undertake a thorough and robust analysis of State practice and *opinio juris*

to determine if a crime is subject to universal jurisdiction. This would help to guard against any unjustified application or extension of the principle.

- (c) Third, universal jurisdiction cannot be exercised in isolation from, or to the exclusion of, other applicable principles of international law, including the principles of immunity of State officials from foreign criminal jurisdiction, State sovereignty, and territorial integrity.
- (d) Lastly, universal jurisdiction is a principle of customary international law. It should be distinguished from the exercise of jurisdiction provided for in treaties or the exercise of jurisdiction by international tribunals constituted under specific treaty regimes. We should keep in mind that each of these different scenarios has its own specific set of juridical bases, rationales, objectives and considerations.

4 In conclusion, we hope that the discussions at the Working Group will be assisted by the points that we have highlighted. We look forward to discussions on this topic at this session.

5 Thank you.

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