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Statement by

**The Delegation of Indonesia
before the Sixth Committee of the General Assembly
on
Agenda item 86:
“The scope and application of the principle of universal jurisdiction”
October 2021**

Mdm/Mr. Chair,

At the outset, Indonesia associates itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Hence, my delegation would like to add the following remarks in our national capacity.

We wish to take note with appreciation the Secretary General’s report contained in document A/76/203, reflecting observations by and relevant applicable legislations of Member States.

My delegation considers this agenda item to be important, and hope that our discussions will contribute to promoting the rule of law, particularly in ending impunity and promoting justice.

We also believe that the deliberation on this agenda item is a valuable opportunity to exchange views regarding the scope and application of the principle of universal jurisdiction as well as information on domestic legislations and policies in different States.

In this respect, my delegation wishes to deliver three salient points:

FIRST, we are of the view that universal jurisdiction is a crucial notion, which involves diverse approaches, definitions, and scope, to address specific types of crimes.

The absence of clarity and consensus as to the scope and application could lead to inappropriate, even abusive application of domestic law toward foreign nationals that would undermine fundamental principles of international law.

Indonesia attaches considerable importance to the need to clarify all the conceptual ambiguities, identify the crimes falling under this jurisdiction, and explore conditions for their application.

My delegation believes that the scope and application of the principle of universal jurisdiction should be cautiously addressed.

Second, due to its exceptional nature, we are of the view that the scope of application must be limited to only the most heinous crimes. This exceptional character is important to prevent abusive applications and ensure the credibility and legitimacy of its implementation.

It is also important to note that the application of universal jurisdiction will have to be conducted in accordance with due process of law and as a last resort, confined only to circumstances where a state that has jurisdiction is unable or unwilling to prosecute.

In this regard, we 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 between states in treaties.

Mdm/Mr. Chair,

Third, Indonesia would also like to reiterate that the application of universal jurisdiction depends on the cooperation with other States. Without cooperation on legal/criminal matters, no investigation and trial can take place.

In the national context, we would like to point out that Article 4 of Indonesia's Penal Code stipulates that the nation's criminal jurisdiction may be established towards crimes of, among others, piracy and hijacking regardless of the location of the crimes or the nationality of the perpetrators or victims.

Finally, knowing that this is an evolving process, we support the continuation of the discussion in the context of the Sixth Committee. We also support the efforts of the secretariat to gather information on states' practices.

I thank you.

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