



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of the
Republic of the Union of Myanmar to United Nations**

**Agenda item 86: the Scope and Application of the Principle of Universal Jurisdiction,
at the Six Committee of the Seventy-Sixth session of UN General Assembly
(New York, 22 October 2021)**

Madam Chair,

At the outset, I would like to express our sincere appreciation to the working group for their thorough discussion of the scope and application of the principle of universal jurisdiction. We also thank the Secretary-General for his report A/76/203. Though there is open and honest debate among delegations during its working group session, it is still far from reaching a consensus over the definition, condition, scope, application, and procedure of the universal jurisdiction.

Madam Chair,

We note that different delegations have divergent opinions on this issue. Some member states incorporate international humanitarian law, crime against humanity, war crimes, genocide, grave human rights violations, anti-terrorism in their domestic code of laws. For those crimes, the domestic courts of such member states were given jurisdiction over anyone regardless of their nationality.

However, other member states believe that invoking universal jurisdiction over not only ordinary citizens but also those of high-ranking officials who enjoy immunity under international law also violates the sovereignty of states. They are concerned over the application of universal jurisdiction can be politically motivated and future potential abuse of the principle can occur such as interference in the internal affairs of States.

Other member states expressed that it would be worthwhile to refer this topic to the International Law Commission as it is a body of experts, which can dedicate more time to take up this topic and produce a study to guide the working group of the Sixth Committee.

Madam Chair,

Myanmar delegation is of the view that the principle of universal jurisdiction is the most important means of ending impunity for those individuals who commit serious violations of international humanitarian law, and other crimes of international nature such as crime against humanity and genocide. In our view, those perpetrators of such heinous crimes should not go unpunished, and they must be held responsible. Delivering penalties to those individuals is the most effective way to bring justice to victims.

Madame Chair,

In Myanmar, the military staged an illegal coup in February 2021 under the pretext of election fraud allegations, detaining sitting President U Win Myint, State Counsellor Daw Aung San Suu Kyi, senior government members, activists and many others. When people of Myanmar have come out to the streets, and express their desire for democracy, freedom, and justice in line with their rights to freedom of speech and assembly, the military responded with use of live ammunitions against peaceful protestors, arbitrary detention of protestors without due process of law, torture, and enforced disappearance. Since the coup, almost 1,200 civilians were murdered, 7355 people arrested, and 355 people were sentenced without the fair trial, representation by the defense lawyers, and no right of appeal.

I appreciate the work of the Independent Investigative Mechanism for Myanmar. I also thank the Secretary-General for including the work of the Independent Investigative Mechanism for Myanmar in his report. The preliminary view, based on the analysis of collected information, by the UN Independent Investigative Mechanism for Myanmar, indicates that since seizing power on 1 February 2021, the Myanmar military have

committed crime against humanity, including persecution, imprisonment, sexual violence, enforced disappearance and torture.

Consequently, the National Unity Government lodged a declaration with the registrar of the ICC, accepting the Court's jurisdiction with respect to international crimes committed in the territory of Myanmar since 1 July 2002. The people of Myanmar are helpless to seek accountability for perpetrators and deliver justice to victims and communities. National legal system and courts of Myanmar are now incapable of administering justice against the Myanmar military.

Madame Chair,

The root cause of such violations and lack of respect for international laws and conventions lies in the decades-long impunity enjoyed by the Myanmar military. Ending impunity and bringing accountability to those perpetrators of such heinous crimes require the cooperation of the international community in the conduct of criminal matters. There should be no safe haven for those perpetrators. Myanmar will continue to work closely with the international community, including ASEAN, United Nations, International Criminal Court, countries within the region and beyond, in order to bring those perpetrators of such crimes held accountable, bring justice to victims, and strengthen respect for peremptory norms of general international law.

Therefore, further strengthening work of the working group will be so pertinent for ending impunity of the perpetrators of such crimes. Let's work together in a flexible and constructive manner to have fruitful outcome of the working group.

I thank you.
