



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
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GENERAL ASSEMBLY, SIXTH COMMITTEE

STATEMENT BY MR. SINA ALAVI, LEGAL ADVISER

THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

Chair,

An ever-greater number of national judiciaries are invoking the principle of universal jurisdiction to start investigations and criminal proceedings concerning international crimes. What was once new territory for domestic prosecutors and judges has now become a trend. Liechtenstein welcomes this very encouraging development and commends the accomplishments of national judiciaries invoking the principle universal jurisdiction. The German courts have been a champion of universal jurisdiction. We applaud, in particular, the Higher Regional Court of Koblenz in Germany for securing convictions against two former Syrian government officials for crimes against humanity. This would not have been possible if we had not had universal jurisdiction as a means to bring justice not only to the perpetrators, but also and most notably to the victims. This watershed decision by the Koblenz Court was assisted by the UN-mandated International, Impartial and Independent Mechanism (IIIM) for Syria. We recall that the IIIM helps prepares case files for prosecutions in courts that have jurisdiction over crimes committed in Syria, irrespective of the affiliation of the perpetrators. The IIIM and other similar UN-mandated accountability mechanisms play a critical role with regard to accountability for the worst crimes when working in conjunction with the States invoking universal jurisdiction.

Despite these strong inroads, impunity with regard to the most serious crimes is widespread. We must change that. The principle of universal jurisdiction can only be as strong as we collectively empower it to be. First and foremost, this means respecting the basic principle of *nullum crimen sine lege*: The most serious crimes, that are the crime of aggression, genocide, war crimes and crimes against humanity must be punishable in respective national judiciaries. We therefore call upon all member States that have not yet done so to join the Rome Statute and implement it into their national criminal codes, including the ratification of the Kampala amendments on the crime of aggression. But a robust principle of universal jurisdiction also means that we need to provide national judiciaries with adequate resources to enable them to handle the increasing workload they are facing. After all, invoking the principle of universal jurisdiction alone will not be sufficient if we do not have national systems that are capable of dealing with these complex cases.

The more national judiciaries carry out their responsibilities in line with the principle of universal jurisdiction, the less the burden on our international justice system. Both systems work hand-in-hand. With this in mind, Liechtenstein would like to see more progress with regard to universal jurisdiction and we would welcome the ILC to focus on this topic. The Commission's work could assist States by formulating guidelines or drawing conclusions clarifying the nature, scope, limits and procedural safeguards that guide the proper application of universal jurisdiction.

I thank you.