



**PERMANENT MISSION OF THE REPUBLIC OF
SIERRA LEONE TO THE UNITED NATIONS**

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STATEMENT

by

MR. ALAN E. GEORGE
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at the 77th Session of the United Nations General Assembly

Agenda Item 85:
**“The scope and application of the principle of universal
jurisdiction”**

New York, 12th October 2022

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Mr. Chair,

1. The delegation of Sierra Leone aligns this statement to the statement delivered by the Distinguished Representative of the **Kingdom of Morocco** on behalf of the **African Group**.
2. Sierra Leone thanks the Secretary-General of the United Nations for his 12th Report **A/77/186** on the agenda item.
3. Sierra Leone remains concerned that, after more than a decade of debates, the present agenda item has not progressed substantially in the Sixth Committee. This despite the annual reports of the Secretary-General which, as in this year's report, confirm an increasing State practice based on the universality principle.

Mr. Chair,

4. Information on the application of the universality principle in Sierra Leone is contained in document **A/74/144**. Sierra Leone only embraces a form of universal jurisdiction for grave breaches of the 1949 Geneva Conventions and their 1977 Additional Protocols through the Geneva Conventions Act, of 3rd December 2012. The Act also provides for offences and penalties for other violations of the Geneva Conventions and their Additional Protocols.
5. In this vein, concerning grave breaches, the Act covers not only offences committed by citizens of Sierra Leone or criminal conduct carried out on our territory; it also extends to persons of “whatever

nationality” committing those enumerated offences whether “*within or outside [of] Sierra Leone*”.

6. Furthermore, section 2(5) of the Act permits our national courts to prosecute violations of international humanitarian law by providing for such “*[w]here a person commits an offence under this section outside Sierra Leone that person may be tried and punished as if the offence was committed in Sierra Leone*”.

Mr. Chair,

7. Unlike previous years, there is genuine prospect for progress to be made this session, as the General Assembly in its resolution **A/76/118**, adopted on 9 December 2021, “*Invites the working group of the Sixth Committee, to be established at its seventy-seventh session, to consider and comment on the question ‘what should be the role and purpose of universal jurisdiction’.*” This is found in operative paragraph 3 of the resolution **A/76/118**, as proposed by Sierra Leone and Rwanda.
8. The proposal was aimed at instilling new life in the annual debate on the topic, and the Working Group open to all States, as the Working Group remains an excellent idea for further discussions on specific question(s). The identification of the question(s) is based on the agreed methodology and the set of specific issues contained in an Informal paper of the Working Group (the “Road Map”), in line with the content and mandate of resolution 65/33.
9. My delegation believes further progress can be made, with the Sixth Committee specifically mandating the Secretary-General to carry out a

thorough study of his 12 reports and a review of the whole debate on this topic in the General Assembly over the past decade. The purpose would be a stocktaking exercise, in light of the issues flagged in the road map and its annex, both to identify a) the specific topics on which there was broad agreement and b) the specific issues where there were gaps in agreement. The Secretary-General could also identify the general trends in the debate, without reaching firm conclusions.

10. In the above regard, we regret to note that the proposal by Sierra Leone and Rwanda for the Secretary-General to undertake a similar exercise on all of his 11 reports, at the time, was not agreed to in the last session, despite the support expressed by a number of member States. Given the value of such a work by the Secretary-General, we are hopeful that the Sixth Committee will agree to such a proposal this session.

Mr. Chair,

11. Sierra Leone uses this opportunity to reiterate the view that we see great merit in separating the legal issues from the policy concerns on this topic, in order for the Sixth Committee to make further progress. It is for this reason that we have welcomed the interest the International Law Commission has shown in assisting the Sixth Committee with the technical legal aspects when it added, during its 70th session, an identical topic entitled “Universal Criminal Jurisdiction” on to its Long-Term Programme of Work.
12. Much like the many other delegations, which since 2010 have either expressed a preference that we refer the issue to the Commission or

called on it to address the topic under its own mandate, Sierra Leone remains convinced that the Sixth Committee can benefit from a comprehensive study of the legal issues by the independent experts in the Commission. As the Commission is to commence a new quinquennium, Sierra Leone renews its call on it to inscribe this topic to its current programme of work.

13. Our call, we have always averred, is consistent with the letter and spirit of resolution A/75/203, in which the General Assembly decided, at paragraph 2, that consideration of the scope of universal jurisdiction shall continue in the Sixth Committee *“without prejudice to the consideration of this topic and related issues in other forums of the United Nations.”*
14. In closing, **Mr. Chair**, Sierra Leone urges for the primary concern of the African Group, that is, **the abuse or misuse of the principle of universal jurisdiction**, to be fully reflected in the operative part of the resolution on this agenda item. That is why Sierra Leone will call for the Sixth Committee's adoption of the language it proposed together with Rwanda, wherein the General Assembly will “Further take note of the diversity of views expressed by States in the Sixth Committee, as well as in the context of its working group, **including concerns expressed in relation to the abuse or misuse of the principle of universal jurisdiction**”.
15. **I thank you.**