



**STATEMENT BY
DELEGATION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS**

**at the Sixth Committee of the
Seventy-seventh session of the UN General Assembly**

**Agenda Item 85:
“The Scope and Application of
the Principle of Universal Jurisdiction”**

NEW YORK, 13 OCTOBER 2022

Mr. Chair,

1. Allow me to begin by expressing our heartfelt gratitude to the Secretary General for his extensive report included in Document A/77/186, which not only reflects the opinions of Member States, but also provides a full account of the relevant legislations adopted by Member States.
2. Indonesia aligns itself with the statements previously delivered by the delegation of Iran on behalf of the Non-Aligned Movement.
3. Indonesia also appreciates the Committee's keen interest in this agenda item for in-depth legal analysis and interpretation of law, in order to reach a common consensus and understanding among all Member States on the definition, scope, and application of Universal Jurisdiction, including its conditions, criteria, and procedural practices.
4. My delegation continues to follow attentively with great interest the debate and development of this agenda.

Mr. Chair,

5. The principle of universal jurisdiction is a crucial tool for putting an end to impunity for grave breaches of International Humanitarian Law and other international crimes.

6. This is shown by the fact that 196 states, including Indonesia, have ratified the Geneva Conventions of 1949, proving its global acceptability.
7. However, as states still have differing opinions on the definition, scope, and limits of the principle's application, the lack of clarity and agreement on these questions might lead to an improper, even abusive, application of domestic law to foreign nationals, which at the end could violate basic principles of international law.
8. Indonesia sincerely believes that the principles enshrined in the Charter of the United Nations, notably the sovereign equality of States, as well as non-interference in the internal affairs of other States, should be honored throughout any judicial procedures.
9. Therefore, allow me to express three salient points as follows:
10. **First**, the scope and limits of the principle of universal jurisdiction's applicability should be carefully examined.
11. The principle should only be applied to the most serious crimes affecting the international community as a whole.
12. **Second**, comprehensive legal analysis on the state practice and opinio juris is required, since the principle of universal jurisdiction is stemmed from customary international law.

13. Until today, only piracy on the high seas that received large acceptance of states that such a crime is within the scope of the principle of universal jurisdiction.
14. **Finally**, the principle of universal jurisdiction cannot be considered separately and applied independently from other relevant principles of international law, such as immunity of state officials from foreign criminal jurisdiction, state sovereignty, and territorial integrity.
15. The application of universal jurisdiction principle must be performed in conformity with due process of law, as a last resort, and be limited to situations in which a state having jurisdiction is either unable or unwilling to prosecute.
16. The principle of universal jurisdiction is also distinct from the obligation to prosecute or extradite, which in many situations, has a greater reach, as established by governments in treaties.

Mr. Chair,

17. 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.

18. The contributions made by States to date, the effort of the Working Group in this Committee, and the Secretary-General's reports have been invaluable in assisting us all to identify differences of views among States as well as points of consensus on this matter.

19. Thank you.

--Word Count: 568