

**Statement delivered by the Deputy Permanent
Representative of Pakistan Usman Iqbal Jadoon during the
General Debate of the Sixth Committee on Agenda Item 84
“The scope and application of the principle of Universal
Jurisdiction”**

(13 October 2023)

Mr. Chair,

My delegation aligns itself with the statement delivered by the distinguished representative of Iran on behalf of the NAM.

2. We thank the Secretary General for his latest report A/78/130.

3. Pakistan recognizes the paramount need to eliminate impunity for the most heinous international crimes. The bedrock of universal jurisdiction lies in the maintenance of accountability and justice, guaranteeing that the perpetrators responsible for the most egregious crimes are held accountable. However, our collective efforts to reach a unified understanding of this issue continue to be clouded by considerable disparities in its interpretation, scope, and implementation.

Mr. Chair,

4. Indeed, the selective use and distortion of this principle by specific states not only diverges from the tenets of justice but also significantly compromises the integrity of international law. Therefore, my delegation believes that bridging the legal divide is crucial to eliminate impunity, safeguard victims' rights, and uphold justice.

5. The scope and application of universal jurisdiction must be approached with caution and objectivity, considering customary international law and *opinio juris*. Our position on this matter continues to be informed by the following principles:

First, the principle of universal jurisdiction is not a primary form of jurisdiction, but rather, it is to be invoked only under exceptional circumstances. Universal jurisdiction is

supplementary to territorial and national jurisdictions, not a replacement for them. Emphasis should be placed on domestic legal remedies, which should always be the first line of response. This implies that the state where the alleged crime was committed should have precedence in prosecution over other states, given that the territorial state is most directly impacted by the crime, evidence collection is more straightforward, and victims can easily witness the trial. In this context, another state should only proceed with prosecution if the territorial state is either "*unwilling or unable*" to do so. This approach aligns with the international **principle of complementarity**, which has been duly acknowledged by various international courts and tribunals.

Second, universal jurisdiction should only apply to severe crimes such as war **crimes, crimes against humanity, and genocide**, which have international repercussions. There is a general consensus that these are the crimes for which universal jurisdiction is most suitable. Therefore, for credibility and to avoid allegations of double standards or selectivity, it is crucial to consistently and uniformly apply these moral and legal standards. This is especially important when severe crimes, committed openly and ignored or addressed insufficiently, demand accountability.

Third, Obligations to extradite or prosecute individuals under treaty agreements should not be misconstrued as, or used to imply, treaty-based universal jurisdiction. These are conceptually and legally separate from universal jurisdiction. A thorough analysis of state practice and *opinio juris* is necessary to determine the existence of a customary rule of universal jurisdiction over a specific crime.

Fourth, Universal jurisdiction should unquestionably be invoked, especially in instances where crimes are committed in **regions subjected to foreign occupation**. This becomes imperative considering the obligations laid out under the Fourth Geneva Convention. These obligations mandate the protection of civilian populations and the upholding of human rights, even in the face of conflict. Thus, the principle of universal jurisdiction becomes an essential tool in ensuring these standards are maintained and justice is served, regardless of geographical boundaries, and

irrespective of the state exercising effective control over the occupied territory.

Fifth, the exercise of universal jurisdiction cannot occur in isolation from, or at the expense of, other pertinent principles of international law. These include the principles of state sovereignty and territorial integrity, which must always be respected and upheld.

Sixth, the principle of Universal jurisdiction should be applicable for the purpose of enabling the ICJ to assist in resolving disputes which are on the Agenda of the Security Council.

Mr. Chair,

6. In conclusion, the principle of universal jurisdiction should not be viewed as a license to infringe upon state sovereignty. Rather, it is a call for the cessation of impunity, serving as a mechanism to ensure that jurisdictional loopholes are not exploited as a means to dodge justice. However, the application of this principle should always be in full compliance with international law principles and the United Nations Charter.

I thank you.
