



REPUBLIC OF UGANDA

**STATEMENT
BY**

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AT THE

**GENERAL DEBATE OF THE 6TH COMMITTEE 78TH SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY
"THE SCOPE AND APPLICATION OF THE PRINCIPAL OF
UNIVERSAL JURISDICTION"**

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[Please check against delivery]

Mr. Chairperson,

I have the honor to deliver the statement on behalf of the delegation of the Republic of Uganda. My delegation aligns itself with the statements on behalf of the African group and the Non-Aligned Movement;

I will now make my remarks in national capacity:

We thank the Secretary-General for this year's report on this agenda item A/78/130. A/78/130. In line with General Assembly resolution A/77/111, we look forward to the report to be submitted by the Secretary-General *"to the Assembly at its seventy-ninth session reviewing all the submissions of Member States and relevant observers, as well as views expressed in the debates of the Sixth Committee, since the sixty-second session of the Assembly and identifying possible convergences and divergences on the definition, scope and application of universal jurisdiction for the consideration of the Committee"*.

My delegation commends the efforts of the Sixth Committee to further clarify the scope and application of the principle of universal jurisdiction. Nevertheless, the international community is still far from reaching a consensus over the definition, condition, scope, application and procedure of the Universal jurisdiction.

In this connection, my delegation is of the view that the main responsibility of exercising universal jurisdiction lies with the state where the crime took place. Therefore, my delegation wishes to stress the need for strict observance of respect for national sovereignty, territorial integrity and political independence of every state. We should be aware of the high possibility of improper resort to the universal jurisdiction.

The premise for determining the scope and application of universal jurisdiction should remain the protection of fundamental rights by ensuring justice and accountability for the most heinous crimes through the adoption of collective

State measures, however, the determination of the scope and application of the principle should be done in equal consideration of all other legal obligations which form the basis for international relations, such as the customary international law obligation to respect the immunity of sitting Heads of State and Government and other senior State officials, from foreign criminal jurisdiction.

In other words, the exercise of universal jurisdiction cannot do away with the legal obligations provided in international Law without running the risk of contradicting the very international law upon which it purports to rely as well as the potential to endanger international relations, order, peace and security.

Universal jurisdiction should thus be approached with the necessary sensitivity, particularly to avoid allegations of selective application, which could bring into question the credibility of an essential component in international criminal justice.

My delegation is of the view that the principle of universal jurisdiction is not a primary jurisdiction but instead, is to be exercised in exceptional circumstances. It is subordinate to the territorial and national jurisdictions and not a substitute for them. Domestic legal remedies must be given priority. This means that the State in whose territory the crime is alleged to have been committed should have priority to prosecute over other States given that the territorial State is ultimately most affected by the crime, evidence is easier to be gathered and victims are close to witness the trial. In this regard, it is only in cases where the territorial State is either “unwilling and/or unable” to prosecute that another State can proceed with prosecution. This approach is in line with the international principle of complementarity which has been duly recognized by various international courts and tribunals.

Second, the principle of universal jurisdiction should only be applied in respect of grave crimes such as **war crimes, crimes against humanity and genocide** which affect the international community as a whole and which the international community has generally agreed are crimes for which the application of the

principle of universal jurisdiction would be appropriate. Against this backdrop, calls for accountability would lack credibility and imputation of double standards and selectivity, especially when egregious crimes, being committed in full view of the international community are deliberately and studiously ignored or addressed steadily. What is therefore, needed, is to apply the **moral and legal standards consistently and uniformly**.

Mr. Chair, treaty obligations to extradite or prosecute persons should not be conceived as, or used to infer, Treaty based universal jurisdiction. These are conceptually and legally distinct from universal jurisdiction. Detailed analysis of state practice and *opinio juris* is needed to identify the existence of a customary rule of universal jurisdiction over a particular crime.

Mr. Chair, in line with position of the African group, universal jurisdiction cannot be exercised in isolation from, or to the exclusion of, other applicable principles of international law, including the principles of State sovereignty and territorial integrity.

In conclusion, Universal jurisdiction should be exercised in good faith and with due regard to other principles of international law, in order to avoid its misuse and abuse. In this context, agreed norms **must** be established regarding the scope and application of Universal Jurisdiction.