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البعثة الدائمة لدولة إريتريا لدى
الأمم المتحدة
نيويورك

PERMANENT MISSION OF THE STATE OF ERITREA TO THE UNITED NATIONS
NEW YORK

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**STATEMENT DELIVERED BY THE DELEGATION OF ERITREA
SIXTH COMMITTEE
78TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
AGENDA ITEM 84: "THE SCOPE AND APPLICATION OF THE
PRINCIPLE OF UNIVERSAL JURISDICTION"
12-13 OCTOBER 2023, NEW YORK**

Mr./madam Chair,

My delegation takes note of the Secretary-General's report on the topic of 'The scope and application of the principle of universal jurisdiction', contained in document A/78/130 pursuant to General Assembly Resolution 77/111. Eritrea aligns itself with the statements delivered by the delegation of Uganda on behalf of the African Group and the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

In my national capacity, I would like to make the following remarks.

Mr./madam Chair,

At the outset, it should be underlined that the application of the principle of universal jurisdiction must be deemed as complementary and not a substitute for national jurisdiction. The primary responsibility for investigating and prosecuting certain crimes under international law should fall within the domestic jurisdiction where the alleged crime is committed. Territoriality is the most significant jurisdictional basis with the strongest nexus of the forum state to the alleged crimes committed.

Additionally, the application of the principle should be in conformity with the enshrined principles of sovereign and diplomatic immunities as provided under customary international law as well as general principles of sovereignty.

These principles firmly provide sovereign equality, political independence, and territorial integrity, and non-interference in the internal affairs of States.

Mr./madam Chair,

My delegation shares the serious concerns of the African Group regarding the manner in which the application of universal jurisdiction has been sought to be used and abused by foreign courts. It is illegal and unacceptable that certain States have been conveniently invoking criminal justice mechanisms to pursue their vested interests while evading any kind of accountability for crimes allegedly perpetrated by their nationals in other countries. This approach epitomizes the double standards and selectivity in the application of international justice. As highlighted in the African Union model on universal jurisdiction, such abuse of the principle must be rectified against the principle of State sovereignty.

Mr./madam Chair,

In closing, my delegation would like to point out that previous discussions on this topic have shown that there exist considerable divergences on the list of offenses that could be subjected to the application of universal jurisdiction as well as the role of customary international law. In this regard, we urge a cautious approach in defining the scope and application of universal jurisdiction. My delegation looks forward to a thorough discussion in the format of a working group on this agenda item at the Assembly's forthcoming 79th session.

I thank you Mr./madam Chair.