



REPUBLIC OF KENYA

**STATEMENT ON AGENDA ITEM 84  
“THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL  
JURISDICTION”**

**BY CATHERINE NYAKOE, LEGAL ADVISER**

**DURING THE**

**78<sup>TH</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY**

**16 OCTOBER 2023**

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**Thank you Chair**

1. Kenya aligns herself with the Statement delivered by the Representative of Uganda on behalf of the African Group and that delivered by the Representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.
2. We thank the Secretary General for his report contained in document A/78/130 which provides useful information on practices by Member States.

**Chair,**

3. Kenya reaffirms her firm commitment to the collective aims of this Organisation including; the rule of law and the sovereign equality of States, as espoused in objectives and principles of the United Nations Charter.
4. Following suit, jurisdiction for grave international crimes does not stop at national level but transcends into international levels out of necessity. The

utility of universal jurisdiction for such crimes is therefore not in question for us, but this must be within a clear scope and application exercised in tandem, with other deterrent mechanisms.

5. We must guard against the arbitrary invocation of universal jurisdiction creating space for wanton abuse of legal and judicial processes in pursuit of narrow political interests. This would easily undermine the stability of states posing a real threat to international peace and security. We must therefore always be guided by the cardinal principle of complementarity— in seeking accountability for the most serious crimes under international law.
6. Where we must resort to the principle of universal jurisdiction, there should be consistency in its application within a clearly and comprehensively set out conceptual framework that entails its exact parameters, scope and limitations. This framework should take into account the complexities and realities of global democracies.
7. In this regard, we reiterate the position of the African Group that Heads of States and government officials must be accorded requisite international law immunities as far as universal jurisdiction is concerned. This aligns with the basic principle of respect for the sovereign equality of states and their territorial integrity.
8. **Chair**, Kenya will continue engaging actively in the discussion on this agenda item, and also looks forward to the discussions within the respective Working Group to be established under resolution A/77/111.

**Thank you**