



**PERMANENT MISSION OF THE REPUBLIC OF
SIERRA LEONE TO THE UNITED NATIONS**

STATEMENT

BY

H.E. MR. AMARA S. SOWA
CHARGE D' AFFAIRES A.I
AMBASSADOR/DEPUTY PERMANENT REPRESENTATIVE

78TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

AT THE SIXTH COMMITTEE

“UNIVERSAL JURISDICTION”

New York, 13 October 2023

[Please Check Against Delivery]

336 East 45th Street, New York NY 10017
Tel: (212) 688 1656 - FAX (212) 688 4924 email: sierraleone@pmun.net

Chair,

Distinguished Delegates,

1. The delegation of **Sierra Leone** aligns this statement to the statement delivered by the Distinguished Representative of the **Republic of Uganda** on behalf of the African Group.
2. Sierra Leone thanks the Secretary-General for his 13th Report **(A/78/130)** on the agenda item.
3. As we have stated repeatedly in this Committee, Sierra Leone remains concerned that, after more than a decade of debates, the present agenda item has not progressed substantially in the Sixth Committee. This despite the 13th annual reports submitted by the Secretary-General to the General Assembly detailing *“information and observations received from Member States and relevant observers, as appropriate, on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and on their national legal rules and judicial practice”*.

4. The Secretary-General's report for this session confirms an increasing State practice based on the universality principle. This is why my delegation is looking forward to reviewing the report to be submitted by the Secretary-General, as per paragraph 4 of General Assembly resolution A/77/111, *"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"*.

Chair,

5. Sierra Leone applies the universality principle in a limited scope. This is pursuant to the Geneva Conventions Act 2012, which provides for offences and penalties for specific violations of the Geneva Conventions and their Additional Protocols. This covers offences committed by citizens of Sierra Leone or criminal conduct carried out on our territory, and also to persons of "whatever

nationality” committing those enumerated offences whether “within or outside [of] Sierra Leone”.

6. Also, the Act allows for our national courts to prosecute violations of international humanitarian law by providing for such “[w]here a person commits an offence under [...the said] section outside Sierra Leone that person may be tried and punished as if the offence was committed in Sierra Leone”.

7. In applying the limited scope of the universal jurisdiction principle, much like the African Group, we remain concerned that no significant action has been taken to curb the “misuse” and “abuse” of the universality principle, as it militates against its use as an accountability tool. We urge for this primary concern of the African Group to be fully reflected in the operative part of the General Assembly resolution on this agenda.

8. We remain appreciative of the genuine prospect for progress to be made, even if incremental in the Sixth Committee, including through its Working Group to be established during the 79th session of the General Assembly. The Working Group will consider and

comment on the question “on the relevant elements of a working concept of universal jurisdiction”, as contained in operative paragraph 3 of the resolution **A/77/111**, based on a proposal by **Sierra Leone, The Gambia** and **Rwanda**.

Chair,

9. In operative paragraph 2 of the General Assembly 77/111, the Assembly decided that “*the Sixth Committee shall continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations...*”. Sierra Leone therefore uses this opportunity to reiterate the view that we see great merit in separating the legal issues from the policy concerns on the universal jurisdiction topic.

10. In this regard, the Sixth Committee can continue to address the policy questions, while the International Law Commission can assist the Sixth Committee with the technical legal aspects. Mindful of the independence of the International Law Commission, we nonetheless call

for the topic to be moved to the current agenda of the Commission in this new quinquennium.

11. Further, Sierra Leone is deeply interested in the codification of the universal jurisdiction practice on the important issue of ensuring accountability for sexual and gender-based crimes. **Sierra Leone** and **Japan** were the main sponsors of the seminal General Assembly resolution **76/304** on “International cooperation for access to justice, remedies and assistance for survivors of sexual violence”.

12. The access to justice, remedies and assistance for survivors of sexual violence resolution, which had 83 Member States co-sponsors, “condemns all forms of sexual and gender-based violence, and urges Member States to provide victims and survivors of sexual violence with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies, reparations and assistance for the harm that they have suffered and inform them of their rights in seeking redress through such mechanisms”.

13. Part of the justice mechanisms efforts is the need to address the critical gap in the exercise of jurisdictions or lack thereof on sexual and gender-based crimes. In the view of the delegation of Sierra Leone, member States can start preparatory work collectively on universal jurisdiction codification for sexual and gender-based crimes. In essence, we cooperate as Member States to ensure access to justice, and consequently remedies and assistance for survivors of sexual violence through the application of universal jurisdiction.

14. The delegation of Sierra Leone in line with paragraph 2 of General Assembly resolution 77/111 invites the International Law Commission to develop draft provisions on the application of universal criminal jurisdiction in relation to sexual and gender-based crimes. This request, we note, is made in accordance with the Statute and mandate of the International Law Commission and the aforementioned General Assembly resolution.

15. Let me close, **Chair**, by calling on member States to move forward the universal jurisdiction principle on an issue that has received universal condemnation, and of

high interest to member States and the whole of the international community, reinforcing our international commitment to ending sexual violence.

16. **I thank you.**