

ቀዋሚ ሚሽን ሃገረ ኤርትራ ናብ
ወድብ ሕቡራት ሃገራት
ኒ-ኖርክ



البعثة الدائمة لدولة إريتريا لدى
الأمم المتحدة
نيويورك

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

Check against delivery!

**STATEMENT DELIVERED BY THE DELEGATION OF ERITREA
SIXTH COMMITTEE
79TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
AGENDA ITEM 84: "THE SCOPE AND APPLICATION OF THE PRINCIPLE OF
UNIVERSAL JURISDICTION"
15-16 OCTOBER 2024, NEW YORK**

Mr. 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/79/269 pursuant to General Assembly Resolution 77/111 and 78/113. 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.

I would like to make the following brief remarks in my national capacity.

Mr. Chair,

My delegation attaches great importance to the agenda item entitled "The scope and application of the principle of universal jurisdiction", which was included in the agenda of the sixty-fourth session of the General Assembly and allocated to the Sixth Committee at the request of the African Group. It is the manner in which the application of universal jurisdiction has been sought to be used and abused by foreign courts, particularly in relations to African officials, that caused the African Group to request the inclusion of this topic in 2009. An unfortunate reality that still remains relevant today.

Time and again we have witnessed certain States conveniently invoking criminal justice mechanisms to pursue their vested interests, while evading any kind of accountability for crimes perpetrated by their own nationals in other countries.

Eritrea categorically rejects this practice, in which international law appears to be limited in its application or relevance, to foreigners from States that are considered relatively weak or do not impose substantial political, diplomatic or economic costs to the political branches of the prosecuting State.

This approach epitomizes the hypocrisy and the pervasive double standards in the application of international criminal justice.

Mr. Chair,

It is in this context that my delegation notes with concern the increasing extraterritorial exercise of criminal jurisdiction of domestic courts, while its selective application remains persistent.

As highlighted in the African Union model on universal jurisdiction, such abuse must be rectified against the general principles of international law, including sovereign equality of States, territorial jurisdiction and the immunity of State officials.

Eritrea would like to underscore 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 in this regard is the most significant jurisdictional basis with the strongest nexus of the forum state to the alleged crimes committed.

In closing, my delegation notes that previous sessions have shown that there remains an overwhelming divergence of views on the list of offenses that could be subjected to the application of universal jurisdiction as well as the role of customary international law. We further note the significant difference in state practice and *opinio juris* on the identification of widely recognized rules for the application of the principle of universal jurisdiction.

In this regard, Eritrea urges a cautious approach in defining its scope and application. We look forward to a thorough discussion in the format of a working group during the 79th session of the General Assembly of the Sixth Committee.

I thank you.