

26 April 2024

Translated from Arabic

Observations of Qatar concerning General Assembly resolution 78/113, “The scope and application of the principle of universal jurisdiction”

The scope and application of the principle of universal jurisdiction is an important and sensitive item. It presupposes an absolute belief in the need to achieve the stated or assumed purpose of the item, namely, to develop a viable mechanism for universal justice. However, States continue to raise a number of concerns, which centre on the differences in their domestic legal and legislative systems. As a result, there are divergent views regarding the principle.

It is important to strike a balance between, on the one hand, the progressive development of the principle of universal jurisdiction and, on the other hand, respect for the Charter of the United Nations, including the principle of the sovereign equality of all States Members of the United Nations, not to mention other provisions of international law. That is essential in order to create the objective conditions in which the principle can secure broad support and act as a recognized and viable mechanism to uphold universal justice. Such an outcome is particularly important in view of the current appalling trends in criminal matters, including in such areas as cross-border crime, threats to international peace and security, violations of international instruments, and grave violations of human rights in times of peace and war.

The policy of the State of Qatar highlights the principle of universal jurisdiction by focusing on the need to support States’ efforts and inter-State cooperation to address grave international crimes and to ensure that the perpetrators cannot escape accountability and find safe havens beyond the reach of the law.

It is essential to define crimes of a grave nature as they relate to the scope of universal jurisdiction. That principle must complement the national jurisdiction of the State where the crime was committed.

The Government of Qatar wishes to provide the following information, which was requested in the resolution of the General Assembly:

1. National legislation

The legislative tools in force in Qatar recognize the principle of universal jurisdiction in criminal matters, subject to effective legal constraints and guarantees. The following provisions of Qatari laws extend universal jurisdiction beyond the borders of the State, in a manner that converges with the spirit and nature of the principle of universal jurisdiction:

- Act No. 3 (2004) concerning counter-terrorism, as amended by Act No. 11 (2017)
- Act No. 11 (2004) promulgating the Criminal Code, as amended by Act No. 20 (2020)
- Act No. 23 (2004) promulgating the Code of Criminal Procedure
- Act No. 20 (2019) promulgating the Anti-Money-Laundering and Combating the Financing of Terrorism Act
- Act No. 15 (2011) on combating trafficking in persons.

2. International instruments related to the principle of universal jurisdiction

Qatar has acceded to the following international instruments:

- The 1949 Geneva Conventions
 - Protocol I additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflict
 - Protocol II additional the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts
 - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 - The United Nations Convention against Corruption
 - The International Convention for the Suppression of the Financing of Terrorism (1999).
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