

Statement by

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On behalf of the Non-Aligned Movement

Before the Sixth Committee

71th Session of the United Nations General Assembly

On Agenda Item 85:

“The Scope and Application of the Principle of Universal Jurisdiction”

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I have the honour to deliver this statement on behalf of the Non-Aligned Movement.

The Non-Aligned Movement continues to follow with high interest the agenda item 86 entitled “The scope and application of the principle of universal jurisdiction”. The Movement reiterates its call upon all States to take this opportunity to reflect on this issue and consider its various aspects with a view to identifying its scope and limits of application, and to prevent any inappropriate resort to it.

The Movement also takes note of the Secretary-General's report, contained in document A/71/111 prepared pursuant to the General Assembly resolution 70/119, on the basis of information and observations received from Governments and relevant observers.

The Non-Aligned Movement firmly believes that the principles enshrined in the Charter of the United Nations, particularly the sovereign equality of States as well as their political independence and non-interference in internal affairs of other States, should be strictly observed in any judicial proceedings. In this regard, the involvement of incumbent high-ranking officials should be dealt with in conformity with international law. The exercise of criminal jurisdiction by national courts, by invoking universal jurisdiction, over high-ranking officials who enjoy immunity under international law, violates the sovereignty of States, which is one of the most fundamental principles of international law. The Movement submits, therefore, that

the immunity of the States officials, which is deeply rooted in the Charter of the United Nations and firmly established in international law, should be fully respected.

In this regard, it is important for the Sixth Committee to be cognizant of the context in which this item was included to the agenda of the Sixth Committee. The abuse of the principle of universal jurisdiction in some cases by national courts against officials of other sovereign nations remains a source of concern for the Non-Aligned Movement. Thus, the NAM is of the view that deliberations in the Sixth Committee should give adequate focus to this aspect and address those concerns.

Universal jurisdiction provides a tool to prosecute the perpetrators of certain serious crimes under international treaties. Nonetheless, there are questions and controversies concerning universal jurisdiction, including the range of crimes falling under this jurisdiction as well as the conditions for its application. The Non-Aligned Movement is alarmed about the implications of the application of universal jurisdiction on the immunity of States officials and, consequently, on the sovereignty of the States concerned. The invocation of universal jurisdiction against some Member Countries of the Non-Aligned Movement in violation of the principle of immunity of State officials before the courts of other States has generated concerns over its legal and political implications. In this regard, the Movement takes note of the African Union's decision (AU/Dec. 420) in its Nineteenth Ordinary Session of the AU Assembly of Heads of States and Governments (15-16 July 2012) which, *inter alia*, reiterated its commitment to fight impunity and requested that the warrants of arrest issued on the basis of the abuse of the principle of universal jurisdiction shall not be executed in any Member State.

Further clarification is also needed to prevent any misapplication or improper resort to universal jurisdiction. The decisions and judgments of the International Court of Justice and the work of the International Law Commission are among the sources which might be useful in our discussions in the Sixth Committee. The Non-Aligned Movement cautions against the unwarranted expansion of the crimes under universal jurisdiction.

The Non-Aligned Movement's Members will engage actively in the deliberations on this agenda item, including within the working group established in accordance with paragraph 2 of the General Assembly resolution 70/119. We encourage all Member States of the United Nations to be actively engaged in these discussions in order to identify the scope and limits of application of universal

jurisdiction. The Member Countries of the Movement remain open to sharing information and practices with other Member States in this regard. We also are of the view that it is premature at this stage of discussion to request the international law commission to undertake a study on different aspect of the universal jurisdiction. We look forward to reaching our common goal of mutual respect: the rule of law around the globe and proper application of universal jurisdiction without its abuse, reiterating that legitimacy and credibility of the use of universal jurisdiction would be ensured by its responsible and judicious application consistent with international law.

Thanks