

74th Session of the United Nations General Assembly

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Agenda Item 84

The Scope and Application of the Principle of Universal Jurisdiction

INDIA STATEMENT

**by Mr. Sandeep Kumar Bayyapu
First Secretary**

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Mr. Chairman,

We thank the Secretary-General for his report A/74/144 on “The scope and application of the principle of universal jurisdiction”.

2. The information provided in the report on the laws and practice of certain States concerning the exercise of universal jurisdiction in their domestic legal systems and their understanding of the concept of universal jurisdiction, is useful. It also contains a synopsis of issues raised by Governments for possible discussion.

Mr. Chairman,

3. The principle of universal jurisdiction is a legal principle allowing a state to bring penal proceedings in respect of certain crimes irrespective of the place of the commission of crime and the nationality of the perpetrator or the victim. This principle is an exception to the general criminal law principle that requires territorial or nationality link with the crime, the perpetrator or the victim.

4. However, under the concept of universal jurisdiction, a State claims jurisdiction over an offence irrespective of the place of its commission or nationality of the offender or victim, and thus without any link whatsoever between that State and the offence/offender. This exception is justified due to the grave nature of the crime which affect the international community as a whole and thereby no safe havens are

established for those who commit these grave crimes and escape the criminal proceedings using the shortcomings in the procedural technicalities in the general criminal law.

Mr. Chairman,

5. Crime of piracy is a classic example of universal jurisdiction. The principle of universal jurisdiction in relation to piracy has been codified in the UN Convention on the Law of the Sea, 1982, making piracy on the high seas the only one crime, over which claims of universal jurisdiction are undisputed under general international law. The international treaties, in respect of certain other serious crimes, have provided legal basis for the exercise of universal jurisdiction, which is applicable as between the States parties to those treaties. They include, among others: 'genocide' as defined under the Convention on the Prevention and Punishment of the Crime of Genocide, 1948; 'war crimes' under the Four Geneva Conventions of 1949; and 'apartheid' as provided under the Convention on the Suppression and Punishment of the Crime of Apartheid, 1973.

6. We would like to reiterate that universal jurisdiction is applicable in the case of limited set of crimes, like piracy on high seas and other specific serious crimes under the relevant treaties/ conventions that have been adopted and agreed to by the States. Therefore, we stress the need to avoid any misuse of the principle of universal jurisdiction in both the criminal and civil matters, the concept and definition of which are not yet clear and agreed to.

I thank you, Mr. Chairman.