



**Statement**

**by**

**Lebanon**

**at the  
Sixth Committee**

**Item 83: "The scope and application of the principle of universal jurisdiction"**

**New York, October 15, 2014**

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***Permanent Mission of Lebanon to the United Nations  
866 United Nations Plaza, Suite 531, New York, NY 1001***

M. Chairman

We welcome the inclusion of this critical topic on the agenda of the sixth committee. We take note of the Secretary-General's Report on *the Scope and Application of the principle of universal jurisdiction*, contained in document A/69/174.

M. Chairman,

Behind much of the savagery of modern history we have been witnessing lies impunity and it is the duty of states to ensure that, the most heinous crimes that shock the human conscience and contravene the basic values of humanity do not go unprosecuted and unpunished. Accountability remains a crucial pillar for strengthening and upholding justice, human rights, peace and security, which Lebanon has always valued.

M. Chairman,

My delegation is thus of the view that universal jurisdiction is vital to ensure justice and put an end to impunity, yet it has to be applied in line with the Charter and its major principles of equal sovereignty of States and non-interference with internal affairs; and there are still unresolved issues and concerns pertaining to the scope and the application of this concept that need to be addressed.

With regard to the jurisdiction *ratione materiae*, the international community first has to agree upon a list of grave crimes that fall under the concept of universal jurisdiction. There has been a growing convergence emanating from the international community regarding piracy, torture, crimes against humanity, genocide, war crimes and ethnic cleansing as constituting the most serious crimes under international law. It is secondly crucial to define such crimes in a unified manner under international law, since their definition may vary significantly at the national level, from a state to another, which could lead to inconsistencies in its application and weaken the concept.

These two aforementioned concerns could be addressed through an international convention that would identify the crimes allowing the exercise of such jurisdiction and would set uniform standards as to their definition.

With regard to its application, universal jurisdiction shall lie on the principle of complementarity, and courts applying universal jurisdiction should act as subsidiary organs. Indeed, the primary responsibility to prosecute alleged perpetrators of the most heinous crimes lies first and foremost on the concerned states, which have territorial and/or personal jurisdiction over alleged perpetrators of international crimes. Universal jurisdiction must then apply when states are unwilling or unable to fairly and credibly prosecute these alleged perpetrators before a national court.

Complementarity is a solid guarantee that sovereignty and non-intervention in states' affairs will be safeguarded, as well as the international law principle of *ne bis in idem*, under which a perpetrator cannot be prosecuted before different courts for the same crime.

M. Chairman,

When clarified and well defined, these concepts will avoid arbitrariness and selectivity in their application. Universal jurisdiction must be applied in good faith, in conformity with due process in order to not become a politically motivated instrument.

As we have been discussing this topic since 2009, it is high time we moved forward by inviting the International Law Commission to prepare a study on the scope and application of universal jurisdiction aiming at streamlining and reconciling the diverging states' positions and the concerns we raised.