



Statement by Mr. Naser Asiabipour
Representative of the Islamic Republic of Iran
before the
Sixth Committee of the
76th Session of the United Nations General Assembly
On Agenda item86:
"The scope and application of the principle of universal jurisdiction"
New York, 21 October 2021

Madam Chairperson,

I would like to align myself with the statement delivered on behalf of the Non-Aligned Movement and present the following in my national capacity.

According to the widely accepted understanding regarding the principle of universal jurisdiction, the rationale underlying universal jurisdiction emanates from various conventions regarding the gravity of certain heinous crimes that are considered as crimes committed against the interests of all, not a specific State. Thus, regardless of the place in which such crimes are committed, the accused are prosecuted within the country of arrest in order to avoid impunity as the main objective of the concept.

Although the existence of the principle of universal jurisdiction is undisputed, Member States have yet to reach a common understanding on the conceptual and legal framework of universal jurisdiction and its scope of application, in particular, the intersection between universal jurisdiction and the immunities of certain high-ranking officials. In addition, there is no consensus among national legislations on the categories of crimes under universal jurisdiction. However, the matter of concern lies within the non-consensual expansion of crimes under universal jurisdiction that would not be compatible with the objectives and purposes of this concept.



Under the circumstances in which there is no international legal basis for the application of the universal jurisdiction, the broad interpretation and application of this principle in forum States shall not be taken as a valid precedent of universal jurisdiction.

While the International Court of Justice did not review the question of Universal Jurisdiction in the "Arrest Warrant" case of 11 April 2000 (Democratic Republic of the Congo v. judges raised their concerns regarding the judicial chaos that would likely arise if jurisdiction should be conferred upon the courts of every State in the world to prosecute such crimes, which would be highly noteworthy. Furthermore, as also judge Guillaume has indicated in paragraph 10 of its separate opinion in this case universal jurisdiction *in absentia* is unknown to international conventional law.

Permanent Mission of the Islamic Republic of Iran to the United Nations

622 Third Ave New York, NY 10017 ny.mfa.gov.ir Tel:+1(212)687-2020 Fax:+1(212)867-7086 E-mail: Iran@un.int