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STATEMENT BY
BY
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PERMANENT MISSION OF THE GAMBIA
TO THE UNITED NATIONS

BEFORE THE SIXTH COMMITTEE
73RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

UNDER AGENDA ITEM 87
“THE SCOPE AND APPLICATION OF THE PRINCIPLE OF
UNIVERSAL JURISDICTION”

NEW YORK, 11TH OCTOBER 2018

Mr. Chair,

Allow me once again to thank you for the manner in which you are steering our work in this committee. My delegation associates itself with the statement delivered by myself on behalf of the African Group. We thank the Secretary-General for his report as contained in document **A/73/123**.

The republic of The Gambia attaches great importance to this agenda Item **“The Scope and Application of the Principle of Universal Jurisdiction”**. The republic of The Gambia regrets that 9 - 10 to years ago, African Group requested for this agenda item to be included in the agenda of the 63rd session of the General assembly, simply because the noble purpose of this legal regime has been abused and misused.

The Gambia frowns and totally rejects impunity in all its forms and manifestation. The Gambia respects and accepts the principle of Universal Jurisdiction as enshrined in article 4(h) of the Constitutive Act” of the African Union, but we are concerned about the uncertain nature of the scope and application of the principle and the abuse of it.

Mr. Chair,

We are concern that the principle of universal jurisdiction has been invoked where not necessary. Hence, we call on all members of this organization to oppose such approach. We are worry that the ill use of this principle has the effect to infringe on state sovereignty and thereby undermined the peace and security of states.

The Gambia recognizes that universal jurisdiction is a principle of international law and for this reason, encourages and call for clear guidance in relation to crimes that amount to the threshold the principle of universal jurisdiction seeks to address. We therefore take note of what was stated earlier by many states, that the purpose of universal jurisdiction principle is to ensure that individuals who commit grave offences, such as war crimes, genocide and crimes against humanity, do not enjoy impunity and are brought to justice.

The Gambia wishes to stress the importance of respecting other international law norms in the application of universal jurisdiction, including the sovereign equality of states, the territorial jurisdiction and immunity of officials existing under customary international law.

Mr. Chair,

In closing, we call on all States to work together with a view to adopting measures to put an end to the abuse of and political manipulation of the principle of universal jurisdiction. We take due note of the decision of the International Law Commission (ILC) to place this topic on its long-term programme of work. This seems to be a response aimed to perhaps end the deadlock with a view to providing a way forward.

We also take due note that this topic has been especially important to African States for many years, it is our sincere hope that, although the ILC has reached a decision to study the matter, it is our firm view that the agenda item on this topic continue to discussed in this Committee in order to promote full deliberation over the outstanding issues.

We thank you.