

Statement by Ms. Pham Thi Thu Huong, Representative of Viet Nam at the Sixth Committee of the 68th Session of the General Assembly on Agenda Item 86 “The scope and application of the principle of universal jurisdiction”

18 October 2013

Mr. Chairman,

First of all, we would like to thank the Secretary General for his annual report (A/68/113) on the scope and application of universal jurisdiction, which was prepared on the basis of comments and observations from Member States and relevant observers.

Mr. Chairman,

It is generally recognized that universal jurisdiction is an important principle in a fight against impunity. The exercise of universal jurisdiction over the most serious international crimes is to ensure that those crimes must not go unpunished, thus contributing to the enforcement of international justice and promoting the progress of the international community. However, misuse of universal jurisdiction may impair sovereignty and political independence of States and violate general principles enshrined in the Charter of the United Nations. Therefore, it is essential to clarify the scope and the conditions under which, universal jurisdiction may be revoked and exercised. In this regards, Viet Nam would like to reiterate its observations on scope and application of universal jurisdiction submitted to the Secretary General which was contained in his previous report A/67/116. Viet Nam also aligns itself with the statement made by the representative from Iran on behalf of the Non-Aligned Movement.

With respect to the scope of universal jurisdiction, we would like to share the views made by other delegations on the need to distinguish the principle of universal jurisdiction from other related concepts such as the principle of obligation to extradite or prosecute. It is also necessary to pay due attention to the link between universal jurisdiction and the question of immunity of State officials. As for crimes covered by universal jurisdiction, they should be limited to the most serious crimes of concern to international community and should be identified and agreed upon by all States. We are of the view that only core crimes, namely, genocide, crimes against humanity and war crimes are subject to universal jurisdiction.

Concerning the application of this principle, we would like to emphasize that universal jurisdiction should be applied with much caution and within well-founded framework in order to avoid any abuse that may go against the principles of the sovereign equality, political independence and non-interference in the internal affairs of other States. Universal jurisdiction should be supplement to other jurisdictions, which have a stronger link to the crimes, such as territorial jurisdiction or nationality jurisdiction since the primary responsibility for investigation and prosecution of crimes always rests with the territorial State or the State of nationality. Further, a State may exercise universal jurisdiction over a crime only when the alleged perpetrator is present in its territory. In addition, the prosecution and trial of an alleged perpetrator on the basis of universal jurisdiction must comply with universally recognized standards of human rights and international humanitarian law.

Mr. Chairman,

In order to ensure the proper understanding and exercise of universal jurisdiction to contribute to the fight against impunity, States need to continue efforts to define this principle and its scope. In this regard, Viet Nam calls and supports for drafting and developing international standards or guidelines that clearly set out the range of crimes subject to universal jurisdiction and the conditions under which this principle may be revoked and applied.

I thank you, Mr. Chairman.