



**PERMANENT MISSION OF THAILAND
TO THE UNITED NATIONS**

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Statement

by

Delegation of Thailand to the United Nations

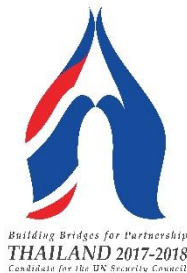
before the Sixth Committee

of the 69th Session of the United Nations General Assembly

Agenda Item 83 : The scope and application of

the principle of universal jurisdiction

New York, 15 October 2014



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Mr. Chair,

At the outset, Thailand aligns itself with the statement made by the distinguished Representative of Iran on behalf of the Non-Aligned Movement.

The Thai delegation commends the efforts made by the Sixth Committee to facilitate and advance the discussion on the principle of universal jurisdiction for the past five years. Our delegation thanks the Secretary-General for his report on state practices. The report is highly informative and is further enriched by the comments of participating governments and observers. We also take note with appreciation of the establishment of the working group at this session to further deliberate on the scope and application of the principle of universal jurisdiction. The working group will no doubt provide invaluable contributions towards our discussion in the Sixth Committee.

Mr. Chair,

To establish universal jurisdiction over grave crimes of international concern can be a valuable means to end impunity after perpetrators of such crimes are able to slip through fragmented national jurisdictions. However, apart from piracy, the consensus on what is the *ratione materiae* of the crimes subject to the principle of universal jurisdiction has yet to emerge. As a result, States tend to define and apply universal jurisdiction based on their domestic laws and accepted national norms.

Despite this ambiguity, Mr. Chair, my delegation is of the view that perpetrators of serious crimes, who do not fall within the scope of the principle of universal jurisdiction, must, nevertheless, be brought to justice. At the very least, they should be prosecuted by the State on whose territory the crimes were committed, or by the State whose nationals were victims of such crimes.

Mr. Chair,

Thailand believes that when one talks about the principle of universal jurisdiction, one has to distinguish between jurisdiction of the international tribunals over treaty crimes, such as genocide, torture and slavery and the jurisdiction of national courts over the crimes which customary international law clearly categorizes as falling within the application of the principle of universal jurisdiction. In addition, distinction must also be made between obligation to extradite or prosecute as required by international treaties and the obligation to extradite or prosecute as required by the application of the principle of universal jurisdiction. In this connection, the Thai delegation welcomes, in particular, the report of the International Law Commission working group on *aut dedere aut judicare* (obligation to extradite or prosecute) chaired by Ambassador Kittichaisaree. The report provides a better understanding and sheds more light on the issue.

Mr. Chair,

Thailand reaffirms our commitment to end impunity. Besides applying universal jurisdiction in the case of piracy, Thai courts also exercise extraterritorial jurisdiction over a number of crimes indicated in the treaties to which Thailand is a Party. We will also comply with our obligations to extradite or prosecute as required by such treaties and by other bilateral agreements.

Mr. Chair,

While we strongly believe that bringing these perpetrators of grave crimes of international concern to justice is very important, the application of the principle of universal jurisdiction in these cases should be founded on a sound legal basis, and not be politically motivated. The legitimacy and credibility of the principle of universal jurisdiction depends very much upon its application that is consistent with other principles and rules of international law.

Finally, Mr. Chair, Thailand reiterates our full support for the work of the Committee, especially the working group at this session, to address and resolve the issue of ambiguity regarding the scope and application of the principle of universal jurisdiction. We look forward to working closely with the Committee on this agenda item.

I thank you, Mr. Chair.