

ПОСТІЙНЕ ПРЕДСТАВНИЦТВО
УКРАЇНИ ПРИ ОРГАНІЗАЦІЇ
ОБ'ЄДНАНИХ НАЦІЙ



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The Permanent Mission of Ukraine to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and pursuant to operative paragraphs 3 of the General Assembly resolution 71/149 of 13 December 2016, entitled "The scope and application of the principle of universal jurisdiction", has the honour to submit an information on the national legal rules on the scope and application of universal jurisdiction (attached).

The Permanent Mission of Ukraine to the United Nations requests the Office of Legal Affairs of the United Nations to include the aforementioned information to the Secretary-General report on the issue to the General Assembly at its seventy-second session.

The Permanent Mission of Ukraine to the United Nations avails itself of the opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest considerations.

Enclosure: as stated.



28 April 2017

Office of Legal Affairs
of the United Nations

New York

Information of Ukraine pursuant to operative paragraphs 3 of the General Assembly resolution 71/149 of 13 December 2016, entitled "The scope and application of the principle of universal jurisdiction"

The principle of universal jurisdiction is enshrined in Article 8 of the Criminal Code of Ukraine (hereinafter – the CC), under which foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under the CC as provided for by the international treaties, or if they have committed grave or especially grave offenses punishable under the CC against rights and freedoms of Ukrainian citizens or interests of Ukraine.

Foreign nationals or stateless persons that are not permanently residing in Ukraine shall be also criminally liable in Ukraine under the CC if they have committed outside Ukraine, in complicity with officials who are citizens of Ukraine, any of the offenses as provided for by articles 368, 368³, 368⁴, 369 and 369² of the CC, or if they offered, promised, gave illegal benefit for such officials or accepted an offer, promise of undue advantage or received from them such benefit.

Additionally, the Ministry of Justice of Ukraine elaborated a draft law "On amendments to the Criminal and Criminal Procedural Codes of Ukraine to establish criminal responsibility for crimes against humanity", which proposes to supplement the CC with a new article 438¹ "Crimes against humanity". This article will provide criminal responsibility for large-scale or systematic killings, tortures, rapes, unlawful imprisonments or kidnappings committed as part of the policy of state or organization directed against the civilian population, as well as other crimes against humanity, as stipulated in the Rome Statute of the International Criminal Court.