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**Statement**

**by**

**Mrs. Piranaj Thongnopnua Yvard**

**First Secretary**

**Permanent Mission of the Kingdom of Thailand**

**before the Sixth Committee  
of the 73<sup>rd</sup> Session of the United Nations General Assembly**

**Agenda Item 82:  
Report of the International Law Commission on the work of  
its seventieth session (Cluster III)**

**New York, 31 October 2018**

**Check against delivery**

Mr. Chair,

First of all, Thailand wishes to thank the Special Rapporteur Madame Concepción Escobar Hernández for her sixth report on the highly complex issue regarding immunity of State officials from foreign criminal jurisdiction.

Mr. Chair,

Indeed, the issue of limitations and exceptions to immunity is a highly sensitive issue, hence the need for a fine balance of all possible aspects/elements concerning both the forum State and the State of the foreign official. These would include the stability of friendly international relations, principle of sovereign equality of States, guarantees of due process, and the fight against impunity for the commission of serious crimes, among many others.

Back to the fundamental basics, concerning the provisionally adopted draft article 7 that lists out crimes under international law which immunity *ratione materiae* should not apply, Thailand supports the conclusion (1) that a clear distinction between immunity *ratione materiae* and immunity *ratione personae* needs to be made at the time of the consideration of whether immunity would apply, which in our delegation's view should be at the initial stage of judicial proceedings, (2) that limitations and exceptions to immunity apply only to immunity *ratione materiae*, and (3) that the work on this topic should be based on *lex lata*, State practice, and customary international law.

Thailand agrees that further discussion and deliberation on the procedural aspects, including on the procedural safeguards, would help ensure a fair and effective operation of draft article 7.

Mr. Chair,

Thailand looks forward with great interest to the next report of the Special Rapporteur, which will focus on the procedural aspects of immunity of State officials from foreign criminal jurisdiction, as well as on the procedural safeguards

recognised under international law to prevent politicisation or abuse of criminal jurisdiction on foreign officials. Further discussion and deliberation on this important issue would certainly help ensure a fair and effective operation of draft article 7. Thailand will continue to follow closely the Commission's work on this topic and requests that the views expressed by States in the Sixth Committee be taken into consideration.

We reserve the right to make further comments on this topic at a later stage.

I thank you, Mr. Chair.

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