



PHÁI ĐOÀN THƯỜNG TRỰC
CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
TẠI LIÊN HỢP QUỐC

PERMANENT MISSION
OF THE SOCIALIST REPUBLIC OF VIET NAM
TO THE UNITED NATIONS

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Statement by Mr. Nguyen Nam Duong, Counselor, Permanent Mission of the Socialist Republic of Viet Nam to the United Nations, at the meeting of the Sixth Committee of the 73rd session of the UNGA on item 87 “The scope and application of the principle of universal jurisdiction”

New York, 10 October 2018

Mr. Chairman,

1. Viet Nam aligns itself with the statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

2. We would also like to thank the Secretary General for his report as contained in document A/73/123, on the basis of information and observations from Member States and relevant observers on the scope and application of universal jurisdiction.

Mr. Chairman,

3. Viet Nam believes that universal jurisdiction must be defined and applied in conformity with the principles enshrined in the Charter of the United Nations and international law in general. Universal jurisdiction must not be interpreted or applied in manners that violates the principles of sovereign equality and non-interference, and with full respect for the immunity of state officials under international law.

4. We are of the view that universal jurisdiction should only be exercised over the most serious international crimes, and should only be evoked as an option of last resort and complementary to other jurisdictions which have a stronger link to the crimes, such as territorial jurisdiction. Furthermore, universal jurisdiction should be exercised by States only in instances where the alleged perpetrator is present in its territory and after having consulted with the State where the crime occurred and the State of nationality of the person concerned about the possibility of extraditing the person to those States for prosecution, subject to the principle of dual criminality.

5. We recognize that there still exist divergent views among states regarding the scope and application of this principle of universal jurisdiction and unsettled issues concerning its definition, the list of serious international crimes and conditions for application of universal jurisdiction. We are convinced that our discussion would benefit from the decisions and judgements of the International Court of Justice and the work of the International Law Commission as useful resources.

Mr. Chairman,

6. Viet Nam considers universal jurisdiction an important instrument for states to combat international crimes and fight against impunity. Viet Nam's revised 2015 Penal Code provides for universal jurisdiction for certain crimes in accordance with the Code and international treaties to which Viet Nam is party. This has shown Viet Nam's commitment to ensure that perpetrators of the most serious international crimes be brought to justice and that the rule of law at national and international levels are upheld.

7. We believe that common standards or guidelines on the scope and application of universal jurisdiction should be developed in order to ensure that universal jurisdiction would be applied in good faith and in an impartial manner. We look forward to engaging in further deliberations on this agenda item with the Sixth Committee and member states of the United Nations.

I thank you./.