

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 paragraph 3 of the General Assembly resolution 72/120 of 7 December 2017, 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 should be grateful if the Office of Legal Affairs of the United Nations would include the aforementioned information to the Secretary-General’s report on the issue to the General Assembly at its seventy-third 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 consideration.

Enclosure: as stated.



26 April 2018

N.Y.

**Office of Legal Affairs
of the United Nations**

New York

Information of Ukraine pursuant to operative paragraph 3 of the General Assembly resolution 72/120 of 7 December 2017, entitled “The scope and application of the principle of universal jurisdiction”

1. The universal jurisdiction principle is enshrined in the Criminal Code of Ukraine (hereinafter – CC). Article 8 of the CC stipulates that foreigners or stateless persons not permanently residing in Ukraine may be criminally liable under the Code, for offences as provided for by international treaties, or if they have committed grave or especially grave offences punishable under the CC against the rights and freedoms of Ukrainian citizens or the interests of Ukraine.

Foreigners or stateless persons not permanently residing in Ukraine shall also be criminally liable under the Code if they have committed outside Ukraine, in complicity with officials who are citizens of Ukraine, any of the offences provided for by articles 368 (*Taking a bribe, promise or receiving illegal benefit by public servant*), 368³ (*Bribery of official of legal entity of private law regardless of the legal-organizational form*), 368⁴ (*Bribery of individual who provides public services*), 369 (*Giving a bribe, promise or giving an illegal benefit to public servant*) and 369² (*Undue influence*) of the CC or if they offered, promised or provided illegal benefit to such officials or accepted an offer or promise of undue advantage or received from them such benefit.

According to national classification of crime severity the CC defines as grave offences such that stipulate the basic punishment of fine in the amount of not more than 25000 minimum tax-free income or the deprivation of liberty for up to 10 years.

Especially grave offences are such that stipulate the basic punishment of fine in the amount of more than 25000 minimum tax-free income or the deprivation of liberty for more than 10 years or life imprisonment.

According to international classification of offences which are prosecuted by the universal jurisdiction principle and pose a serious threat to the international community as a whole the CC criminalized inter alia such actions:

- actions aimed at forceful change or overthrow of the constitutional order or take-over of government (art. 109 of the CC);
- trespass against territorial integrity and inviolability of Ukraine (art. 110 of the CC);
- genocide (art. 442 of the CC);
- piracy (art.446 of the CC);
- violation of rules of the warfare (art. 438 of the CC);
- planning, preparation and waging of an aggressive war (art. 437 of the CC);
- human trafficking (art. 149 of the CC);
- act of terrorism (art. 258 of the CC).

2. Applicable provisions of international agreements of Ukraine that contain the universal jurisdiction principle are Geneva Conventions of 1949 (IHL), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.