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(translation)

Statement by Mr. Li Kai
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At the 74th Session of the UN General Assembly

On Agenda Item 84

The Scope and Application of the Principle of Universal Jurisdiction

New York, 16 October 2019

Mr. Chairman,

The Chinese delegation commends the Sixth Committee for its efforts to clarify the scope and application of the principle of universal jurisdiction. The original purpose to include this item in its agenda is to ensure that member states define universal jurisdiction in a prudent manner and guard against its abuse in order to avoid destabilizing international relations. Therefore, our discussions over the past decade or so are of great significance. The Chinese delegation would like to take this opportunity to reaffirm the following points.

Member states have major differences on the practice and *opinio juris* of universal jurisdiction. Relevant rules of international law on the subject are far from being established. Member states have huge divergences on the application of universal jurisdiction and on the conditions for such application in the offences other than piracy. So far, international treaties and state practice invoked as the basis for “universal jurisdiction” have mostly been based on the obligation of *aut dedere aut judicare* in treaties or on the practice of extraterritorial jurisdiction of relevant states. States asserting jurisdiction already have, to varying degrees, connections with the subjects or their offences. In other cases, such jurisdiction is, in fact, the jurisdiction of international judiciary bodies. None of them are genuine “universal jurisdiction” and should not be considered evidence in support of universal jurisdiction.

It is especially important to note that, some countries, in the name of “universal jurisdiction”, exercise extraterritorial jurisdiction which are incompatible with existing international law and are not widely accepted. There have even been cases of vexatious litigation for political purposes and violations of immunity of foreign state officials. They are clear abuses of universal jurisdiction and are not in conformity with international law, not conducive to safeguarding the stability of international relations.

China believes that, in establishing and exercising universal jurisdiction, a state must comply strictly with the purposes and principles of the UN Charter. In particular, it should abide by the fundamental principles

of international law, such as sovereign equality of states and non-interference in internal affairs, and respect the principle of immunity recognized by international law with a view to striking the necessary balance between fighting impunity and safeguarding the stability of international relations.

Thank you. Mr. Chairman.