



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

STATEMENT

By the Delegation of Viet Nam

at the Sixth Committee of the 78th Session of the General Assembly
Agenda item 84 “The scope and application of the principle of universal jurisdiction”

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Mr. Chair,

We would like to thank the Secretary General for his report as contained in document A/78/130 on the basis of information and observations from Member States and relevant observers on the scope and application of universal jurisdiction.

Viet Nam aligns itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement and would like to deliver the following remark in its national capacity.

Mr. Chair,

Viet Nam views that the perpetrators of the most serious international crimes such as genocide and war crimes must not go unpunished and universal jurisdiction is an important legal tool to uphold justice and ensure the punishment for these grave offenses. We note that there exist different views from Member States over the definition, scope and limits of application of the principle of universal jurisdiction. The lack of a clear and generally accepted answer to these issues might lead to an improper or selective application of universal jurisdiction that prejudices or undermines international legal order based on international law.

Mr. Chair,

Viet Nam re-iterates its long-standing position over the scope and application of universal jurisdiction as follows:

First, the application of universal jurisdiction must be applied in accordance with the Charter of the United Nations and principles of international law including the principle of sovereignty, territorial integrity and non-interference in the domestic affairs of States, with full respect for the immunity of State officials from foreign criminal jurisdiction under international law.

Second, universal jurisdiction should only be exercised over the most serious international crimes. Expansion of the principle to include anything less than the most heinous crimes could risk calling into question its very legitimacy.

Third, universal jurisdiction should only be evoked as an option of last resort and complementary to other jurisdictions which have a stronger link to the crimes, including jurisdictions based on territoriality and nationality. Universal jurisdiction should be exercised by States only in circumstances 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.

Mr. Chair,

Viet Nam considers universal jurisdiction an important instrument for States to combat international crimes and address impunity effectively. Efforts has been made in our revised 2015 Penal Code that allows universal jurisdiction for certain serious crimes, aligning our criminal legal framework with our national law and international treaties to which we are a party. This underlines Viet Nam's unwavering 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.

We believe that establishing common standards or guidelines on the scope and application of universal jurisdiction is essential to ensure that universal jurisdiction be applied in good faith and in an impartial manner. Viet Nam notes the importance and usefulness of the dialogue in the Sixth Committee and, in particular, in the Working Group. We look forward to engaging in further deliberations on this agenda item within the Sixth Committee and among Member States of the United Nations.

Thank you Mr. Chair!