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(translation)

Statement by Mr. Xiang Xin
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At the 69th Session of the UN General Assembly

On Agenda Item 83

Scope and Application of the Principle of Universal Jurisdiction

New York, 15-16 October 2014

Mr. Chairman,

Universal jurisdiction is a multi-faceted issue involving political, legal and diplomatic questions and as such, bears significantly on the development of international relations and international order. The Chinese delegation appreciates the efforts made by the Sixth Committee and its Working Group to further define this principle and we support more in-depth discussions of this item.

Mr. Chairman,

Since 2009, comprehensive considerations of all aspects of universal jurisdiction have been carried out and the Chinese delegation has taken an active part in the relevant discussions and wishes to take this opportunity to reiterate its views.

First, on the objectives and nature of universal jurisdiction. China believes that universal jurisdiction is of a supplementary nature. When a state is not the place of a crime committed, nor the state of nationality of the suspect or the victim, and its national security and major interests are not jeopardized by the crime, it may be explored that the state might exercise universal jurisdiction based on the nature of the crime in order to combat the most heinous international crimes and eliminate impunity. However, a clear distinction must be made between universal jurisdiction and other types of jurisdiction to prevent overlapping or conflict, so as to maintain the stability of the system of international law as well as inter-state relations.

Second, on the preconditions for the application of universal jurisdiction. China believes that exercise of universal jurisdiction must abide by existing principles and rules of international law, including observance of the purposes and principles of the UN Charter and the norms of international law, non-violation of the state sovereignty, non-interference in internal affairs, and non-violation of immunities enjoyed by states, state officials and diplomatic and consular personnel. Some countries have

suggested that exercise of universal jurisdiction should meet certain specific conditions, such as the suspect being within the territory of the exercising state, and non-violation of the obligations of extradition or prosecution. These proposals also warrant our serious study.

Third, on the prudent application of universal jurisdiction. We appreciate the efforts made by the Working Group in drawing up a list of crimes to which universal jurisdiction may be applicable and believe that this will help clarify understanding and unify practices of various countries. We have noticed that except for an extremely limited number of serious crimes such as piracy on the high seas, there is no coherence in the positions and practices of various countries with regard to crimes to which universal jurisdiction is applicable. Under such circumstances, universal jurisdiction should be exercised cautiously in order to prevent its abuse. We have also noticed that in recent years, a few countries have amended their domestic legislation to limit the scope of application of universal jurisdiction. This fully demonstrates the serious reflections of the international community on this issue.

Mr. Chairman,

The Chinese delegation hopes that the Sixth Committee and its Working Group, through deep-going discussions and exploration, will give greater clarity to the objectives, nature, role and impact of universal jurisdiction so as to minimize its possible negative impact on international relations and international order.

Thank you, Mr. Chairman.