



PEOPLE'S REPUBLIC OF CHINA
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(translation)

Statement by Mr. SHI Xiaobin

Chinese Delegate

At the 72nd Session of the UN General Assembly

On Agenda Item 85

The scope and application of the principle of universal jurisdiction

New York, 11 October 2017

Mr. Chairman,

The Chinese delegation appreciates the efforts of the Sixth Committee to further clarify the scope and application of the principle of universal jurisdiction. The consideration of the item at the Sixth Committee in the last 8 years and the informal working papers prepared by its Working Group have shown that member states have engaged in extensive exchanges of views and information, and conducted in-depth and detailed discussions on relevant issues. Currently, there is a general recognition of the importance of eliminating impunity and achieving judicial justice. However, the international community is still far from reaching a consensus on the existence of general universal jurisdiction in international law, as well as its definition, scope, and conditions and procedures of application. Judging from the information provided concerning domestic legislations and judicial practices regarding the so called “universal jurisdiction”, countries have very different practices and various views upon *opinio juris*.

Mr. Chairman,

China wishes to reiterate that the purpose of our discussion of this item should be to ensure that countries take a cautious approach in defining “universal jurisdiction” to deter its abuse, and to strike a necessary balance between combating impunity and maintaining stability in international relations. China has taken note of the consolidated list on the scope of application of “universal jurisdiction” in the informal working paper of the Working Group, which envisaged 12 crimes put forward by various states. Other than acts of piracy, considerable differences still exist over whether or not universal jurisdiction exists in other situations, as well as over the scope and conditions of its application, and no relevant rules of customary international law have been formed yet. When examining the applicability of universal jurisdiction to the crimes on the list, attention should be given to the distinction between universal jurisdiction and the norm of *aut dedere aut judicare* envisaged in the international treaties on combating serious crimes, and between universal jurisdiction and the jurisdiction exercised by international judicial bodies according to specific

treaties.

In any case, when a country establishes and exercises jurisdiction, it should strictly adhere to the purposes and principles of the UN Charter, uphold such basic principles of international law as sovereign equality and non-interference in internal affairs of other countries, avoid improper extraterritorial jurisdiction, and refrain from infringing upon the immunity *ratione personae* and *ratione materiae* enjoyed by foreign States, state officials and diplomatic and consular personnel.

Mr. Chairman,

In view of the great divergence of views among countries concerning the scope and application of the principle of universal jurisdiction, and the difficulty in reaching a consensus or producing any document of a guiding nature in the near future, China suggests that our Committee consider whether it is necessary to continue its consideration of this item.

Thank you, Mr. Chairman.