



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

**Statement by Quyên Thi Hồng Quyên,
Legal Adviser, Permanent Mission of Viet Nam
at the Sixth Committee of the 75th Session of the General Assembly
*Agenda item 87: “The scope and application of
the principle of universal jurisdiction”***

New York, 3 November 2020

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Chairperson,

Viet Nam aligns itself with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

We would like to thank the Secretary-General for his report as contained in document A/75/151, on the basis of information and observations from Member States and relevant observers on the scope and application of the principle of universal jurisdiction.

Viet Nam believes that the principle of universal jurisdiction must be defined and applied in conformity with the principles enshrined in the Charter of the United Nations and international law in general. Universal jurisdiction must not be interpreted or applied in a manner that violates the principles of sovereign equality and non-interference and it must fully respect other rules and principles of international law, including with regard to the immunity of state officials from foreign criminal jurisdiction.

We are of the view that universal jurisdiction should only be exercised over the most serious international crimes including war crimes, genocide, and crimes against humanity. It should only be evoked as an option of last resort and complementary to other jurisdictions which have a stronger link to the crimes, such as territorial jurisdiction. Furthermore, universal jurisdiction should be exercised by States only in instances 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.

We recognize that there still exist divergent views among states regarding the scope and application of the principle of universal jurisdiction and unsettled issues concerning its definition, the list of serious international crimes and conditions for application of universal jurisdiction. It is advisable to develop common standards or guidelines on the scope and application of the principle of universal jurisdiction, in which special emphasis should be placed on the need to apply that principle of universal jurisdiction in good faith and in an impartial manner. Relevant decisions and judgments of the International Court of Justice and the work of the International Law Commission can serve as useful resources for our discussion. I take this opportunity to renew my Delegation's firm commitment to remain fully engaged in the discussion at the Sixth Committee and the Working Group on the topic.

Viet Nam considers universal jurisdiction an important instrument for states to combat international crimes and fight impunity. Viet Nam's Penal Code provides for universal jurisdiction for certain crimes in accordance with the Code and international treaties to which Viet Nam is a party. We are fully committed to ensuring that perpetrators of the most serious international crimes be brought to justice and upholding the rule of law at national and international levels.

I thank you./.