

PERMANENT MISSION OF THAILAND
TO THE UNITED NATIONS

136 EAST 39th

Statement

by

His Excellency Dr. Suriya Chindawongse
Ambassador and Permanent Representative
of Thailand to the United Nations

before the Sixth Committee

of the 78th Session of the United Nations General Assembly

Agenda Item 84

The Scope and Application of the Principle of Universal Jurisdiction

New York, 13 October 2023

Mr. Chair ,

1. Thailand aligns itself with the statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM)

Mr. Chair ,

2. Thailand recognises that universal jurisdiction is a generally accepted principle of international law. Nonetheless, we recognise that States still differ on the definition, scope and limits of the application of this principle. In this regard, we appreciate the Report A/78/130 of the Secretary-General compiling information and observations from Member States and relevant observers on the scope and application of universal jurisdiction.

3. On our part, Thailand will submit an information paper on jurisdiction of the Thai Courts to hear cases involving certain offences committed outside the Kingdom of Thailand, which do not necessarily have any link with Thailand, the Thai Government or Thai nationals. This includes Section 7 of the Thai Penal Code which provides the Thai Court with extraterritorial jurisdiction over acts of terrorism, counterfeiting, sex trafficking and piracy. Such crimes have been widely accepted internationally as *ius cogens* crimes that all states will need to suppress regardless of where and by whom the crimes were committed.

4. Furthermore, Thailand has established national judicial jurisdiction over certain criminal offences in its implementation

of international treaties which Thailand is a state party. Most recently, the Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022) establishes jurisdiction over offences of torture, cruel, inhuman or degrading treatment and enforced disappearance. Despite these crimes being of serious nature, but still not yet amounting to crimes with universal jurisdiction, the international treaties could oblige state parties to criminalise and establish jurisdiction over such crimes under national criminal law.

5. We encourage Member States to submit information regarding their national legal rules and judicial practice that may amount to expression of *opinio juris* on this issue.

Mr. Chair,

6. Thailand believes that the international community shares a common interest and responsibility to combat impunity and assert the application of universal jurisdiction among most serious crimes. In this regard, Thailand wishes to make the following four points:

7. First, universal jurisdiction must be defined and applied in conformity with the principles enshrined under the Charter of the United Nations and other applicable principles of international law. These include the principles of State sovereignty, territorial integrity and immunity of State officials from foreign criminal jurisdiction.

8. Second universal jurisdiction should be used ~~as~~ complementary option to other principles of jurisdictions, including territoriality and nationality principles, which have stronger links to the perpetrating crimes.

9. Third, the distinction between universal jurisdiction and *the principle of aut dedere aut judicare* must be clearly defined. Universal jurisdiction does not create an obligation on States to extradite or prosecute. It is primarily a treaty obligation defined under specific conditions by relevant treaty provisions.

10. Fourth, the general principles of law notably *nullum crimen, nulla poena sine lege* and the prevention of ~~of~~ *double jeopardy*, should be recognized when applying the principle of universal jurisdiction over certain crimes. My delegation hereby expresses concern that misusing and abusing of these principles may resort to the biased accusation or conviction of an ordinary crime committed in a political context when power is arbitrarily used and the rule of law is severely hindered.

Mr. Chair,

11. Thailand sees the necessity and importance of international criminal cooperation by fostering legal assistance with various countries as appears in national legal rules, bilateral agreements and international treaties, as tools in preventing impunity and strengthening international justice.

12. Once again, Thailand expresses its full support to continue our discussion within the Sixth Committee on the scope and application of the principle of universal jurisdiction. We also support the efforts of the Secretariat to continue to gather

I thank you.
