

# Decision of the Standing Committee of the National People's Congress on Exercising Criminal Jurisdiction over Crimes Prescribed in the International Treaties to Which the People's Republic of China Is a Party or Has Acceded

(Adopted at the 21st Meeting of the Standing Committee of the Sixth National People's Congress on June 23, 1987)

The 21st Meeting of the Standing Committee of the Sixth National People's Congress resolves that the People's Republic of China shall, within the scope of its treaty obligations, exercise criminal jurisdiction over crimes prescribed in the international treaties to which the People's Republic of China is a party or has acceded.

Appendixes:

## The Relevant Clauses of the International Conventions

### I. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents

The second paragraph of Article 3: "Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in cases where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article."

Article 7: "The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State."

### II. Convention for the Suppression of Unlawful Seizure of Aircraft

The second paragraph of Article 4: "Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article."

Article 7: "The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution."

"Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State."

### III. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation

The second paragraph of Article 5: "Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article."

Article 7: "The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution."

"Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State."

### IV. The Convention on the Physical Protection of Nuclear Material

The second paragraph of Article 8: "Each State Party shall likewise take such measures as may be necessary to

establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to Article 11 to any of the States mentioned in paragraph 1."

#### V. International Convention Against the Taking of Hostages

The second paragraph of Article 5: "Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in Article 1 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States mentioned in paragraph 1 of this Article."

The first paragraph of Article 8: "The State Party in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a grave nature under the law of that State."

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