



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

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The Scope and Application of the Principle of Universal Jurisdiction

Statement by

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to the United Nations

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Mr. Chairman,

As it is the first time the Czech delegation is taking the floor in this session, allow me to congratulate you and the Bureau on your election. We believe that you will provide wise and effective leadership to the Sixth Committee and we assure you of our full support and cooperation.

Statements of some States at the high-level meeting on the rule of law on September 24, 2012, as well as today's discussion in the Sixth Committee, are the proof that the issue of universal jurisdiction remains relevant for the UN membership. As we declared in our two previous statements on this agenda item, we continue to believe that the scope and application of the principle of universal jurisdiction is a legal question, rather than a political one. As such, we proposed to refer this issue to the International Law Commission that could prepare a study on this topic. In this respect, our position has not changed. The legal complexity of this question was recently demonstrated by the ICJ in its Judgment in the case "Questions relating to the obligation to prosecute or extradite" (Belgium v. Senegal) of July 20, 2012.

During the last session of the GA, the Working Group for this agenda item was established. Although the Working Group managed to produce at the end - under the able Chairmanship of Ambassador Ulibarri - an Informal Paper, the discussion within this body clearly demonstrated the limits of the Sixth Committee. Specifically, there was not enough time to clarify the scope and application of the principle of universal jurisdiction, and the situation is most likely to be repeated at this session. In particular, the points listed under the "Issues for Discussion" in the Informal Paper, such as "crimes under universal jurisdiction", deserve closer attention which may not be possible to achieve in the hurried pace of the Sixth Committee, when we are trying to get all our resolutions done in time. Furthermore, the Sixth Committee operates as a political body, while the International Law Commission is an expert body. As you may recall, during the 66th session of the GA, we could not even agree on the phrase that the main purpose of universal jurisdiction is to avoid impunity.

In this context, we would like to recall that, according to the Informal Paper, "The potential role of the International Law Commission will be considered when appropriate". In our view, the appropriate time is now. The same idea is contained in the latest resolution on this agenda item (A/RES/66/103), in which the GA decided that the "Sixth Committee shall continue its consideration of the scope and application of the principle of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations".

As we are aware of the fact that there may not be consensus on our proposal yet, we are ready to participate constructively in the meetings of the Working Group. At the same time, we want to stress that the Czech Republic would not support any further development of the Informal Paper suggesting the establishment of an international mechanism that would have the power to interfere with national criminal proceedings initiated on the basis of universal jurisdiction. Such step would not comply with our understanding of the independence and impartiality of courts and judges.

Thank you, Mr. Chairman.