



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,

We consider the universal jurisdiction to be an important tool in the fight against impunity for the most serious crimes enabling States to prosecute perpetrators of these crimes without any territorial or personal connection of a State to the crime committed. It is the nature and severity of these crimes that stand behind the common goal of international community to prosecute and punish their perpetrators, eliminating the existence of safe havens.

In the opinion of the Czech Republic, the scope and application of the principle of universal jurisdiction is a prominently legal question and should be treated as such. We acknowledge differences among States in areas such as presence of the alleged offender in the territory of the State as a condition for exercising universal jurisdiction versus trial in absentia, the need for procedural safeguards in the exercise of universal jurisdiction and their forms, customary nature of universal jurisdiction and so on. We believe that the topic merits a thorough legal analysis and that the International Law Commission, as an expert body which can dedicate more time for its consideration, is the most suitable place for it. The Commission can use its knowledge from the study of other closely related topics currently or previously on its agenda.

Referring this topic to the Commission, together with proper instruction concerning the level of its priority, would demonstrate commitment of the Sixth Committee to the idea of strengthening its interaction with the Commission. The Sixth Committee would still retain final responsibility for the treatment of this topic, because the outcome of the Commission's work on the universal jurisdiction would necessarily come back to the Sixth Committee for any action the Committee would then consider appropriate. Therefore, as in the previous years, we propose to refer this issue to the International Law Commission to prepare a study on this topic. We remain firmly convinced that exploring such an avenue would bring positive outcomes.

At the same time we note with satisfaction the achievements of the Working Group and we believe that the Commission, if the topic is referred to it, would undoubtedly take duly into account the work accomplished there. However we are of the view that the potential of the current format of work on this topic has been already exhausted. In the interest of further substantive progress on the topic and its full exploration, the International Law Commission is the most appropriate venue.

Thank you, Mr. Chairman.