



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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Mr. Chairman,

The Czech Republic considers the universal jurisdiction to be an important tool for ensuring that crimes under international law do not go unpunished. Due to the nature and severity of these crimes that are of concern to the international community as a whole the impunity for such crimes is truly unacceptable. It is in the interest of all States to bring the perpetrators of these crimes to justice without any connection of such State to the crime committed. In addition, numerous treaties contain obligation to prosecute and punish those responsible for such crimes. Global fight against impunity for these crimes and denial of safe haven to its perpetrators is also justified by the fact that such crimes violate universal values and peremptory norms of international law. In our view, exercising universal jurisdiction does not mean only holding the perpetrators of such crimes accountable, but also providing justice for victims and strengthening respect for international law.

In this context, we would like to recall that universal jurisdiction is a generally recognized principle of public international law. We believe that defining its scope and application is a purely legal question and should not be burdened by political considerations which are unavoidable within the Sixth Committee. Therefore, the Czech Republic has in the last years proposed to refer this topic to the International Law Commission. In 2018, the Commission itself noted the lack of meaningful progress of the discussions in the Working Group of the Sixth Committee due to political disagreements concerning potential selective and arbitrary application of universal jurisdiction. At the same time, the Commission recognized the need for clarification of certain aspects concerning universal jurisdiction and decided to include the topic of universal criminal jurisdiction in its long-term programme of work. Accordingly, the Commission would limit its work only to some legal concerns and its outcome could then serve as a guidance to the Sixth Committee. It might also elaborate expert proposals that would allow States to have a clearer legal basis from which the discussions may be started in order to reach a compromise.

The Czech Republic, as one of the States that has incorporated universal jurisdiction in its national law, would welcome further progress in this respect. In our view, it would be constructive to refer this topic to the International Law Commission as it is an independent expert body, which can dedicate more time for its consideration and use its knowledge from other studies that have relevance to this topic.

This approach would demonstrate commitment of the Sixth Committee to the idea of strengthening its interaction with the International Law 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.

Thank you, Mr. Chairman.