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Ms. Petra Langerholc, Minister Plenipotentiary and Legal Adviser at the Permanent Mission of Slovenia to the United Nations on

Agenda item 87:

Scope and application of the principle of universal jurisdiction

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Sixth Committee

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Mr. Chairman,

I welcome this opportunity to address the Sixth Committee on the issue of the scope and application of the principle of universal jurisdiction on behalf of the Republic of Slovenia.

Let me first thank the Secretary General for his report and all Member States and relevant observers that provided the basis thereof.

For Slovenia, universal jurisdiction is an important, well-established principle of international law that contributes to strengthening and promoting the rule of law at both national and international level. There is a common understanding that the aim of the principle is to combat impunity and protect the rights of victims of the most serious crimes of concern to the international community as a whole. Furthermore, it should meaningfully contribute to sustainable peace in conflict situations.

Slovenia recognises the merit in continuing the work aimed at crystalizing the scope of universal jurisdiction. Major concerns over its implementation are linked to misunderstanding of its application. These also relates to exercising other forms of extraterritorial jurisdiction, i.e. active and passive personality and protective jurisdictional principle. It should be underlined that contrary to the other principles, universal jurisdiction does not apply to all crimes, but only to the most serious crimes under international law whose abhorrent nature merits its application, such as war crimes, genocide, crimes against humanity, slavery, torture and piracy. However, we must be careful not to limit ourselves by establishing an exhaustive list of crimes that would fall under the principle. What is common to these crimes is a responsibility of the international community as a whole to punish perpetrators of these most heinous criminal acts. Another area where further consideration is necessary is the issue of immunities in connection with the principle of universal jurisdiction.

Mr. Chairman,

Slovenia would further like to emphasise that the principle of universal jurisdiction is a complementary mechanism to hold perpetrators accountable for the most serious

crimes under international law, which should be exercised in accordance with the principle of subsidiarity. In our view, the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible application in good faith, in a non-abusive and non-selective manner and in accordance with the Charter of the United Nations and international law. Therefore, close cooperation of the States concerned is of paramount importance. It goes without saying, that the judicial proceedings in a universal jurisdiction case must uphold highest judicial standards, such as presence of the accused in proceedings, gathering of evidence, hearings of witnesses etc., in order to enjoy full credibility and legitimacy.

In conclusion, Slovenia would like to highlight the importance of strengthening mutual legal assistance and cooperation between States with a view to improving the effectiveness of the investigation and prosecution of crimes that fall under universal jurisdiction. The exercise of the principle of universal jurisdiction by national courts entails specific challenges, such as witness participation and collection of evidence in the context of inter-state cooperation. Argentina, Belgium, Mongolia, the Netherlands, Senegal, and my country, Slovenia, are actively working towards the adoption of a new international instrument on mutual legal assistance and extradition between states for the crimes of genocide, crimes against humanity and war crimes, known as the MLA initiative. Seventy-five states from all regions, including states that are not members of the International Criminal Court, support this initiative and my delegation invites all states to join. The diplomatic conference for the adoption of the convention had to be postponed due to the COVID-19 outbreak, but a new date will be announced in due course.

Thank you, Mr Chairman