



PERMANENT MISSION  
OF THE SLOVAK REPUBLIC  
TO THE UNITED NATIONS

**S T A T E M E N T**

by

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- *check against delivery* -

Mr. Chair,

Slovakia fully aligns itself with the statement made on behalf of the European Union and its Member States. My delegation fully recalls its comments made at the last year's debate; I will proceed by sharing only a few further comments and reflections on draft articles 6 and 7.

We have noted with interest a proposal to include the prohibition of granting pardons and amnesties in the draft article 6. My delegation expresses preparedness to discuss further the possibility of incorporating such provision within the context of formal negotiations of a convention.

In relation to draft article 7, my delegation would like to underscore the importance of its paragraph 2. We note that the wording reproduces almost *verbatim* Article 5 paragraph 2 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. With currently 174 States Parties of UNCAT, my delegation does not share concerns over such jurisdictional basis being controversial in international criminal law. In addition, the respective provision of paragraph 2 does not oblige States to exercise the jurisdiction based on the presence of an alleged offender. It only obliges States to allow for its exercise in cases, where the State concerned does not extradite or surrender the alleged offender to another jurisdiction. Together with subsequent draft articles, this provision represents a crucial component of a framework designed to eliminate any possibility of safe haven for perpetrators of crimes against humanity.

Lastly, we have noted the suggestion of some delegations to establish a priority or hierarchy among jurisdictional bases in favour of the territorial jurisdiction as having the closest link to the crime. While admitting that in majority of cases, territorial jurisdiction would be in best position to investigate and prosecute crimes against humanity; my delegation does not consider establishing its priority as either necessary, or beneficial *vis-a-vis* the object and purpose of draft articles. On a more general note, existing treaty law regarding other international crimes does not provide for any such regulation. Potential competition of jurisdictions can eventually occur also between well-established territorial and active personal jurisdictions, and even in relation to non-international crimes. We thus find difficult to see this as a specific challenge for crimes

against humanity. Looking at draft articles, cause for introduction of a hierarchy seems even less compelling. Besides systematic order in which various jurisdictions are incorporated in draft article 7, State asserting jurisdiction based on the presence of an alleged offender has a notification obligation towards States of territorial and personal jurisdictions. These States with presumably closer link to the crime can thus assert their jurisdictions and request extradition. In that case, proper consultations between requested and requesting States shall be conducted and due consideration has to be given to a request by the State, under whose jurisdiction the alleged crime occurred. Overall, the draft article read in conjunction with draft articles 9 and 13 provide, in our view, sufficient guidance in this regard. Eventually, nothing in draft articles prevents States from agreeing on specific arrangements on a bilateral basis.

Thank you, Mr. Chair.