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,

We would like to briefly reiterate our previous comments regarding this topic. In the opinion of the Czech Republic, the scope and application of the principle of universal jurisdiction is a prominently legal question and in a body of legal experts should be treated as such. Therefore, we continue to feel that the scope and application of the principle of universal jurisdiction should be dealt with at a different forum. We have proposed in previous years to refer this issue to the International Law Commission to prepare a study on this topic and we maintain this proposal.

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. In our opinion, exercising universal jurisdiction by a State is a means how to eliminate safe haven for the perpetrators of these crimes.

We note with satisfaction the achievements of the Working Group. At the same time,
we are concerned that the potential of the current format of work on this topic has already been exhausted. 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 would undoubtedly take duly into account the work accomplished in the Working Group. Moreover, 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 also 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 Commission's