

**Information of the Czech Republic on the Scope and Application  
of the Principle of Universal Jurisdiction**

*Attachment to the diplomatic note of the Permanent Mission of the Czech Republic to the  
United Nations No. 897/2010, dated April 28, 2010*

**1) National legislation - Act No. 40/2009 Coll., the Criminal Code (in force from  
January 1, 2010)**

**Jurisdiction**

**Section 7**

**Principle of Protection and Universality**

(1) The Czech law shall apply when determining the liability to punishment of Torture and Other Inhuman and Cruel Treatment (Section 149), Forgery and Alteration of Money (Section 233), Uttering Counterfeited and Altered Money (Section 235), Manufacturing and Possession of Forgery Tools (Section 236), Unauthorized Production of Money (Section 237), Subversion Against the Republic (Section 310), Terrorist Attack (Section 311) and Terror (Section 312), Sabotage (Section 314), Espionage (316), Violence Against a Public Organ (Section 323), Violence Against a Public Officer (Section 325), Forgery and Fraudulent Alteration of an Official Document (Section 348), Criminal Conspiracy (Section 361 Paragraph 2 and 3), Genocide (Section 400), Attack on Humanity (Section 401), Apartheid and Discrimination against a Group of People (Section 402), Preparation of Aggressive War (Section 406), Using Prohibited Means of Combat and Unlawful Warfare (Section 411), War Cruelty (Section 412), Persecution of a Population (Section 413), Plundering in the War Area (Section 414), Misuse of Internationally Acknowledged Symbols and Signs and State coat of Arms (Section 415), Misuse of a Flag and Cease-Fire (Section 416), Assaulting a Parliamentary (Section 417) even if such crime has been committed abroad by a foreign national or a stateless person with no permanent residence permit in the Czech Republic.

**Section 8**

**Subsidiary Principle of Universality**

(1) The Czech law shall be applied to determine the liability to punishment for an act committed abroad by a foreign national or a stateless person with no permanent residence permit on the territory of the Czech Republic, if:

- a) the act is also punishable under the law in force on the territory where it was committed;  
and
- b) the offender is apprehended on the territory of the Czech Republic and was not extradited or surrendered for criminal prosecution to a foreign State or other subject authorised to criminal prosecution.

[...]

(3) However, such offender shall not be sentenced to a more severe punishment than that stipulated under the law of the State on whose territory the crime was committed.

## Section 9 Jurisdiction under International Treaty Obligation

(1) The liability to punishment for an act shall also be considered under the Czech law in cases stipulated in a promulgated international treaty which is part of the legal order (further on “international treaty”).

(2) The provisions of Sections 4 to 8 shall not apply if it is not admitted under a promulgated international treaty.

### 2) List of the Main International Treaties

Bilateral Extradition Treaties:

- A number of bilateral extradition treaties, to which the Czech Republic is a party, contain an express obligation, in cases of denial of extradition, to submit the case to competent authorities of the requested State with view to possible prosecution (subsidiary principle of universality – *aut dedere aut judicare*).

Multilateral Treaties:

- Convention on the Prevention and Punishment of the Crime of Genocide
- Additional Protocol I to the Geneva Conventions
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- The European Convention on Extradition of 1957 (subsidiary principle of universality – *aut dedere aut judicare*).

### 3) State Practice

In the Czech Republic, there is no case law available regarding the crimes under international law. The attempts have been made, however, to apply the subsidiary principle of universality in practice, but these have failed to succeed (usually for reason of failure of the State requesting the extradition to provide sufficient evidence for prosecuting the requested person in the Czech Republic, following the denial of extradition; often also for reason of statutes of limitation). In one case, instead of prosecuting the person in the Czech Republic, following the denial of extradition (the extradition had been requested for enforcement of a sentence of imprisonment), the requesting State successfully requested that the Czech Republic takes over execution of the sentence.