



# 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

**Ms. Kristina Horňáčková**

Legal Adviser of the Permanent Mission of the Czech Republic  
to the United Nations

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Mr. Chairman,

The Czech Republic considers the universal jurisdiction to be an important and useful tool in the fight against impunity for the crimes under international law. It is a generally recognized principle of public international law which promotes rule of law and has deterrent effect on possible perpetrators. It is the nature and severity of these crimes which violate universal values common to the international community that cause that it is in the interest of all States to hold perpetrators of such crimes accountable and eliminate the existence of safe havens.

We recognize the primary jurisdiction of the territorial State to prosecute and punish perpetrators of such crimes. However, when such State is unwilling or unable to prosecute the perpetrators, and neither the State of the nationality of the perpetrator or of the victim is prosecuting such crimes genuinely, every State is entitled to prosecute them without any territorial or personal connection to the crime committed.

In addition, we believe that a strict application of the principle of *aut dedere aut iudicare* under relevant international treaties, as elucidated in the judgment of the International Court of Justice in the case of Belgium vs. Senegal, together with application of the principle of universal jurisdiction under customary international law, can contribute to deterrence of commission of such crimes and enhance the fight against impunity.

At the same time, it should be underscored that internationally accepted standards of fair trial and the immunities *ratione personae* of foreign state officials under customary international law and international treaties must be always upheld when exercising universal jurisdiction in domestic courts.

The Czech Republic takes the view that the scope and application of the principle of universal jurisdiction is a prominently legal question and should be treated as such. We acknowledge differences among States in areas concerning the issues of customary nature of universal jurisdiction, presence of the alleged offender in the territory of the State as a condition for exercising universal jurisdiction versus trials *in absentia*, the need for procedural safeguards in the exercise of universal jurisdiction and their forms and so on. We appreciate the work of the Working Group and the progress it has made since its establishment. However, we remain convinced that the topic deserves 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.

In the last years, we have been proposing to refer this issue to the International Law Commission as it has already touched upon it in other closely related topics to this one. Apparently, even the Commission itself sees the need for clarification of certain aspects concerning universal jurisdiction while noting the lack of substantial progress in the Working Group, as it has decided this year to include the topic of universal criminal jurisdiction in its long-term programme of work. The Commission notes that its work would limit itself only to some legal concerns which can serve as guidance to the Sixth Committee.

Referring this topic to the Commission would demonstrate commitment of the Sixth Committee to the idea of strengthening its interaction with the Commission.

Thank you, Mr. Chairman.