



S L O V A K I A

STATEMENT

by

H. E. Mr. Michal MLYNÁR

Ambassador

**Permanent Representative of the Slovak Republic to the United
Nations**

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Sixth Committee**

**The scope and application of the principle of universal jurisdiction
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(check against delivery)

Mr. Chairman,

Allow me, at the outset, to thank the Secretary-General for his report on the principle of universal jurisdiction prepared on the basis of observations and comments by States and observers.

Slovakia welcomed the decision taken at the previous session of this Committee to establish a dedicated working group to allow for an in-depth discussion on the scope and application of universal jurisdiction. We express our hope that a legal debate will contribute to the alleviation of political sensitivities attached to the principle of universal jurisdiction. It may bring clarity to some pertinent issues like its scope (which crimes it applies to), the relationship between universal jurisdiction and the immunity of State officials from criminal jurisdiction or the interplay between universal jurisdiction and the *aut dedere aut judicare* obligation.

Slovakia wishes to recall that universal jurisdiction has been a firm part of international law for centuries. It has traditionally been applied over piracy, but it has gained more relevance recently with respect to other crimes like crimes against humanity, war crimes, genocide or torture. In this respect, article 5 para. 2 of the Convention against Torture or draft article 6 para. 2 adopted by the International Law Commission under the topic *Crimes against humanity* are strong evidence of its existence and acceptance.

We wish to stress that the application of universal jurisdiction does not cast any doubt on the traditional jurisdictional links based on territoriality or personality. However, it does complement those jurisdictional approaches by closing the impunity gap especially in situations, where the alleged perpetrators have evaded the States having territorial or personal jurisdiction.

Mr. Chairman,

In the absence of a truly universal framework for mutual legal assistance and of the universal acceptance of the Rome Statute of the International Criminal Court, universal jurisdiction remains the guarantee against impunity of alleged perpetrators.

In this respect, we wish to note that a development of an MLA Treaty, which is currently being negotiated, or the prospective elaboration of a convention on the prevention and punishment of crimes against humanity, would not strip universal jurisdiction of its relevance or narrow the scope of its application. Those projects, the application of universal jurisdiction, as well as the strengthening of the ICC, would complement and reinforce each other by creating a strong legal framework aimed at ensuring accountability.

To conclude, Mr. Chairman,

The idea, whereby the gravest crimes under international law must not remain unpunished, whoever the perpetrators are and wherever those persons may be, is, in our view, the *ratio* behind the application of universal jurisdiction. We hope that this underlying idea will guide our dialogue during the present session.

I thank you.