



**S L O V A K I A**

**STATEMENT**

**by**

**Mr. Matúš KOŠUTH**

**Assistant Legal Adviser  
International Law Department  
Ministry of Foreign and European Affairs of the Slovak Republic**

**74<sup>th</sup> session of the United Nations General Assembly  
Sixth Committee**

**The scope and application of the principle of universal jurisdiction  
(item 84)**

**New York, 15 October 2019**

*(check against delivery)*

Mr. Chair,

At the outset, I wish to thank the Secretary-General for his report on the principle of universal jurisdiction.

Mr. Chair,

Slovakia recalls 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 article 7 para. 2 of the draft articles on prevention and punishment of crimes against humanity present strong evidence of its existence and acceptance. Complementing that, the report of the Secretary-General contains ample evidence of the acceptance of the principle of universal jurisdiction in national legal systems.

The application of universal jurisdiction does not cast any doubt on the traditional jurisdictional grounds based on territoriality or personality. However, it does complement those jurisdictional bases by closing the impunity gap especially in situations, where the alleged perpetrators have evaded the States having territorial or personal jurisdiction.

My delegation welcomed the decision of the Committee to establish, once again, 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. We also believe that the elaboration of the topic *Universal criminal jurisdiction* by the International Law Commission, currently on its long-term programme of work, would contribute to objective legal deliberations of the topic, absolved from the political ramifications.

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 of crimes under international law. The elaboration of a convention on the prevention and punishment of crimes against humanity, as recommended by the ILC, or the conclusion of an MLA Treaty 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, no matter who the perpetrators are and where they may be, is, in our view, the main reason behind the application of universal jurisdiction and the biggest benefit thereof. We hope that this underlying idea will guide our deliberations during the present session.

I thank you.