



CZECH REPUBLIC

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The scope and application of the principle of universal jurisdiction

Statement by

Mr. Marek Zukal

Legal Adviser

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One Dag Hammarskjöld Plaza, 48th floor
885 Second Avenue, New York, NY 10017
tel.: +1 (646) 981 4001, fax: +1 (646) 981 4099
www.mzv.cz/un.newyork

Mr./Madam Chair,

Let me start by aligning myself, on behalf of the Czech Republic, with the statement delivered by the representative of the European Union on behalf of the Union and its Member States.

The Czech Republic considers universal jurisdiction to be an important and useful tool for bringing perpetrators of the most heinous crimes to justice. Last Wednesday the delegation of the Czech Republic delivered statement under agenda item “Crimes Against Humanity”. We stressed the importance of preventing commission of such crimes and of punishing them whenever and wherever they have been committed. This, of course, does not apply to crimes against humanity only. There are other categories of crimes under international law that violate universal values and must be prosecuted and punished in the interest of all States. Such prosecution and punishment not only ensures that perpetrators are held accountable, but also provides justice for victims and helps prevent commission of these crimes in the future.

Universal jurisdiction enables States to exercise their national jurisdiction over a crime irrespective of the nationality of its perpetrator or of the place where the crime has been committed. Exercising universal jurisdiction is without prejudice to traditional jurisdiction based on territoriality and personality, which are predominant. Universal jurisdiction serves as a guarantee against impunity of alleged perpetrators of the most serious crimes under international law. As such, universal jurisdiction is a generally recognized principle of international law and the Czech Republic, as many other States, has incorporated it in its national legislation.

We believe that defining the scope and concrete application of the principle of universal jurisdiction on the international level is purely legal question and should not be burdened by political considerations. Such considerations are, unfortunately, unavoidable within the Sixth Committee. In addition, the limited time that is devoted to universal jurisdiction in the Working Group does not allow substantive consideration and progress concerning this topic.

Universal jurisdiction is a practical area of international law. Legal certainty regarding the scope and application of universal jurisdiction among international community is very desirable. Therefore, in our previous interventions, we proposed to refer the topic of universal jurisdiction to the International Law Commission to prepare a study on this issue. The Commission as an independent expert body can provide states with thorough legal analysis of disputed aspects of universal jurisdiction and enable States to make progress in their future discussions on these aspects. Such decision of the Sixth Committee would also demonstrate its commitment to strengthen interaction between the Sixth Committee and the Commission. In addition, the outcome of the Commission’s work would necessarily come back to the Sixth Committee for any action this Committee would consider appropriate.

Mr./Madam Chair,

We remain convinced that referring the topic of universal jurisdiction to the International Law Commission is the most appropriate way forward. Such approach would provide States with clear legal basis for further consideration of this important issue and would advance proper application of universal jurisdiction in the future.

Thank you, Mr./Madam Chair.