



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

**STATEMENT**

**by**

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

**The scope and application of the principle of universal jurisdiction  
(item 86)**

**New York, 21 October 2021**

*(check against delivery)*

Madam Chair,

At the outset, I wish to thank all States that submitted their written comments on universal jurisdiction and also the Secretary-General for compiling these comments in the respective reports.

Since the request for comments from the States had been first made, the biggest number of States provided their submissions this year informing about their national legislation and relevant State practice, and presenting their views on the scope and application of universal jurisdiction. These two facts clearly demonstrate an increasing acceptance of universal jurisdiction in national legal systems and an enlarging relevant State practice. In this regard, as a specific example of State practice, Slovakia welcomes the decision of the Koblenz Higher Regional Court of Germany issued in February this year. We also welcome the comments and relevant practice of the intergovernmental organizations as well as international and regional courts and tribunals, which might provide useful contribution to clarify the scope and application of universal jurisdiction.

Slovakia has continuously voiced its support for the application of universal jurisdiction over crimes of concern to the international community as a whole, namely, piracy, crimes against humanity, war crimes and violations of Geneva conventions, genocide or torture. Universal jurisdiction is not *per se* a principle or a rule of international law, but simply a jurisdictional basis for national courts to try a criminal case enacted by the respective domestic laws. A jurisdictional basis that complements well-established territorial and personal jurisdictional bases, and thus closes the impunity gap. In the absence of the universal acceptance of the Rome Statute of the International Criminal Court, and of a truly universal framework for mutual legal assistance, universal jurisdiction remains the guarantee of accountability for perpetrators of crimes under general international law.

Madam Chair,

We reiterate that a closer analysis of legal aspects of universal jurisdiction would contribute to the alleviation of its sensitivities. Taking into account its genuine legal

nature, we believe that the International Law Commission, as the best-equipped UN body for such analysis, should finally include the topic on its short-term program of work, and thus contribute to objective legal deliberations absolved from political ramifications. During its work, the Commission could also explore aspects of the ensuing civil jurisdiction for claims of victims resulting from cases tried on the basis of universal criminal jurisdiction.

To conclude, Madam Chair,

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 *rationale* for 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.