



SLOVENIA

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STATEMENT

BY

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Agenda item 86: Scope and application of the principle of universal jurisdiction

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Thank you Madam Chairperson,

Slovenia aligns itself with the statement previously delivered by the European Union on this agenda item, and would like to convey the following remarks in its national capacity.

At the outset we would like to thank the Secretary-General for his report on the scope and application of the principle of universal jurisdiction and all Member States and observers for their contributions.

Although there is currently no accepted definition of the principle of universal jurisdiction, it could be described as criminal jurisdiction based solely on the nature of the crime, as distinct from the traditional bases of jurisdiction, which typically require some type of territorial, nationality or other connection between the State exercising the jurisdiction and the conduct at issue.

The principle of universal jurisdiction is a unique ground of jurisdiction in international law that permits States to exercise national criminal jurisdiction over certain crimes in the interest of the international community as a whole, such as war crimes, crimes against humanity, genocide, slavery and torture, among others. While there appears to be a strong correlation between violations of *jus cogens* and the exercise of universal jurisdiction, the principle of universal jurisdiction does not apply solely to violations of *jus cogens*.

Madam Chairperson,

The principle of universal jurisdiction serves as an effective mechanism to ensure accountability and provide justice for victims by complementing the jurisdiction of competent

national courts, which have primary jurisdiction over crimes occurring within their respective territories.

In recent years, the principle of universal jurisdiction has increasingly been invoked by States in the fight against impunity for the most heinous international crimes. In this regard, Slovenia calls on all States to assist courts at the national as well as international level in prosecuting serious international crimes through cooperation. In order to ensure an effective application of universal jurisdiction, gaps in national laws should be filled by establishing effective multilateral mechanisms for judicial cooperation and mutual assistance in criminal matters.

Madam Chairperson,

Given the continued divergence of views among States over the appropriate scope and application of universal jurisdiction and a lack of meaningful progress regarding this topic, a legal study of universal jurisdiction by the International Law Commission leading to draft guidelines or draft conclusions would be of great use to Member States, international organisations, courts and tribunals, as well as scholars and practitioners of international law.

Slovenia is convinced that the topic is ripe for progressive development and codification, given the availability of extensive State practice, precedent and doctrine. The work of the ILC could significantly enhance the legal clarity regarding core issues such as the legal definition of the principle, as well as the scope and conditions for its application, thereby greatly contributing to enhancing the rule of law in international affairs.

By clarifying fundamental concepts and elements of universal jurisdiction under international law, there is less risk that States would either infringe the sovereignty of another State or decline to exercise their criminal jurisdiction due to misunderstanding of its application.

Finally, the international community as a whole must step together as one to promote the cause of justice by acting against individuals who may not otherwise be held accountable, particularly in case of crimes that shock the conscience of all humanity.

I thank you, Madam Chairperson.