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Permanent Mission of the Czech Republic to the United Nations

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The scope and application of the principle of universal jurisdiction

Statement by

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Mr./Madam Chair,

The principle of universal jurisdiction enables States to exercise their criminal jurisdiction over a crime irrespective of the nationality of its perpetrator and its victim or of the place where the crime has been committed. Without prejudice to the right and obligation of States to investigate crimes and prosecute their perpetrators based on territoriality and personality, in some situations, universal jurisdiction remains the last viable path to ensure that impunity for the most serious crimes under international law does not exist anywhere in the world. To the perpetrators of such crimes, as well as to the State authorities that might want to shield them from consequences, it serves as a reminder that no one can escape justice. As such, universal jurisdiction remains an important and useful tool for ensuring accountability. The Czech Republic, as well as many other States, has incorporated it in its national legislation.

Mr./Madam Chair, sadly, terrible crimes are being committed in different parts of the world, even as we speak. For the sake of their victims, and also to ensure prevention of their recurrence, their perpetrators must be prosecuted and punished. When prosecution does not take place in the State of nationality, for whatever reason, and when jurisdiction of international courts, such as the ICC cannot be exercised, for whatever reason, universal jurisdiction is the only tool we have left. And we must use it, under conditions set forth by international law. Should it prevent the commission of a single crime, it would still be worth it.

That is why we welcome the exercise of universal jurisdiction by some States – for example the prosecution of serious crimes committed in Syria. Thanks to the application of universal jurisdiction, justice is being delivered at least to some of the victims of murder, torture, rape, and other inhumane acts committed during the armed conflict in Syria. We will continue to support similar efforts, whenever conditions for the exercise of universal jurisdiction are fulfilled.

Mr./Madam Chair, all victims deserve justice for crimes that have been committed against them. For more than six months now, we have been witnessing reports of heinous crimes being perpetrated on the territory of Ukraine, as a consequence of the Russian aggression. We believe that these crimes will be investigated and, after due process before an independent court of law, punished by the International Criminal Court. In the meantime, the exercise of universal jurisdiction by competent organs of individual States can contribute to delivering justice to victims, closing the impunity gap and preventing further commitment of crimes.

Regarding the conditions for exercising universal jurisdiction, we note that there are still differences among States on certain aspects of the exercise of universal jurisdiction. And we agree that legal certainty in this area of law is much desirable. Such certainty can be achieved in several ways. One of them has proven effective in the past – referring an issue to the International Law Commission. In previous years, the Commission itself recognized the need for clarification of certain aspects of universal jurisdiction and already included the topic in its long-term programme of work. By providing this Committee with an expert

study on this topic, the ILC can enable us to make progress in our discussions and to strip this legal issue of political considerations. It is time for this Committee to show its commitment to strengthening its interaction with the ILC. And after the ILC has concluded its work, it will be up to this Committee, again, to discuss the ILC's outcome and consider any action that we would deem appropriate.

Mr./Madam Chair, consistent with our previous interventions, we propose to refer the topic of universal jurisdiction to the International Law Commission. We believe that a legal analysis by the Commission would bolster progress in our discussions and advance the proper application of the principle.

Thank you for your attention.