



STATEMENT

BY

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Agenda item 85:

The scope and application of the principle of universal jurisdiction

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Mister/Madam Chair,

Slovenia is fully in agreement with the statement of the European Union and would like to add the following remarks in its national capacity.

We would like to thank the Secretary-General for his comprehensive summary report on the scope and application of the principle of universal jurisdiction, and the Member States and observers for their contributions to date.

Mister/Madam Chair,

Universal jurisdiction is an important tool for ensuring international accountability and preventing impunity for the most serious crimes under international law of concern to the wider international community. Slovenia believes that it is necessary to protect the common values shared by the Member States and to act upon the commission of acts, which, due to their gravity, could endanger international peace and order. In addition, the nature of such crimes requires measures that have a deterrent effect. These measures must also protect the interests of the victims and their demand for justice.

The primary responsibility for the investigation of a crime lies with the State with a direct link to the crime. Nevertheless, universal jurisdiction can be used to fill jurisdictional gaps and remove other obstacles in establishing criminal responsibility for the most serious crimes under international law. In particular, it can be used to prevent, prosecute and try such crimes in situations where the State concerned is unwilling or unable to properly exercise its jurisdiction. Universal jurisdiction therefore remains an important tool to fight impunity, however exceptional ground for jurisdiction and should be used on a subsidiary basis.

Mister/Madam Chair,

It is evident that the consequences of international crimes often extend far beyond a single territory and the perpetrators are often located in a third country. It is therefore encouraging that in recent years the international community has become more active in the prosecution of such crimes. Universal jurisdiction has increasingly been invoked by national judicial authorities to investigate and prosecute atrocities committed in other countries. Cooperation is key to these efforts.

In this regard, Slovenia would like to draw attention to the Ljubljana - The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes, adopted in May 2023. With tools at the discretion of States Parties, this modern multilateral procedural treaty will facilitate practical cooperation between States while strengthening national capacities. It also enables States Parties to effectively exercise universal jurisdiction as referred to in Article 8, paragraph 3, of the Convention. Slovenia encourages Member States that have not yet signed the Ljubljana -The Hague Convention to consider its signature and ratification.

In conclusion, Slovenia reiterates its readiness to contribute further to the discussions on this issue in order to identify further common views and to arrive at a better understanding of diverging positions and solutions in common interest.

Thank you.