



# SLOVENIA

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## STATEMENT

**BY**

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Agenda item 85

**Scope and application of the principle of universal jurisdiction**

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Mr Chairman,

I welcome this opportunity to address the Sixth Committee on the issue of the scope and application of the principle of universal jurisdiction on behalf of the Republic of Slovenia.

Let me first thank the Secretary General for his report contained in document A/72/112 and all Member States and relevant observers that provided the basis for it.

My delegation would like to commend the able manner in which Ms Georgina Guillén-Grillo dealt with the demanding task of chairing the Working Group on the scope and application of the principle of universal jurisdiction, which is reflected in the Chairperson's report. We are pleased to see that in the six years of its existence the Working Group has presented a full set of normative pointers covering all three pillars.

With the elements for further discussion, the Chairperson clearly indicated where the work can be improved and further deepened. At the same time, following the Chairperson's remarks, we should ask ourselves whether we want this debate to continue ad infinitum, or whether we want to focus on tangible outcomes. If the conclusion is that the latter cannot be achieved, we ought to consider transferring the debate to the plenary or, if this would not enjoy support, to the International Law Commission. We are confident that under the leadership of Ms Shara Duncan Villalobos the work on this topic will continue with the same vigour and dedication, and that we will have the strength to decide how to take concrete steps and decisions in the next short-term period.

Slovenia recognises the merit in continuing the work aimed at crystalizing the notion of universal jurisdiction. But we must be careful not to limit ourselves by listing all the crimes that could be covered by the principle of universal jurisdiction. Instead, as already suggested, a general reference could be developed that refers to obligations arising under customary international law and treaty law.

For Slovenia, universal jurisdiction is an important principle of international law that contributes to strengthening the rule of law at both the national and international level. There is a common understanding that the role and principle of universal jurisdiction is to combat impunity and protect the rights of victims of the most serious crimes of concern to the international community as a whole; at the same time, it should also prevent the most horrible crimes from happening in the first place.

Slovenia agrees that it is the very gravity of the crimes affecting the international legal order as a whole that speaks in favour of the potential of universal jurisdiction. When exercising universal jurisdiction, states should always take into account the core principle of *nulla poena sine lege* and exercise it in good faith.

As also stated in the Working Group's report on 2016, states should take the necessary steps to strengthen mutual legal assistance and cooperation with a view to improving the effectiveness of the investigation and prosecution of crimes under universal jurisdiction. The principle of universal jurisdiction entails specific challenges, including with respect to collecting evidence in the context of inter-state cooperation. Argentina, Belgium, the Netherlands, Senegal and my country, Slovenia, are actively engaged in efforts to improve inter-state cooperation in the context of prosecuting atrocity crimes. In particular, we are working towards the adoption of a new international instrument on mutual legal assistance and extradition between states for the crimes of genocide, crimes against humanity and war crimes, known as the MLA initiative. Fifty-five states from all regions, including states that are not members of the International Criminal Court, support this initiative and my delegation invites all states to join.

Thank you, Mr Chairman