



# CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

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Mr. Chairman,

In the present statement, the Czech Republic would like to focus on the Chapters VI, VIII and IX of this year's report of the International Law Commission.

Firstly, the Czech Republic commends the Commission and its Working Group under the chairmanship of Mr. Kriangsak Kittichaisaree for their outstanding contribution to the topic „The obligation to extradite or prosecute“. The Commission's reports on this topic, namely those adopted in 2013 and 2014, as well as the surveys prepared by the Commission's secretariat, provide a thorough overview and clarification of topical issues in this area. The reports and surveys can serve as useful guidance for States in further dealing with the issues concerning the obligation to extradite or prosecute, either on multilateral or bilateral level, as well as an important source of information in discussions concerning the exercise of universal jurisdiction. The Commission's reports highlight the fact that there is a lack of international conventions containing the obligation to extradite or prosecute in relation to crimes against humanity, war crimes other than grave breaches and war crimes in non international armed conflict, and only a rudimentary regime for the international cooperation in relation to genocide. Further, the Commission's reports point to important recent developments on the international level, such as the Judgment of the International Court of Justice in the case concerning Questions relating to the Obligation to Prosecute or Extradite, as well as to recent multilateral conventions containing this obligation, and recommend that States consider these regimes undertaking to close any gaps in the existing conventional regime. The Czech Republic shares the views and recommendations of the Commission and is aware of their connection to the topic „Crimes against humanity“ included in the Commission's programme of work, as well as with the discussions concerning the exercise of universal jurisdiction. The Czech Republic is prepared to consider any initiatives in this regard.

jurisdiction of a foreign State with regard to „acts performed in an official capacity“, since these acts are attributable to the State they represent. In this connection, the Czech Republic regards it as useful to consider these issues in the context of relevant provisions of Chapter II of the articles on responsibility of States for internationally wrongful acts, which describe the attribution of conduct to a State and deal also with *de facto* links between individuals and the States. Furthermore, it will be useful to take into account relevant criminal law treaties, such as the Convention against Torture or International Convention for the Protection of All Persons from Enforced Disappearance, which provide for an *extraterritorial* criminal jurisdiction and expressly contemplate prosecution of crimes committed in an official capacity, including *de facto* official capacity. The Czech Republic is aware of the fact that the issues concerning the scope of and exceptions to the *immunity materiae* belong to the most complex aspects of this topic and awaits with interest the report by the Special Rapporteur and the ensuing discussion of the Commission on these issues.

Thank you, Mr. Chairman.