

Short supervisor's statement on the Thesis of Mgr. Petry Baumruk, LL.M.: The Still evolving Principle of Universal Jurisdiction

The PhD. dissertation thesis, written in English, has a standard length (173 pp. and annexes). The thesis deals with the topic of universal jurisdiction. Although it is not new in international law, it belongs to very relevant ones. However, this topic is not free from some ambiguity. The present work aims at showing that the concept is still evolving.

From the point of view of structure, the thesis is adequately structured in Introduction, Conclusions and five chapters framed in three major parts. At the outset, the candidate presents the scope and limits of the topic, as well as the aim and structure of the study. She sets not just one but several (maybe too many) questions. Part I (general part) has a mostly conceptual and historical character. First, the author discusses the concept of jurisdiction and different legal basis (jurisdictional regimes). Next, she describes the formation of universal jurisdiction and its implications. Part II (specific part) includes two different chapters. They address respectively the core international crimes subject to universal jurisdiction and the idea of subsidiarity. I find this idea one of the most important conclusions of the thesis. The third and last part focuses on challenges and responses to universal jurisdiction.

The thesis ends with the adequate conclusions that provide summing up and generalization of its content. As to the implementation of universal jurisdiction, the author presents several factors which are, however of different nature.

From the formal point of view, the thesis is written carefully, without errors in English (I do not speak about the Czech summary which needs some improvements), using correct legal terminology and numerous sources (both primary and secondary).

From the substantive point of view, the main drawback seems to be in an unclear starting position on the universal jurisdiction. Is it a right of a State by virtue of its sovereignty or does it need permissive rule of international law? The existence of the principle of universal jurisdiction in international and national law an issue is different from that of its practical application. The strong points are in the use of different views of States and doctrinal opinions, linking of the universal jurisdiction to other jurisdictional bases and other rules of international law, as well as in a search of feasible mechanisms for its application.

In my view, the paper meets all criteria for PhD. Thesis and I strongly recommend it to the defense.