

Protocol of the defense of the doctoral dissertation thesis

Date: 29.9. 2015

Name: Petra Baumruk

Title: The Still evolving Principle of Universal Jurisdiction

Commission: Prof. JUDr. Mahulena Hofmannová, the Head of the Commission, JUDr. Milan Beránek, the Member of the Commission, Doc. JUDr. PhDr. Veronika Bílková, Ph.D., E.M.A., JUDr. Petr Válek, Ph.D., LL.M., the opponents, Prof. JUDr. Pavel Šturma, DrSc., the supervisor

Prof. JUDr. Mahulena Hofmannová, the Head of the Commission, welcomed the present members of the commission and introduced the doctoral student. She informed that all the conditions for the holding of oral defense, including publishing of Petra Baumruk's thesis, were satisfied. Then, the doctoral student gave the opening remarks and presented her work. She described the content and concept of her paper. In addition, she mentioned the goals and the significance of the study. PhD student clarified the supplemental character of universal jurisdiction. She discussed a consensus of principles on the application of universal jurisdiction.

The first opponent, Dr. Válek, recommended the dissertation thesis for the defense. He posed four questions set forth in the opponent opinion. They concerned the domestic legislation on the universal jurisdiction in relevant states, the "selective use" of the universal jurisdiction, the proposal to establish an international body or mechanism tasked with assessing the legitimacy and legality of procedures undertaken on the basis of universal jurisdiction and the "danger of imposing Western values on developing countries".

The second opponent, doc. Bílková, evaluated the manuscript positively. She supported the arguments presented by Dr. Válek. She also noted that it is regrettable that so little attention is paid the actual state practice. Doc. Bílková added that she would like to hear the answer to the first questions posed in her opponent opinion: Does the doctoral student opt for the permissive or prohibitive approach to the principle of universal jurisdiction? Does the choice of the approach have a bearing on the way in which the existence of the principle and its scope will be established?

Petra Baumruk thanked for the questions and the remarks of both opponents and responded to their enquiries.

Prof. JUDr. Mahulena Hofmannová, the Head of the Commission, opened a general debate and gave the floor to prof. Šturma. He clarified the issue of the

permissive or prohibitive approaches to the principle of universal jurisdiction. Dr. Beránek asked how the author perceives the terms “subsidiarity” and “complementarity”. Prof. Hofmannová focused on the understanding of “western values” by the doctoral student. Dr. Válek posed the question concerning the attitude of Petra Baumruk to forwarding of the subject matter to the International Law Commission in order to obtain a comprehensive legal analysis.

After termination of the general debate, the public was excluded and the secret voting concerning the awarding of the Ph.D. title took place. The result of the voting was 4 to 1 votes (4 votes were positive, 1 vote was negative).

Done in Prague on 29 September 2015

Alla Tymofeyeva, Alexandra Hochmanová