

Abstract

This Thesis deals with the Immunities of State officials, which arise under International law, from foreign criminal jurisdiction. The first goal of this thesis is to determine whether, and if so, under which conditions and in which cases can one sovereign State exercise its criminal jurisdiction over an official of another sovereign State. The second goal, closely attached to the first finding, is to determine whether, and if so, under which conditions and in which cases would such officials be protected and covered by the immunity and in which cases such immunity applies. The main task of this thesis is to analyse the current state of the application of immunities of State officials within the foreign criminal jurisdiction. These immunities are with regard to their different purpose and functions recognized in two diverse types – immunity *ratione personae* and immunity *ratione materiae*.

The first chapter put emphasis on the criminal jurisdiction of foreign State in general and on its extraterritorial forms in particular. The exercise of such jurisdiction in some cases enables to prosecute and punish an official of a foreign State, who happens to be a criminal. The second chapter focuses on the concept of individual criminal responsibility and possible punishment of the criminal. The third chapter deals with the immunity of State officials itself and its recognition in two different types, personal and functional immunity. The thesis introduces the specifics of both types, their differences and their theoretical and legal bases. The fourth chapter analyses individual cases, in which both types of the immunity were objected, and also analyses their current application, its limitation and exceptions therefrom. The last chapter describes the important unifying work of the International Law Commission that has been working on this topic over the recent years and has been drafting the Draft articles on Immunity of State officials from foreign criminal jurisdiction.