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Universal Jurisdiction: Good Practice Guide for Law and Policymakers



Dr Ewelina Ochab

International Bar Association's Human Rights Institute

October 2025

This document is drafted with the law and policymakers in mind. It explains some good practices from all over the world and identifies legislative and policy components that are key to providing a better basis for the use of the principle of universal jurisdiction.

Thanks to the following experts for their reviews and comments on this guide:

Ambassador Dr Beth Van Schaack

Kathleen Roberts

Gemma Davies

Matthew Garrod

Jessica Kim

Alexia Dubreu

Isabelle Bienfait

Rupert Skilbeck

Sandra Vicente

Julie Bardeche

Anya Neistat

Tautvydas Medziukevicius

Emily Foale

TRIAL International

Redress

Further thanks go to the IBAHRI legal interns who provided some background research.

Executive summary

International crimes, including the crime of aggression, war crimes, crimes against humanity and genocide, are ever increasing and are becoming a seemingly permanent feature of international affairs. According to the Global Peace Index 2024, more than 100 countries were, at least partly, involved in some form of external conflict in the past five years, up from 59 in 2008.¹ Between 2000 and 2020, almost one-fifth of countries experienced mass atrocities or raised serious concern that they could take place. These international crimes are rarely investigated, let alone prosecuted, with the concomitant impunity empowering perpetrators and silencing victims/survivors and witnesses. The countries where these crimes are committed fail to pursue accountability due to a litany of reasons, be it ongoing conflicts, the involvement and complicity of the State(s) in question, a lack of relevant laws or weak judicial systems, among others. As such, it often falls to other States and institutions to deliver justice.

The principle of universal jurisdiction, first elucidated in the Geneva Conventions of 1949,² enables the pursuit of justice following the commission of grave international crimes. It equips States with jurisdiction over international crimes when (1) they were perpetrated outside the State's territory and (2) neither the victim/survivor nor the perpetrator is a national of that State at the time of the commission of the offence. Given the critical function of this jurisdictional power, this guide aims to help law and policymakers engage on issues pertaining to universal jurisdiction, which is often mandated by treaties ratified by States and is authorised by customary international law. This guide identifies best practices from a few countries that are using the principle of universal jurisdiction in domestic law and criminal trials to ensure better chances of accountability for international crimes. The recommendations are summarised below. The full recommendations are on page 46.

1 Global Peace Index 2024, www.economicsandpeace.org/wp-content/uploads/2024/06/GPI-2024-web.pdf last accessed on 23 September 2025.

2 See Articles 49, 50, 129 and 146.

Recommendations

- 1. Domestic legislation incorporating the principle of universal jurisdiction for all international crimes**
 - *Enact domestic legislation incorporating the principle of universal jurisdiction and other protections for all international crimes.*
- 2. Structural and other investigations**
 - *Enable structural and other investigations through appropriate staffing, bureaucratic structures and resources.*
 - *Introduce clear laws, policies and guidance for the conduct of structural investigations into international crimes committed abroad.*
 - *Ensure that the work in this area is adequately funded.*
 - *Introduce specialised units to focus on investigating crimes subject to universal jurisdiction.*
- 3. From investigations to prosecutions**
 - *Ensure effective processes are developed and implemented.*
- 4. Victims/survivors and witnesses' rights and protection**
 - *Establish effective protection and support structures for victims/survivors and witnesses.*
- 5. Cooperation and collaboration**
 - *Ensure effective cooperation and collaboration between States and international bodies, including through mutual legal assistance agreements, memoranda of understanding or international treaties, among others.*
- 6. Learning from and improving best practices**
 - *Ensure greater exchange of best practices and accommodate effective learning processes.*
- 7. Outreach and education**
 - *Ensure better outreach and education about universal jurisdiction processes and their importance for international justice and accountability.*

Contents

I. Introduction	7
II. Universal jurisdiction: from law to practice	10
1. Germany	10
1.1. <i>The law</i>	10
1.2. <i>Recent developments</i>	11
1.3. <i>Investigations and prosecutions</i>	13
2. Argentina	17
2.1. <i>The law</i>	17
2.2. <i>Recent developments</i>	18
2.3. <i>Investigations and prosecutions</i>	18
3. Lithuania	20
3.1. <i>The law</i>	20
3.2. <i>Recent developments</i>	22
3.3. <i>Investigations and prosecutions</i>	22
4. The Netherlands	23
4.1. <i>The law</i>	23
4.2. <i>Recent developments</i>	24
4.3. <i>Investigations and prosecutions</i>	24
5. France	25
5.1. <i>The law</i>	25
5.2. <i>Recent developments</i>	27
5.3. <i>Investigations and prosecutions</i>	29
6. Sweden	30
6.1. <i>The law</i>	30
6.2. <i>Recent developments</i>	32
6.3. <i>Investigations and prosecutions</i>	32
7. Spain	33
7.1. <i>The law</i>	33
7.2. <i>Recent developments</i>	35

7.3. <i>Investigations and prosecutions</i>	36
8. United States	37
8.1. <i>The law</i>	37
8.2. <i>Recent developments</i>	38
8.3. <i>Investigations and prosecutions</i>	38
III. Universal jurisdiction and the war in Ukraine	40
1. Germany	40
2. Poland	40
3. Lithuania	41
4. Latvia	42
5. Estonia	42
6. France	42
7. Sweden	43
8. Switzerland	43
9. Spain	43
10. Czech Republic	43
11. The US	44
12. Joint initiatives	44
IV. Good practices and recommendations	46
Recommendations	46
1. Domestic legislation that incorporates the principle of universal jurisdiction for all international crime	46
2. Structural and other investigations	50
3. From investigations to prosecutions	52
4. Victims/survivors and witnesses' rights and protection	52
5. Cooperation and collaboration	53
6. Learning from and improving best practices	57
7. Outreach and education	57
Appendix A	59

I. Introduction

States exercise jurisdiction over crimes that take place beyond their territory and this has long been permitted under international law (extraterritorial jurisdiction).³ Where the accused is a national of the prosecuting State, the principle of active personality is implicated, while passive personality encompasses cases in which the victim/survivor is a national of the prosecuting State.⁴ However, when the crimes are committed outside of the country and neither the alleged perpetrator nor the victim/survivor is a national of that country, the principle of universal jurisdiction provides a basis for jurisdiction.

The principle of universal jurisdiction aims to equip States with jurisdiction over international crimes when (1) they were perpetrated outside the State's territory and (2) neither the victim/survivor nor the perpetrator is a national of that State at the time of the commission of the offence. Universal jurisdiction can be asserted over several crimes, including war crimes, crimes against humanity, genocide, torture and enforced disappearance, as a function of treaty implementation or permissive customary international law. The notion behind the principle of universal jurisdiction is that 'certain crimes are so grave that they affect the international community as a whole, and that every State therefore has an interest in prosecuting them.'⁵ The idea behind the principle goes back to the Nuremberg trials and the prosecution of the surviving Nazis and was first elucidated in the Geneva Conventions of 1949.⁶

In accordance with the Geneva Conventions of 1949, States are required to 'search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.'⁷ The ICRC clarifies:

'While the Conventions do not expressly state that jurisdiction is to be asserted regardless of the place of the offence, they have generally been interpreted as providing for mandatory universal jurisdiction. Reflected through the formula *aut dedere aut judicare*, States have no choice but to prosecute or to extradite those who have allegedly committed grave breaches. This obligation imposes an active duty on the States, since they have to ensure that the person who has committed grave breaches be arrested and prosecuted.'⁸

Additional Protocol I of 1977 to the Geneva Conventions of 1949 extends the principle of universal jurisdiction to grave breaches relating to the conduct of hostilities. In Article 85, it also qualifies all grave breaches as war crimes. Universal jurisdiction is further affirmed in the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and its Second Protocol. The Convention against Torture of 1984 has the effect of creating an obligation on States to exercise universal jurisdiction.

3 TRIAL International, Universal Jurisdiction Annual Review 2024, 9, <https://trialinternational.org/latest-post/universal-jurisdiction-annual-review-new-developments-in-2024> last accessed on 23 September 2025.

4 *Ibid.*

5 International Committee of the Red Cross (ICRC), 'ICRC Explainer: What Does International Law Say About Universal Jurisdiction for War Crimes Committed in Non-International Armed Conflicts?' (August 2022) 1, www.icrc.org/en/document/icrc-explainer-what-does-international-law-say-about-universal-jurisdiction-war-crimes last accessed on 23 September 2025. Later referred to as ICRC (2022).

6 See Articles 49, 50, 129 and 146.

7 See Article 129.

8 ICRC, 'Universal jurisdiction over war crimes', www.icrc.org/sites/default/files/document/file_list/universal-jurisdiction-icrc-eng.pdf last accessed on 23 September 2025.

The 2006 International Convention for the Protection of All Persons from Enforced Disappearance requires States to take measures in order to exercise universal jurisdiction over the offence of enforced disappearance, when the alleged offender is present in their territory and they do not extradite them.

Some 163 States have incorporated the principle into their laws to one degree or another and, so, provide a basis for the exercise of extraterritorial jurisdiction, and some 40 States allow for universal jurisdiction over one or more crimes under international law.⁹ In practice, however, the approaches taken by States have been diverse, delivering different results globally. In order to ensure better responses and advance justice and accountability for international crimes, laws and policies concerning the principle of universal jurisdiction must be comprehensive and wide ranging to ensure effective prosecutions are achieved, but they must also address new and emerging challenges, as outlined below.

In 2023, civil society organisations reported an ever-growing number of universal jurisdiction cases being tried by domestic courts globally. TRIAL International, a non-governmental organisation dedicated to fighting impunity for international crimes and supporting victims in their quest for justice, reported that ‘[i]n 2023, the number of investigations and prosecutions of international crimes opened before domestic jurisdictions under extraterritorial and universal jurisdiction continued to rise.’¹⁰ With a 33 per cent increase in the total number of cases compared to 2022, this marked a significant step forward in the fight against impunity for international crimes.¹¹ This expansion is often attributed to several factors, including, but not limited to, the adoption of domestic legislation domesticating the Rome Statute, the creation of domestic specialised international crime units, renewed international consensus in favour of accountability,¹² institutional learning, technological advances and migration trends, among others. Furthermore, this trend can also be attributed to the growing number of civil society organisations supporting the investigation and prosecution of universal jurisdiction cases through collecting and analysing evidence and working with victims/survivors and witnesses. The rise in the number of universal jurisdiction cases has been spurred by the travel of perpetrators from the overlapping conflicts in Syria and Iraq, as well as the international outrage over Russia’s attack on Ukraine, which triggered unprecedented legal responses globally.

However, this development does not represent a global phenomenon, and universal jurisdiction cases continue to be concentrated in a small (but growing) number of countries.¹³ Furthermore, the principle of universal jurisdiction is often used to address international crimes committed in a small number of

9 Amnesty International, ‘Universal Jurisdiction: A Preliminary Survey of Legislation Around the World – 2012 Update’ (October 2012), www.amnesty.org/en/wp-content/uploads/2021/06/ior530192012en.pdf last accessed on 23 September 2025.

10 *Ibid.*, 11. The report covers cases where judges and prosecutors have initiated investigations into international crimes, but does not include complaints that have not led to the opening of a judicial investigation or that were dismissed.

11 *Ibid.*, 11. Similarly, Prof Maximo Langer, Professor at the School of Law, University of California, and Mackenzie Eason, PhD Candidate, Department of Political Science, University of California, Los Angeles, argue in their scholarly article that: ‘Based on an original worldwide survey of all universal jurisdiction complaints over core international crimes presented between 1961 and 2017, [...] universal jurisdiction practice has been quietly expanding as there has been a significant growth in the number of universal jurisdiction trials, in the frequency with which these trials take place year by year and in the geographical scope of universal jurisdiction litigation.’ Máximo Langer, Mackenzie Eason, ‘The Quiet Expansion of Universal Jurisdiction’ (2019) *European Journal of International Law*, 30, 779–817.

12 For example, the adoption of the recent Mutual Legal Assistance Treaty, supported by a large number of States worldwide, www.gov.si/assets/ministrstva/MZEZ/projekti/MLA-pobuda/The-Ljubljana-The-Hague-MLA-Convention.pdf last accessed on 23 September 2025.

13 TRIAL International, *Universal Jurisdiction Annual Review 2024*, 9, <https://trialinternational.org/latest-post/universal-jurisdiction-annual-review-new-developments-in-2024> last accessed on 23 September 2025.

countries (mostly in the Global South). As such, ‘the truly universal nature and potential impact of universal jurisdiction [...] remain[s] unexploited.’¹⁴

In any event, it is recognised that recent years have seen an ever-growing use of the principle of universal jurisdiction and greater understanding and awareness of this legal avenue for justice and accountability. Among others, Russia’s war of aggression against Ukraine has triggered a mosaic of unprecedented legal responses, including an expanded codification and use of the principle. The legal response to Russia’s war in Ukraine should be used as a blueprint for other situations where international crimes are perpetrated.

Furthermore, while the principle of universal jurisdiction offers a lot of hope, the way the principle of universal jurisdiction is incorporated into States’ domestic law will define whether the full potential of the principle can be realised, including whether States enact requirements on the need for some form of nexus with the crimes and in regard to the presence of the perpetrators within the territory, among others. Gaps in law and practice have stalled progress in regard to more comprehensive implementation of the principle of universal jurisdiction, in addition to other challenges, including due to a lack of political will.¹⁵

This guide is designed to help law and policymakers engage on issues pertaining to universal jurisdiction mandated by certain treaties, as ratified by States and allowed by customary international law. This guide aims to identify best practices from countries around the world in regard to using the principle of universal jurisdiction to ensure better chances of achieving accountability for international crimes.

While many of those working on or reviewing the guidance are UK based, these recommendations are not exclusively for UK practitioners. Indeed, the fundamentals identified in the last section could assist many countries in reforming their approaches to the principle of universal jurisdiction.

Section II considers some good practices in terms of using the principle of universal jurisdiction from across several jurisdictions, including Germany, Argentina, Lithuania, the Netherlands, France, Sweden, Spain and the US.

Section III examines the use of the principle of universal jurisdiction in the case of international crimes committed in Ukraine, crimes which have received unprecedented levels of international attention and legal responses.

Section IV provides recommendations on how States’ practices of using universal jurisdiction could be amended to provide more effective responses to international crimes.

While the reach of potential immunities is of great importance for the practice of universal jurisdiction, the issue is not included in this report and would require further attention. However, where there have been some important developments, these are mentioned in this report

14 *Ibid.* See also Máximo Langer, Mackenzie Eason, ‘The Quiet Expansion of Universal Jurisdiction’ (2019) *European Journal of International Law*, 30, 779–817.

15 See *Universal Jurisdiction Annual Review 2025*, https://trialinternational.org/wp-content/uploads/2025/04/03_TRIAL_UJAR_2025_FINAL_DIGITAL.pdf last accessed on 23 September 2025, pages 10-11.

II. Universal jurisdiction: from law to practice

This section considers the approaches taken in Germany, Argentina, Lithuania, the Netherlands, France, Sweden, Spain and the United States, focusing on the law itself, relevant recent developments and the implementation of the law in the form of effective investigations and prosecutions. These countries have been chosen as they provide good examples of the adoption of the principle of universal jurisdiction, enabling the prosecution of a wide range of cases.

1. Germany

1.1. The law

The German model of universal jurisdiction presents a very broad approach to domesticating the principle, largely because of the ‘duty to prosecute’ enshrined in the applicable legislation, the broad geographic and personal scope of the law, but also the fact that the law on universal jurisdiction incorporates definitions of the core international crimes. All universal jurisdiction cases, as well as domestic crimes, are subject to the Code of Criminal Procedure (CCP).¹⁶

The German criminal procedure encompasses a principle of mandatory prosecution of crimes, namely ‘the public prosecution office is obliged to take action in relation to all prosecutable criminal offences, provided there are sufficient factual indications,’ subject to the limitations discussed below.¹⁷

On 30 June 2002, the German Code of Crimes Against International Law (CCAIL) entered into force,¹⁸ a piece of legislation that harmonised German criminal law with the Rome Statute and provided a domestic basis for the enforcement of international criminal law.

The CCAIL is an example of legislation incorporating so-called ‘pure’ universal jurisdiction, enabling the prosecution of international crimes perpetrated anywhere in the world, independently of the nationality of the victim/survivor or the perpetrator, and does not require the presence of the alleged perpetrator in the territory of Germany.

Section 1 of the CCAIL incorporates the principle of universal jurisdiction, equipping German authorities with the power to prosecute genocide, crimes against humanity and war crimes.¹⁹ In accordance with the

16 German Code of Criminal Procedure (1987) (GCCP).

17 Section 152 of the German Code of Criminal Procedure: Indicting authority; principle of mandatory prosecution

(1) The public prosecution office is authorised to refer public charges.

(2) Unless otherwise provided by law, the public prosecution office is obliged to take action in relation to all prosecutable criminal offences, provided there are sufficient factual indications.

18 German Code of Crimes Against International Law (2002) (CCAIL), www.gesetze-im-internet.de/englisch_vstgb/englisch_vstgb.html last accessed on 23 September 2025.

19 Section 1: ‘This Act applies to all criminal offences against international law designated herein; for offences under sections 6 to 12, it applies even when the offence was committed abroad and bears no relation to Germany. For offences under section 13 that were committed abroad, this Act applies independently of the law of the place of commission if the perpetrator is German or if the offence is directed against the Federal Republic of Germany.’

CCAIL, these crimes can be prosecuted in Germany even when the crime has no link to Germany.²⁰ However, acts of aggression can only be prosecuted by German authorities if there is such a link, for example, the alleged perpetrator is German or the alleged crime is directed against Germany.²¹

Section 153f of the German CCP stipulates the circumstances in which the offences under the CCAIL may not be prosecuted.²² It prescribes scenarios where the public prosecutor may refrain from prosecuting international crimes committed abroad. Among others, it distinguishes between cases with and without a nexus to Germany.

- In cases with a link to Germany, such as when the perpetrator is German or is (expected) to be located in Germany, prosecutions are generally mandatory. However, the public prosecutor can cease the proceedings if the suspect is tried by another international or national tribunal.
- In cases without a connection to Germany, it is at the full discretion of the prosecutor to decide whether to prosecute or not, taking into consideration whether any other tribunals are prosecuting the crime.

1.2. Recent developments

On 6 June 2024, the German Parliament enacted new legislation, the Act on the Further Development of International Criminal Law (Gesetz zur Fortentwicklung des Völkerstrafrechts), reforming the German legal framework for the prosecution of international crimes.²³ The reform covers a broad section of German criminal law, including the CCAIL and the CCP, among others. The objective of the reform was to close gaps in regard to criminal accountability (as discussed below) and strengthen victims/survivors' rights, among others.

The 2024 reform includes:

20 *Ibid.*

21 *Ibid.*

22 Section 153f: Non-prosecution of offences under the Code of Crimes against International Law

(1) The public prosecution office may dispense with prosecuting an act for which there is criminal liability pursuant to sections 6 to 15 of the Code of Crimes against International Law in the cases under section 153c (1) nos. 1 and 2 if the accused is not resident in Germany and is not expected to so reside. If, in the cases under section 153c (1) no. 1, the accused is a German national, however, this applies only if the offence is being prosecuted before an international court of justice or by a State on whose territory the offence was committed or involves a citizen who was injured by the offence.

(2) The public prosecution office may in particular dispense with prosecuting an offence for which there is criminal liability pursuant to sections 6 to 12, 14 and 15 of the Code of Crimes against International Law in the cases under section 153c (1) nos. 1 and 2 if

1. no German national is suspected of having committed the offence,
2. the offence was not committed against a German national,
3. no suspect is or is expected to be staying in Germany,
4. the offence is being prosecuted by an international court of justice or by a State on whose territory the offence was committed or involves a citizen who is either suspected of the offence or was injured by the offence.

The same applies if a foreigner who is accused of an offence which was committed abroad is resident in Germany but the requirements of sentence 1 nos. 2 and 4 are met and transfer to an international court of justice or extradition to the prosecuting State is admissible and envisaged.

(3) If, in the cases under subsection (1) or (2), public charges have already been referred, the public prosecution office may, at any stage of the proceedings, withdraw the charges and terminate the proceedings.

23 The provisions are available here: www.recht.bund.de/bgbl/1/2024/255/VO last accessed on 23 September 2025.

- the introduction of the crime of sexual slavery;²⁴
- inclusion of persecution on the basis of sexual orientation as a crime against humanity;²⁵
- changes to the crime of enforced disappearances, including clarification that there is no prescribed duration for the disappearance;²⁶ and
- broadening of the scope of war crimes against the environment.²⁷

The reform also included clarification of the non-applicability of functional immunity of foreign State officials, stating that ‘functional immunity does not prevent the extension of German jurisdiction to the prosecution of crimes under the International Criminal Code.’²⁸

Despite providing important reforms, the law has received some criticism for not going far enough.²⁹ Isabelle Hassfurther, a legal advisor at the European Centre for Constitutional and Human Rights, highlighted that there are limitations to the right of victims/survivors of international crimes to become joint plaintiffs. She also raised concerns that there are restrictions on the right to choose representation. Furthermore, she stressed that the reform does not do enough to counter selectivity and double standards. She argues that the reform does ‘not address [...] potential gateways for the politicisation of decisions not to investigate international crimes.’³⁰

Dr Anne Dienelt, senior research fellow and lecturer at the University of Hamburg, suggests that the reform of the German international criminal code regarding environmental crimes missed an opportunity to clarify

24 Section 7, paragraph 1, point 6 now reads:

‘Commits sexual assault, sexual coercion, rape, enforced prostitution, sexual slavery or enforced sterilisation against a person; confines a forcibly impregnated person with the intention of affecting the ethnic composition of any population or in order to commit offences under sections 6 to 13; or aborts a pregnancy against the will or without the consent of the pregnant person.’

25 Section 7, paragraph 1, point 10 now reads:

‘Persecutes an identifiable group or collectivity by removing or substantially restricting their fundamental human rights on political, racial, national, ethnic, cultural, religious, gender, sexual orientation or other grounds that are recognised as impermissible under the general rules of international law.’

26 Section 7, paragraph 1, point 7 now reads:

‘Causes a person’s enforced disappearance, with the intention of removing them from the protection of the law for more than just a brief period of time,

(a) by abducting that person on behalf of or with the approval of a State or a political organisation, or by otherwise severely depriving them of their physical liberty, without immediately providing truthful information on that person’s fate and whereabouts, or

(b) by refusing, on behalf of a State or a political organisation or in contravention of a legal duty, to provide information immediately on the fate and whereabouts of the person deprived of their physical liberty under the circumstances referred to under letter (a) above, or by providing false information.’

27 Section 11, paragraph 1, after point 7, now includes point 8, criminalising acts consisting in the use of prohibited methods of warfare, whoever, in connection with an international or non-international armed conflict:

‘Carries out an attack by military means in the certain expectation that the attack will cause widespread, long-term and severe damage to the natural environment on a scale out of proportion to the concrete and direct overall military advantage anticipated.’

28 See Section 20, paragraph 2.

29 See <https://dserver.bundestag.de/btd/20/094/2009471.pdf> last accessed on 23 September 2025.

30 Isabelle Hassfurther, ‘Reform of the International Criminal Law Framework in Germany – Successful Changes and Missed Opportunities: Part II’ (14 June 2024) *Opinio Juris*, <https://opiniojuris.org/2024/06/14/reform-of-the-international-criminal-law-framework-in-germany-successful-changes-and-missed-opportunities-part-ii> last accessed on 23 September 2025.

important aspects of the German regulation of environmental war crimes.³¹ She points out that there are still discrepancies in the German translation of the Rome Statute and Additional Protocol I. In addition, she emphasises the fact that the reform fails to define the threshold of ‘widespread, long-term and severe damage to the natural environment.’³² She argues that these two aspects raise serious questions in relation to the principle of legality and the rule of law.³³

In February 2024, Germany signed the Ljubljana–Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes, and other International Crimes,³⁴ which affirms Germany’s commitment to justice and accountability for international crimes. The treaty has not been ratified yet.

1.3. Investigations and prosecutions

Despite the strong legal framework for the prosecution of international crimes, the first decade after the introduction of the CCAIL has not seen any progress. However, the movement of refugees, as a result of the Syrian conflict, has significantly contributed to the advancement of the principle of universal jurisdiction. As a result of the conflict, some 6.5 million people have sought refuge abroad, including in Germany. Many of the refugees settling in Germany were victims/survivors of devastating human rights violations in Syria, putting pressure on the German authorities to investigate them.

Similarly, in response to the Daesh atrocities against Yazidis and other ethno-religious minorities in Iraq, Germany has provided a safe haven to thousands of victims/survivors. This has added to the pressure on German prosecutors to investigate and prosecute. In addition, the Daesh foreign fighters’ movement and the role of German nationals in committing crimes against the Yazidi people, some of whom were prosecuted under active personality jurisdiction, likely contributed to this pressure as well. This trend has played a role in the movement towards greater use of extraterritorial jurisdiction in Germany as a whole.

As a result, Germany has opened several structural investigations (*Strukturermittlungsverfahren*) into core international crimes. Structural investigations are opened by the Federal Prosecutor General, supported by the Federal Criminal Police Office, to investigate the background of large-scale crimes. A structural investigation is a form of investigation that does not target particular suspects, but aims to gather evidence of the suspected crimes and identify the structures behind them, such as the chain of command.³⁵ A structural investigation is opened where there is evidence that a crime has taken place, but the potential perpetrators have not yet been definitively identified. Structural investigations are used to gather and preserve evidence in preparation for future proceedings and also identify potential perpetrators.

31 Anne Dienelt, ‘The German reform of war crimes against the environment – A missed opportunity to live up to the principle of legality’ (4 July 2024) *European Journal of International Law*, www.ejiltalk.org/the-german-reform-of-war-c last accessed on 23 September 2025.

32 *Ibid.*

33 For further commentaries and reform proposals, see www.bundestag.de/dokumente/textarchiv/2024/kw05-pa-recht-voelkerstrafrecht-987754 last accessed on 23 September 2025.

34 See www.gov.si/assets/ministrstva/MZEZ/projekti/MLA-pobuda/konvencija-dokoncna/List-of-the-Signatories-14-2-2025.pdf last accessed on 23 September 2025.

35 See www.thelocal.de/20220308/german-prosecutors-launch-investigation-into-ukraine-war-crimes/ last accessed on 23 September 2025.

As seen in Germany, structural investigations have improved the ability of prosecutors to identify suspects and patterns of crimes, and in turn, to take the first steps towards effective prosecutions.

In 2011, Germany launched structural investigations into war crimes and crimes against humanity committed by the Syrian State during the conflict.³⁶ According to the International Justice Monitor, Germany pursued cases against at least ‘three dozen State and non-State actors for atrocities in Syria, most of which were under universal jurisdiction.’³⁷ The information below provides some examples of such proceedings.

- Anwar Raslan, a colonel in the Syrian intelligence service, was the first prosecution in Germany of state-sponsored torture in the Syrian context, and the first case that brought charges of crimes against humanity against officials from a government that remained in power.³⁸ In 2022, he was convicted of crimes against humanity for overseeing the abuse of detainees at a jail in the Syrian city of Douma, known as Al Khatib, or Branch 251, where suspected opposition protesters were detained.
- Alaa Mousa, a Syrian medical doctor, went on trial accused of crimes against humanity, including torture and murder in Syria. He faced 18 counts of torturing detainees at military hospitals in Homs and Damascus in 2011-12, including setting fire to a teenage boy’s genitals. He also allegedly administered a lethal injection to a prisoner who resisted being beaten, according to federal prosecutors.³⁹ In June 2025, the 5th Senate for Criminal Matters (State Security Senate or Staatsschutzsenat) of the Higher Regional Court (OLG) Frankfurt/Main found Mousa guilty of several counts of crimes against humanity, war crimes against persons and murder. Mousa was sentenced to lifelong imprisonment.⁴⁰

According to the findings of the Higher Regional Court:

‘The conviction is specifically based on two cases in which the defendant exposed the genitals of the victims, including a boy aged 14 or 15 at the most, and set them on fire using disinfectant alcohol. In further cases, the defendant hit the heads of detained patients using a catheter or his fist. In one case, he squeezed one patient’s genitals. On one patient who had suffered a femoral fracture, the defendant performed part of a surgical procedure, the straightening of the fracture - without anaesthesia. [...] The defendant mistreated two patients, one of whom suffered from epilepsy and had had seizures. Instead of providing medical care to this patient, the defendant administered him a lethal pill. As intended by the defendant, the patient died subsequently. [...] Together with

36 Stephanie Bock, ‘The German Code of Crimes Against International Law at Twenty: Overview and Assessment of Modern ‘German International Criminal Law’ (2023) 21 *Journal of International Criminal Justice*, 4, 793–813; Isabelle Hassfurter, ‘Reform of the International Criminal Law Framework in Germany – Successful Changes and Missed Opportunities: Part I’ (13 June 2024) *Opinio Juris*, <https://opiniojuris.org/2024/06/13/reform-of-the-international-criminal-law-framework-in-germany-successful-changes-and-missed-opportunities-part-i> last accessed on 23 September 2025; Isabelle Hassfurter, ‘Reform of the International Criminal Law Framework in Germany – Successful Changes and Missed Opportunities: Part II’ (14 June 2024) *Opinio Juris*. <https://opiniojuris.org/2024/06/14/reform-of-the-international-criminal-law-framework-in-germany-successful-changes-and-missed-opportunities-part-ii> last accessed on 23 September 2025.

37 *Ibid.*

38 *New York Times*, ‘Murder, Torture, Rape: A Landmark Conviction on State Violence in Syria’ (2022) www.nytimes.com/2022/01/13/world/middleeast/verdict-syria-war-crimes.html last accessed on 23 September 2025.

39 *Times of Israel*, ‘Germany puts Syrian doctor on trial for crimes against humanity’ (2022) www.timesofisrael.com/germany-puts-syrian-doctor-on-trial-for-crimes-against-humanity last accessed on 23 September 2025.

40 See <https://ordentliche-gerichtsbarkeit.hessen.de/presse/alaa-m-was-sentenced-to-lifelong-imprisonment> last accessed on 23 September 2025.

other hospital staff, the defendant beat another patient, who had been hung up on a rope or chain for torture. After the prisoner was lowered to the ground, the defendant burned his arm using disinfectant alcohol. The defendant intentionally stepped on a festering elbow wound of another prisoner with his shoe. When blood and pus oozed out, the defendant poured disinfectant alcohol over the wound and set it on fire. In addition, he massively kicked another victim/survivor in the mouth and beat him to unconsciousness using a flexible baton. [...] In one case, the defendant intentionally killed a resisting prisoner by means of an injection. According to the findings of the Senate, the defendant thereby acted out of base motives as he wanted to demonstrate his power to the other prisoners present and at the same time set an example in order to suppress the rebellion of a part of the Syrian population.⁴¹

According to the findings of the Higher Regional Court, all of the defendant's actions described above were part of an extensive and systematic attack carried out by the Syrian regime under the former President of the State, Bashar al-Assad, against parts of its own civilian population.

In 2014, prosecutors initiated structural investigations into crimes committed against the Yazidi minorities in Syria and Iraq.⁴² Germany prosecuted cases against both German and foreign citizens.

- Taha al-Jumailly, an Iraqi national and husband of Jennifer Wenisch (a German citizen),⁴³ was convicted of genocide, crimes against humanity, war crimes and human trafficking.⁴⁴ The case represents a landmark step in regard to the principle of universal jurisdiction, as it is related to a crime committed in Iraq by an Iraqi national, who was later extradited to Germany from Greece.⁴⁵ It was the first time a criminal court recognised the crimes committed against the Yazidi community as genocide.⁴⁶ In its 2021 judgment, the Higher Regional Court of Frankfurt found that in 2015, Taha al-Jumailly 'purchased' and enslaved a five-year-old Yazidi girl named Reda and her mother. Taha al-Jumailly's wife was implicated as well. Taha al-Jumailly and his wife held Reda and her mother as captives at their residence in Fallujah and forced them to practise Islam, work as slaves, and, while in their captivity, deprived them of sufficient food. Taha al-Jumailly would beat them and subject them to abuse. Reda died after al-Jumailly tied her up with a cable outdoors to the bars of a window and left her in heat of up to 51 degrees Celsius as a punishment for wetting the bed and a measure to 'discipline' the girl.

41 *Ibid.*

42 International Justice Monitor, 'How Germany is Leading the Way for Accountability for Crimes in Syria' (19 April 2019) www.ijmonitor.org/2019/04/how-germany-is-leading-the-way-for-accountability-for-crimes-in-syria last accessed on 24 September 2025.

43 Jennifer Wenisch, a German citizen, was convicted of crimes against humanity and attempted war crimes in aiding and abetting the murder of a 5-year-old Yazidi girl.

44 *BBC News*, 'Yazidi genocide: IS member found guilty in German landmark trial' (30 November 2021) www.bbc.co.uk/news/world-europe-59474616 last accessed on 24 September 2025.

45 International Bar Association, 'War crimes: Universal jurisdiction secures convictions for genocide against Yazidi people' (3 August 2022) www.ibanet.org/War-crimes-Universal-jurisdiction-secures-convictions-for-genocide-against-Yazidi-people last accessed on 24 September 2025; Stephanie Bock, 'The German Code of Crimes Against International Law at Twenty: Overview and Assessment of Modern "German International Criminal Law"' (2023) 21 *Journal of International Criminal Justice*, 4, 805.

46 *Ibid.*, 805.

Taha al-Jumailly appealed in November 2021; however, in November 2022,⁴⁷ the German Federal Court of Justice confirmed the conviction against him for genocide, crimes against humanity and war crimes committed against Yazidi victims in Fallujah, Iraq. The genocide conviction and life sentence were affirmed on appeal, and no further appeal is possible. The Federal Court of Justice confirmed that ‘the defendant’s actions, which caused serious harm to Reda [and her mother], in conjunction with similar actions by other [Daesh] members, were capable of destroying the Kurdish religious group of the Yazidi faith.’⁴⁸ It further added that ‘it was precisely the organised enslavement of women and girls, especially in connection with religious re-education, that served to destroy the Yazidi religious minority in order to establish an Islamic caliphate. All in all, the approach was capable of bringing about [...] the (partial) destruction of this group as such.’⁴⁹ The judgment is now final. Reda’s mother was represented by Amal Clooney, Natalie von Wistinghausen and Dr Jörg Oesterle. Reda’s mother participated in the proceedings against al-Jumailly as a co-plaintiff, supported by Yazda, a non-governmental organisation working with Yazidi communities.

German courts have convicted several other Daesh members for crimes against humanity and war crimes, many of whom were German citizens and, as such, fell within the purview of active personality jurisdiction (Sarah O, Nurten J, Omaima A, Romiena S). Another woman, Leonora M, was convicted of membership in a terrorist organisation.⁵⁰

In 2022, Germany launched structural investigations into war crimes committed by Russian troops in Ukraine.⁵¹ The focus of the investigations was on ‘safeguarding evidence and interviewing (victim) witnesses in Germany,’ as the country decided not to engage in on-site investigations.⁵² In October 2023, the evidence from the investigations into war crimes was presented to German prosecutors. This included several cases filed by the Clooney Foundation for Justice (CFJ) and taken forward by InterJust. The cases concern ‘16 survivors and the families of victims in three separate war crimes cases: an indiscriminate missile attack on a coastal resort near Odesa that killed 22 people; the execution of four men in occupied territory in the Kharkiv region in spring and summer last year; and a series of executions and acts of torture and sexual violence committed outside Kyiv in March 2022.’⁵³

47 See <https://ujim.trialinternational.org/latest-post/taha-aj> last accessed on 24 September 2025.

48 Bundesgerichtshof, Beschluss 3 StR 230/22, 30 November 2022 <https://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&nr=132381&pos=0&anz=1> last accessed on 24 September 2025.

49 *Ibid.*

50 Doughty Street Chambers, ‘German court hands down second genocide conviction against ISIS member following enslavement and abuse of Yazidi woman in Syria’ (28 July 2022) www.doughtystreet.co.uk/news/german-court-hands-down-second-genocide-conviction-against-isis-member-following-enslavement last accessed on 24 September 2025.

51 Stephanie Bock, ‘The German Code of Crimes Against International Law at Twenty: Overview and Assessment of Modern “German International Criminal Law”’ (2023) 21 *Journal of International Criminal Justice*, 4, 807; Isabelle Hassfurther, ‘Reform of the International Criminal Law Framework in Germany – Successful Changes and Missed Opportunities: Part I’ (13 June 2024) *Opinio Juris* <https://opiniojuris.org/2024/06/13/reform-of-the-international-criminal-law-framework-in-germany-successful-changes-and-missed-opportunities-part-i> last accessed on 24 September 2025; Isabelle Hassfurther, ‘Reform of the International Criminal Law Framework in Germany – Successful Changes and Missed Opportunities: Part II’ (14 June 2024) *Opinio Juris* <https://opiniojuris.org/2024/06/14/reform-of-the-international-criminal-law-framework-in-germany-successful-changes-and-missed-opportunities-part-ii> last accessed on 24 September 2025.

52 Stephanie Bock, ‘The German Code of Crimes Against International Law at Twenty: Overview and Assessment of Modern “German International Criminal Law”’ (2023) 21 *Journal of International Criminal Justice*, 4, 807.

53 See <https://cfj.org/the-docket/ukraine/#:-:text=On%20October%2026%2C%202023%2C%20The,partner%2C%20Ukrainian%20NGO%20Truth%20Hounds> last accessed on 24 September 2025.

Other examples of cases involving universal jurisdiction in Germany relate to crimes committed by Rwandan nationals in the Democratic Republic of the Congo (the cases of Ignace Murwanashyaka and Straton Musoni).⁵⁴

2. Argentina

2.1. The law

Article 118 of the Argentine Constitution enshrines the principle of ‘pure’ universal jurisdiction, stating that:

‘The trial of all ordinary criminal cases not arising from the right to impeach granted to the House of Deputies shall be decided by a jury once this institution is established in the Nation. The trial shall be held in the province where the crime has been committed; but when committed outside the territory of the Nation against public international law, the trial shall be held at such place as Congress may determine by a special law.’⁵⁵

This means that Argentina can try crimes under public international law that are committed outside the country. The provision is to be interpreted in conjunction with Article 75(22) of the Constitution, which incorporates international treaties into Argentine law.

Law 26, 200/06 grants federal courts criminal jurisdiction over crimes covered by the Rome Statute of the International Criminal Court (ICC).⁵⁶ Article 5 states that ‘Jurisdiction for the commission of crimes provided for in the Rome Statute and in this law corresponds to the Federal Courts with criminal jurisdiction.’ Furthermore, Law 26, 200/06 also establishes that these crimes are not subject to any statute of limitations.

Article 290 of the Code of Criminal Procedure of the Argentine Nation prohibits trials in absentia. However, in February 2025, legislators adopted Law 27784 on Trial in Absentia. According to the law, criminal proceedings are allowed to proceed without the presence of the accused in cases involving serious crimes, such as genocide and terrorism.⁵⁷ As per the new law:

‘Trial in absentia may only be prosecuted against a defendant declared in rebellion if:

- a) Knowing of the existence of the proceedings against him, he does not appear, does not respond, does not comply with or evades the requirements of the judicial authority;
- (b) Reasonable attempts have been made to obtain legal status, but these have been unsuccessful; reasonable attempts to obtain legal status are deemed to have been made, among other cases, if:
 - I. After four (4) months from the issuance of a national or international arrest warrant, the accused could not be found.

⁵⁴ *New York Times*, ‘Murder, Torture, Rape: A Landmark Conviction on State Violence in Syria’ (2022) www.nytimes.com/2022/01/13/world/middleeast/verdict-syria-war-crimes.html last accessed on 24 September 2025.

⁵⁵ See www.biblioteca.jus.gov.ar/Argentina-Constitution.pdf last accessed on 24 September 2025.

⁵⁶ See <https://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/123921/norma.htm> last accessed on 24 September 2025.

⁵⁷ See www.boletinoficial.gob.ar/detalleAviso/primera/322211/20250307 last accessed on 24 September 2025.

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- II. The extradition request made by the Argentine Republic to a foreign country has been denied or has not received a response within the established period, provided that the national Executive Branch has not admitted the trial in that country in accordance with the provisions of Article 64 of the International Cooperation in Criminal Matters Act, 24.767.

Once one of the grounds for its admissibility has been established, the judge or court will declare, by reasoned order, that the proceedings continue in absentia.⁵⁸

2.2. Recent developments

Argentina has adopted an absolute approach to universal jurisdiction. This enables the country to look into a wide range of cases involving international crimes. However, certain challenges exist that have yet to be addressed, including the lack of a specialised unit for investigating universal jurisdiction cases, a broad interpretation of the principle of subsidiarity in some cases and slow case progression, among others.⁵⁹

In February 2024, Argentina signed the Ljubljana–Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes, and other International Crimes.⁶⁰ Argentina has been a leading force of the Ljubljana–Hague Convention. The core group consists of Argentina, Belgium, Slovenia, Mongolia, Senegal and the Netherlands.

2.3. Investigations and prosecutions

Argentine courts have significant experience of prosecuting dictatorship crimes, and there exists a significant body of jurisprudence on such crimes and modes of liability.

Argentine courts have exercised universal jurisdiction on a number of occasions in view of the gravity of the crimes, as per Article 118 of the Constitution.

Domestic courts in Argentina are looking into several situations involving international crimes, including those detailed below.

The Rohingya genocide

- In November 2019, the Burmese Rohingya Organisation UK (BROUK) filed a complaint with an Argentine court in relation to the Rohingya genocide. Initially, the request was rejected. However, in 2021, the appeals court overturned a lower court ruling, opening the door for further action. Seven Rohingya witnesses, six of whom were women, including victims/survivors and witnesses of severe sexual violence, gave critical evidence in this case in 2023. These victims/survivors and witnesses were supported by Legal Action Worldwide (LAW), an independent non-profit organisation made up of human rights lawyers and jurists working in fragile and conflict-affected areas. In June 2024, Prosecutor Guillermo Marijuán made a request for arrest warrants in the case.

58 *Ibid.*

59 See <https://trialinternational.org/latest-post/universal-jurisdiction-law-and-practice-in-argentina> last accessed on 24 September 2025.

60 See www.gov.si/assets/ministrstva/MZEZ/projekti/MLA-pobuda/konvencija-dokonca/List-of-the-Signatories-14-2-2025.pdf last accessed on 24 September 2025.

- The atrocities refer to the litany of crimes perpetrated by the military against the Rohingya, an ethno-religious numeric minority community in the country, between 2016 and 2017, including:
 - ‘Extrajudicial executions or other killings, including by random shooting; enforced disappearance and arbitrary detention; rape, including gang rape, and other forms of sexual violence; physical assault including beatings; torture, cruel, inhuman or degrading treatment or punishment; looting and occupation of property; destruction of property; and ethnic and religious discrimination and persecution.’
- The crimes are said to have resulted in the death of at least 10,000 people and the forcible displacement of over 700,000 Rohingya, half of them children. Experts have classified the atrocities as genocide and crimes against humanity. In March 2022, then US Secretary of State Antony J Blinken formally recognised the atrocities against the Rohingyas as genocide and crimes against humanity during his visit to the United States Holocaust Memorial Museum and a tour of the exhibit entitled ‘Burma’s Path to Genocide.’ As Blinken confirmed, this decision was reached based on a factual assessment and legal analysis prepared by the US State Department.
- In February 2025, a federal criminal court in Buenos Aires, Argentina, ordered arrest warrants against 25 Myanmar military leaders and officials for their involvement in the crime of genocide and crimes against humanity committed against the Rohingya community.

The Uyghur genocide

- In August 2022, Lawyers for Uyghur Rights, the Uyghur Human Rights Project (UHRP) and the World Uyghur Congress (WUC) filed a criminal complaint in relation to crimes against humanity and genocide against the Uyghur people perpetrated by the Chinese government at the Federal Criminal Court in Buenos Aires, pursuant to Argentina’s universal jurisdiction provisions set out in the Argentinian Constitution.
- After the criminal complaint was filed, the Prosecutor decided to archive the complaint because of reports that a criminal complaint was pending in Turkey. In November 2023, victims/survivors from the Uyghur community submitted an appeal in regard to the decision. A hearing took place in December 2023, according to which the court heard that there was no evidence that the issue of the Uyghur genocide was being considered by courts in Turkey. At the time, the judges sided with the Prosecutor’s decision.
- In its decision of July 2024, the Court of Cassation held that the Court of Appeal of Buenos Aires had been wrong to agree with the Prosecutor’s decision to archive the complaint and ordered the Prosecutor to open an investigation. Once the case is opened by the Court of First Instance, it will enter the investigatory stage, whereby victims/survivors will be called to give evidence. This will provide an opportunity for the Uyghur people to testify before a criminal court in relation to the atrocities committed against the community. After hearing such evidence, the court can indict defendants, issue arrest warrants and send the case to trial.
- In November 2024, the Argentine Court of Cassation cleared the way for new submissions on the criminal complaint regarding the international crimes of genocide and crimes against humanity.

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- In July 2025, Argentina’s highest criminal court, the Federal Court of Criminal Cassation (Cámara Nacional de Casación Penal), ruled in favour of the universal jurisdiction case for crimes against humanity and genocide committed against the Uyghur people by members of the Chinese government. The Court of Cassation held that there are no legal impediments to the opening of the case, that the case should be opened, and ordered that a new constitution of judges of the Federal Court of Appeal should be convened in order to implement their ruling.

Crimes against humanity in Venezuela

- In June 2023, victims/survivors of crimes against humanity and the CFJ filed a lawsuit with the Argentine domestic court. The evidence submitted by CFJ points to the potential criminal liability of Venezuelan security forces in committing crimes against humanity against victims/survivors linked or perceived to be linked to the government’s political opposition. CFJ’s Docket Team was representing the family members of two victims/survivors of indiscriminate violence and killings in their latest effort to support victims/survivors and hold perpetrators to account beyond Venezuela’s border. In July 2023, the Federal Prosecutor opened an investigation into crimes against humanity. Despite the fact that in March 2024 the Federal Judge ordered that the case be dismissed, in April 2024, Chamber I of the Federal Court of Buenos Aires overturned the decision and ordered its reopening.
- On 23 September 2024, the Federal Court of Buenos Aires issued arrest warrants for President Nicolás Maduro, Minister of the Interior Diosdado Cabello and 30 other officials for alleged crimes against humanity, including murder, torture, enforced disappearance and persecution.

Other international crimes currently under consideration include crimes committed in Azerbaijan, Bolivia, Colombia, Cuba, the Gaza Strip, Israel, Nicaragua, Russia, Spain, Turkey and Yemen.

3. Lithuania

3.1. The law

The law of Lithuania provides for a broad understanding of the principle of universal jurisdiction, including in sections 7 and 8 of the Criminal Code of Lithuania:

‘Article 7. Criminal Liability for Crimes Provided for in International Treaties

Persons shall be liable under this Code regardless of their citizenship and place of residence, the place of commission of a crime and whether the act committed is subject to punishment under the laws of the place in respect of the commission of the crime, when they commit crimes for which the liability is based on the International Treaties:

- 1) crimes against humanity and war crimes (Articles 99-131);
- 2) human trafficking (Article 147);
- 3) purchase or sale of a child (Article 157); [...]

Article 8. Criminal Liability for Crimes Committed Abroad

1. A person who has committed the crimes provided for in Articles 5 and 6 of this Code in a foreign jurisdiction shall only be held criminally liable if the committed act is recognised as a crime and is punishable under the criminal code of the State of the place of commission of the crime and the Criminal Code of the Republic of Lithuania. If the person, having committed the crime in a foreign jurisdiction, is on trial in the Republic of Lithuania, but different sentences are provided for this crime in each country, such person shall be sentenced in accordance with laws of the Republic of Lithuania, however it may not exceed the maximum sentence specified in the criminal laws of the State of the place of commission of the crime.

2. A person who has committed the crimes provided for in Articles 5, 6, and 7 of the Criminal Code of the Republic of Lithuania shall not be held liable under this Code where he:

- 1) has served the sentence imposed by a foreign court;
- 2) has been released from serving the entire or part of the sentence imposed by a foreign court;
- 3) has been acquitted or released from criminal liability or punishment by a foreign court's judgment, or no penalty has been imposed by reason of the statute of limitations or on other legal grounds provided for in that State.

3. A citizen of the Republic of Lithuania or another person permanently residing in Lithuania who has committed abroad one or more crimes provided for in Article 149(3) and (4), Article 150(3) and (4), Article 151(2), Article 151(1), Article 152(1), Articles 153 and 157, Article 162(1), Article 307(3), Article 308(3) and Article 309(2) and (3) of this Code shall be punishable regardless of whether the committed act is punishable under the criminal law of the State of commission of the crime.⁶¹

Article 99 criminalises genocide, stating:

'Whoever, with the aim of physically destroying all or part of the people belonging to any national, ethnic, racial, religious, social or political group, organises, directs or participates in their killing, torturing, mutilating, disrupting their mental development, deporting, or otherwise creating such living conditions that they lead to the death of all or part of them, limits the birth rate of people belonging to those groups or forcibly transfers their children to other groups, shall be punished by imprisonment for a term of ten to twenty years or life imprisonment.'

⁶¹ See <https://e-seimas.lrs.lt/portal/legalActPrint/lt?jfwid=rivwzvpvg&documentId=a84fa232877611e5bca4ce385a9b7048&category=TAD> last accessed on 24 September 2025.

Article 149 covers rape and (3) and (4) are in respect of children; Article 150 covers sexual assault; Article 151 covers forced sexual intercourse, Article 151(1) covers satisfying sexual passion by violating the freedom of sexual self-determination and/or inviolability of a minor; Article 152(1) covers seduction of a person under the age of 16; Article 153 covers molestation of a person under the age of 16; Article 157 covers buying or selling a child; Article 162(1) covers child pornography; Article 307(3) covers profiting from another person's prostitution; Article 308(3) covers involvement in prostitution; Article 309 covers possession of pornographic material.

3.2. Recent developments

The Supreme Court, in its case law, provides guidance on provisions of universal jurisdiction in the context of war crimes and crimes against humanity.

Among others, the Supreme Court found that that Geneva Conventions (for example, Article 146 of the Geneva Convention Relative the Protection of Civilian Persons in Time of War, Article 85(1) of Additional Protocol I to the Geneva Conventions) and other relevant international instruments specified in the ruling recognise that a national court has jurisdiction to prosecute a person for war crimes and crimes against humanity, irrespective of where the crimes were committed, the nationality of the person who committed them and their prohibition at national level.⁶² The Court further provided significant clarifications regarding the possibility of prosecuting perpetrators in absentia, which is enshrined in the provisions of the Code of Criminal Procedure, and is considered an important aspect of the implementation of criminal responsibility for crimes against humanity and war crimes.⁶³

In February 2024, Lithuania signed the Ljubljana–Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes, and other International Crimes.

3.3. Investigations and prosecutions

The following pre-trial investigations have been carried out in Lithuania:

- a pre-trial investigation in accordance with Article 100 of the Criminal Code (‘Treatment of persons prohibited under international law’) and Article 103 (‘Torture’) of the Criminal Code concerning the actions of the State institutions of the Republic of Belarus against the population of the Republic of Belarus following the 2020 presidential elections in the country;
- a pre-trial investigation in accordance with Article 100.2 (‘Separation of children’) and Article 102 (‘Deportation or transfer of civilians’) of the Criminal Code due to illegal deportation of Ukrainian children to Belarusian territory; and
- a pre-trial investigation in accordance with Article 100 of the Criminal Code (‘Treatment of persons prohibited under international law’), Article 101 of the Criminal Code (‘Killing of persons protected by international humanitarian law’), Article 103 of the Criminal Code (‘Causing bodily harm to, torture or other inhuman treatment of persons protected under international humanitarian law or violation of protection of their property’), Article 110 of the Criminal Code (‘Aggression’) and Article 111(1) and (2) of the Criminal Code (‘Prohibited military attack’) due to the aggression against Ukraine by the Russian Federation and the ongoing international armed conflict.

62 See Supreme Court decision of 30 June 2022, No 2K-7-39-1073/2022.

63 See www.un.org/en/ga/sixth/79/universal_jurisdiction/lithuania_e.pdf last accessed on 24 September 2025.

4. The Netherlands

4.1. The law

The principle of universal jurisdiction is enshrined in the International Crimes Act (Wet Internationale Misdrijven) of 19 June 2003, which entered into force in October 2003.⁶⁴ This Act replaced several pieces of legislation on genocide, war crimes and torture.⁶⁵ In addition, the 2003 International Crimes Act incorporates crimes against humanity into Dutch national law. As of 2011, the International Crimes Act also codifies enforced disappearances and, as of 2018, the crime of aggression.

The International Crimes Act provides for a narrow approach to the principle of universal jurisdiction in respect of international crimes.

Article 2(1) of the International Crimes Act states that, without prejudice to the relevant provisions in the Criminal Code and the Code of Military Law, Dutch criminal law shall apply to:

- anyone who commits any of the crimes defined in this Act outside the Netherlands, if the suspect is present in the Netherlands;
- anyone who commits any of the crimes defined in this Act outside the Netherlands, if the crime is committed against a Dutch national; and
- a Dutch national who commits any of the crimes defined in this Act outside the Netherlands.

The judicial authorities of the Netherlands cannot open an investigation into alleged international crimes committed abroad by foreigners against non-nationals without the suspect having been identified and present in the country. Investigations into a general situation are not possible unless the victims/survivors and/or the alleged perpetrators are Dutch nationals. In universal jurisdiction cases, Dutch authorities are therefore only competent to investigate if the suspect is present on the territory during the investigation.

While Dutch authorities are, in general, only competent to investigate if the suspect is present on the territory during the investigation, should a suspect be on Dutch territory, the Dutch authorities start an investigation and the suspect flees the territory, the Dutch authorities maintain jurisdiction.

Dutch law does not require that the conduct under investigation or prosecution is also criminalised in the State of nationality of the suspect or in the State in which the crime was committed. Hence, double criminality is not a prerequisite for the investigation or prosecution of international crimes.

64 International Crimes Act (Wet Internationale Misdrijven) of 19 June 2003 <https://wetten.overheid.nl/BWBR0015252/2020-01-01> last accessed on 24 September 2025.

65 Genocide Convention Implementation Act (Uitvoeringswet Genocideverdrag), which entered into force on 24 October 1970 <https://wetten.overheid.nl/BWBR0002453/1997-05-14> last accessed on 24 September 2025; Torture Convention Implementation Act (Uitvoeringswet folteringverdrag), which was passed on 29 September 1988 <https://wetten.overheid.nl/BWBR0004409/1989-01-20> last accessed on 24 September 2025. Several clauses in the Dutch Criminal Law in Wartime Act were also replaced, Wartime Offences Act ('Wet Oorlogsstrafrecht'), which entered into force 10 July 1952 <https://wetten.overheid.nl/BWBR0002099/2013-10-01> last accessed on 24 September 2025.

4.2. Recent developments

While the International Crimes Act provides for a limited form of universal jurisdiction, Dutch courts have adopted increasingly expansive approaches to interpreting the legal framework. For example, pursuant to Article 1(4) of the Act, certain crimes detailed in the Netherlands Criminal Code are equated to crimes described in Articles 3–8 of the Act, which have been used to charge individuals with participation in an organisation whose object is to commit core international crimes, such as war crimes. The judgment in the *Yusra L* case issued on 29 June 2021 was the first time The Hague District Court concluded that Islamic State (Daesh) was a criminal organisation according to this definition.⁶⁶ Shabiha groups/Liwa al-Quds have also been found to constitute such organisations, resulting in the sentence of Mustafa A pursuant to the principle of universal jurisdiction on 22 January 2024.⁶⁷ In a decision on 27 August 2025, the Court of Appeals ruled in an appeal in the case of *Mustafa A* and found that Liwa al-Quds constitutes a criminal organisation whose objective is to commit war crimes.

On a practical note, the *Mustafa A* case was also the first trial that involved the simultaneous translation from Dutch into Arabic, thereby significantly improving the visibility and accessibility of universal jurisdiction cases to victims/survivors and the wider public.

The Netherlands has been a leading force behind the Ljubljana–Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes, and other International Crimes.⁶⁸

4.3. Investigations and prosecutions

Dutch prosecutors are looking into several cases, including those detailed below.

- In April 2024, the International Crimes Team (Team Internationale Misdrijven or TIM) of the Dutch police announced that it was looking for witnesses to international crimes committed in Syria as part of an ongoing investigation.⁶⁹ Specifically, they were interested in an execution in Yalda, near Damascus, that took place in January 2014.
- In October 2023, Pierre-Claver Karangwar was arrested on suspicion of involvement in the genocide in Rwanda.⁷⁰ The man was born in Rwanda and has lived in the Netherlands since 1998. He was granted a residence permit in 1999 and acquired Dutch nationality in 2002. Karangwar has long been suspected in Rwanda of committing genocide and crimes against humanity. The Rwandan

66 District Court of The Hague, case numbers 09748012-19 and 09/748012-19-P (joined at the hearing), 29 June 2021, www.eurojust.europa.eu/sites/default/files/assets/files/netherlands-case-number-09748012-19-and-09748012-19-p.pdf last accessed on 24 September 2025.

67 District Court of The Hague, case number 71/122211-22 (under appeal), 24 January 2022 www.eurojust.europa.eu/sites/default/files/assets/files/netherlands-case-number-71122211-22.pdf last accessed on 24 September 2025. Ayham al-S is charged with the same offence for his position in Jabhat al-Nusra and Daesh. He was arrested on 17 January 2023 and his case is ongoing. See TRIAL International, *Universal Jurisdiction Annual Review 2024*, p 74 <https://trialinternational.org/latest-post/universal-jurisdiction-annual-review-new-developments-in-2024> last accessed on 24 September 2025.

68 See www.gov.si/assets/ministrstva/MZEZ/projekti/MLA-pobuda/konvencija-dokoncna/List-of-the-Signatories-14-2-2025.pdf last accessed on 24 September 2025.

69 See www.om.nl/onderwerpen/internationale-misdrijven/nieuws/2024/04/09/team-internationale-misdrijven-zoekt-getuigen-van-syrische-oorlogsmisdrijven last accessed on 24 September 2025.

70 See www.reuters.com/world/africa/rwandan-genocide-suspect-arrested-netherlands-2023-10-03 last accessed on 24 September 2025.

authorities issued an international arrest warrant against him and requested his extradition from the Netherlands. His extradition was refused due to the fear of gross human rights violations. His Dutch citizenship was revoked, due to the genocide accusations, theoretically paving the way for his extradition.

- On 8 December 2023, a Syrian national, and the alleged former head of the interrogation department of the National Defence Forces (NDF), was arrested and charged with complicity in torture in an official capacity, complicity in torture as a crime against humanity and complicity in various forms of sexual violence as a crime against humanity.⁷¹
- Another important case, although involving active personality jurisdiction, concern Hasna A, a Dutch national. In December 2024, the woman from Hengelo was sentenced to eight years in prison for crimes against the Yazidi population.⁷² The 33-year-old woman travelled to Syria in 2015 with her four-year-old son to join Daesh. There, as established by the Public Prosecution Service, she used two Yazidi women as house slaves. This was the first time someone was brought before a Dutch court for having been involved in slavery as a crime against humanity. This was also the first time that crimes against the Yazidis were tried in the country.

The Netherlands has also secured multiple convictions for combinations of terrorist offences and war crimes.⁷³

5. France

5.1. *The law*

Prior to 2010, and with the exception of war crimes, French courts have had exclusive jurisdiction over grave international crimes committed outside of France where an international treaty obligates France to pursue such prosecutions, such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 1995 and 1996, France passed laws implementing UN Security Council Resolutions 827 and 955, establishing the International Criminal Tribunal for the former Yugoslavia (ICTY)

71 See www.ecchr.eu/fileadmin/Publikationen/03_TRIAL_UJAR_2025_FINAL_DIGITAL.pdf last accessed on 24 September 2025.

72 See www.om.nl/onderwerpen/internationale-misdrijven/nieuws/2024/10/16/eis-8-jaar-cel-vanwege-misdrijven-tegen-jezidis last accessed on 24 September 2025.

73 Prosecuting terror-related offences is usually easier to achieve than international crime convictions for evidentiary reasons. Such prosecutions may not be as satisfactory for the victims because they do not necessarily reflect the extent of victimisation/suffering and the nature of the crimes committed.

and International Criminal Tribunal for Rwanda (ICTR), equipping French courts with jurisdiction over genocide, crimes against humanity and war crimes committed in these two countries.⁷⁴

In 2010, the French Code of Criminal Procedure (CCP) was amended to give effect to the Rome Statute and equip domestic courts with jurisdiction over genocide, crimes against humanity and war crimes. The 2010 amendment introduced four cumulative conditions that need to be met, *'les quatre verrous'* (meaning, four locks), for universal jurisdiction to apply in relation to Rome Statute crimes. Article 689-11⁷⁵ of the French CCP states that:

- the suspect must have a habitual residence on French territory;
- in relation to crimes against humanity and war crimes, the acts must be criminalised by the legislation in the State where the acts were committed or the suspect must be from a country that is party to the Rome Statute (the double criminality standard);

74 See Loi n° 95-1 du 2 janvier 1995 portant adaptation de la législation française aux dispositions de la résolution 827 du Conseil de sécurité des Nations Unies instituant un tribunal international en vue de juger les personnes présumées responsables de violations graves du droit international humanitaire commises sur le territoire de l'ex-Yougoslavie depuis 1991, No. 95-1 of 1995, entered into force on 2 January 1995. (Law No. 95-1 of 2 January 1995 adapting French legislation to the provisions of Resolution 827 of the United Nations Security Council establishing an international tribunal to try persons presumed responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 (1)) www.legifrance.gouv.fr/loda/id/JORFTEXT000000532676 last accessed on 24 September 2025. Article 2: The perpetrators or accomplices of the offences mentioned in Article 1 may be prosecuted and tried by the French courts in accordance with French law, if they are located in France. These provisions are applicable to the attempt to commit these offences, whenever such attempts are punishable.

Any person who claims to have been harmed by one of these offences may, by filing a complaint, constitute themselves as a civil party under the conditions provided for in Articles 85 et seq. of the Code of Criminal Procedure, provided that the French courts have jurisdiction pursuant to the provisions of the preceding paragraph.

The international tribunal and the residual mechanism shall be informed of any ongoing proceedings relating to facts which may fall within their jurisdiction.

Loi n° 96-432 du 22 mai 1996 portant adaptation de la législation française aux dispositions de la résolution 955 du Conseil de sécurité des Nations unies instituant un tribunal international en vue de juger les personnes présumées responsables d'actes de génocide ou d'autres violations graves du droit international humanitaire commis en 1994 sur le territoire du Rwanda et, s'agissant des citoyens rwandais, sur le territoire d'Etats voisins, No. 96-432 of 1996, entered into force on 22 May 1996 (Law No. 96-432 of 22 May 1996 adapting French legislation to the provisions of United Nations Security Council Resolution 955 establishing an international tribunal to try persons presumed responsible for acts of genocide or other serious violations of international humanitarian law committed in 1994 in the territory of Rwanda and, in the case of Rwandan citizens, in the territory of neighbouring States) www.legifrance.gouv.fr/loda/id/JORFTEXT000000742868 last accessed on 24 September 2025.

75 Article 689-11:

Except in the cases provided for in subtitle I of title I of book IV for the application of the convention relating to the status of the International Criminal Court, opened for signature in Rome on July 18, 1998, can be prosecuted and judged by the French courts, any person suspected of having committed one of the following offenses abroad:

1° The crime of genocide defined in Chapter I of Subtitle I of Title I of Book II of the Penal Code;

2° Other crimes against humanity defined in Chapter II of the same subtitle I,

3° War crimes and offenses defined in articles 461-1 to 461-31 of the same code,

The suspect must have his or her habitual residence on French territory, defined by a sufficient link with France. This link is assessed in particular in the light of the actual or foreseeable duration of the person's presence on French territory, the conditions and reasons for this presence, the desire expressed by the person concerned to settle or remain there, or his or her family, social, material or professional ties.

The prosecution of these crimes can only be carried out at the request of the anti-terrorism public prosecutor and if no international or national court requests the surrender or extradition of the person.

To this end, the public prosecutor ensures that there is no prosecution initiated by the International Criminal Court and verifies that no other international jurisdiction competent to judge the person has requested their surrender and that no other State has requested his extradition.

When, pursuant to article 40-3 of this code, the public prosecutor at the Paris Court of Appeal is seized of an appeal against a decision to close a case taken by the anti-terrorism public prosecutor, he hears the person who denounced the facts if requested. If he considers the appeal unfounded, he informs the person concerned by a written decision.

- the prosecution of these crimes must be carried out at the request of the anti-terrorism public prosecutor; and
- there are no requests for the surrender or extradition of the person by another international or national court.⁷⁶

The effect of these four requirements is that triggering universal jurisdiction in France may be challenging, as ultimately, prosecutions depend on meeting the four requirements. The four locks do not apply in cases of torture and enforced disappearances as standalone crimes or in cases of Rwanda or Yugoslavia-related offences. In these cases, the only ‘lock’ is the presence of the suspect.⁷⁷ As such, there are different approaches for triggering universal jurisdiction based on the crime in question, creating parallel systems and hierarchies of crimes.

Furthermore, French law applies the principle of *aut dedere aut judicare* (either extradite or prosecute) for the crimes of torture and enforced disappearance, among others. This means that the State in which the suspect is found must ensure that its courts can exercise jurisdiction, including universal jurisdiction, or it would need to extradite.

5.2. Recent developments⁷⁸

Although no significant reforms have been pursued by French legislators recently, human rights organisations are actively advocating for changes, particularly in the wake of the French Court of Cassation’s decision issued on 12 May 2023. In this decision, the Court examined the provisions in French law that restrict victims/survivors’ access to justice for serious crimes committed abroad.⁷⁹

On 12 May 2023, the French Court of Cassation issued an important decision in relation to appeals by Abdulhamid Chaban and Majdi Nema, who both sought to challenge the proceedings against them.⁸⁰ Both cases concerned Syrian nationals charged with involvement in international crimes that took place in Syria. In 2019, Abdulhamid Chaban, a former Syrian soldier, was arrested and charged with complicity in crimes against humanity. In 2020, Majdi Nema, a former spokesperson for the Syrian armed group, Jaysh al-Islam, was charged with war crimes, torture and enforced disappearances. He was studying in France at the time.

Both cases challenged the use of the principle of universal jurisdiction in France.

⁷⁶ *Ibid.*

⁷⁷ See https://redress.org/storage/2020/10/Breaking-Down-Barriers_EN_WEB.pdf last accessed on 24 September 2025, p 46.

⁷⁸ The recent Cour de Cassation decisions on immunities in relation to Syrian officials crystallises the exception to functional immunities for international crimes. It confirmed the existence of personal immunities, but recognised that they become moot after the official has left their functions, and exceptions may exist before certain international tribunals. See www.courdecassation.fr/en/toutes-les-actualites/2025/07/25/press-release-scope-immunity-foreign-officials-and-heads-state last accessed on 24 September 2025.

⁷⁹ *Reporters Without Borders*, ‘RSF and eight human rights organisations call for reform of France’s universal jurisdiction law’ (17 May 2023) <https://rsf.org/en/rsf-and-eight-human-rights-organisations-call-reform-frances-universal-jurisdiction-law> last accessed on 24 September 2025.

⁸⁰ See Cour de Cassation (France), 12 May 2023, case number 22-80.057 www.courdecassation.fr/toutes-les-actualites/2023/05/12/universal-jurisdiction-french-courts-over-crimes-committed-syria-0 last accessed on 24 September 2025.

In November 2021, in the case of Chaban, the Court of Cassation issued a narrow interpretation of the double criminality standard, stating that since Syria has not ratified the Rome Statute nor has it criminalised crimes against humanity, Chaban could not be tried in France for this crime.

In the case of Nema, the challenges included, as argued by the defendant, that he did not habitually reside in France, and the alleged war crimes were not criminalised in Syria. Furthermore, he argued that he had not committed torture because he was not an official agent of the Syrian State at the time. The Court of Appeal dismissed the claims, resulting in Nema appealing to the Court of Cassation.

The Prosecutor-General of the Court of Cassation requested that the two cases be heard together.

In a decision issued on 12 May 2023, the Court of Cassation held that the French judiciary had jurisdiction over both cases.

In relation to the double criminality requirement, the Court found that:

‘32. [...] The mechanism of universal jurisdiction constitutes an alternative to the mechanism of criminal cooperation that is extradition and is applied in the case where the foreign State is failing in its obligation to prosecute international crimes.

33. It should therefore be noted that the condition of dual criminality, required for the prosecution of crimes against humanity and war crimes and offences, does not imply that the criminal characterisation of the acts is identical in both legislations, but merely requires that they be criminalised by both.

34. The condition of criminalisation by foreign law can be fulfilled through a common law offence constituting the basis of the crime prosecuted, such as murder, rape or torture.

35. Such an interpretation does not deprive the condition of double criminality of all significance. [...]

38. In the present case, in order to dismiss the plea of nullity based on the incompetence of the French courts to hear the crimes against humanity alleged against Mr. [R] on the basis of Article 689-11 of the Code of Criminal Procedure, the ruling under appeal, with regard to the condition of double criminality, after noting that Syria is not a party to the [Rome] Statute of the International Criminal Court, states that the Syrian Constitution of 2012 prohibits torture, and that, under this text, any violation of personal liberty or protection of personal life or any other rights or public freedoms guaranteed by the Constitution is considered a crime that is punishable by the law.

39. The judges note that, while crimes against humanity are not expressly referred to as such in the Syrian Penal Code, it does criminalise murder, acts of barbarism, rape, violence and torture.

40. The Investigating Chamber deduced that Syrian law, even if it does not criminalise autonomous crimes against humanity, it punishes the acts that gave rise to the prosecution in the case before it.’⁸¹

In relation to the habitual residence requirement, the Court found that the requirement is satisfied where there is a sufficient connection between France and the defendant, to be assessed based on several factors,

81 *Ibid.*

including the duration, reason and conditions of the defendant's stay, a manifested intent to stay and the existence of family, social or other material or professional ties. Conversely, this means that the habitual residence does not have to be exclusive or permanent.

In relation to the definition of torture and the requirement for the acts to be undertaken in an 'official capacity', the Court found that the requirement is not confined to State agents. The Court added that torture can also be committed by individuals acting on behalf of a non-State actor who has effective control of the area and exercises functions normally exercised by a government.

Although the Court clarified important questions related to the jurisdiction of French courts, the full scope of the restrictive conditions that remain within French law was not addressed. According to *Reporters Without Borders*, '[t]he French government still needs to move ahead with urgently needed reforms to remove legal restrictions that risk France becoming a safe haven for people responsible for the world's worst crimes.'⁸²

In February 2024, France signed the Ljubljana–Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes, and other International Crimes.⁸³

5.3. Investigations and prosecutions

Torture, enforced disappearance and crimes committed in Rwanda and in the former Yugoslavia are said to be easier to investigate and prosecute, while the investigation and prosecution of crimes under the Rome Statute continue to be challenging.

TRIAL International reported that France was investigating potential charges of genocide, crimes against humanity, war crimes, torture and enforced disappearance in regard to acts that occurred in Rwanda, Syria, Iraq, Libya, Chechnya, Chad, the Ivory Coast, the Central African Republic, the Democratic Republic of Congo, Afghanistan and Liberia.⁸⁴

Some of recent cases include:

- In May 2025, Majdi Nema was found guilty of complicity in the war crime of conscription of minors aged 15 to 18 years old, and of taking part in a group formed to prepare war crimes, namely wilful killings, wilfully causing great suffering or serious injury to the body or health, conscription of minors, kidnappings and abductions, humiliating and degrading treatment and summary convictions and executions.⁸⁵ He was sentenced to ten years of imprisonment.
- On 6 December 2024, Madjaliwa Safari, a Rwandan national, was indicted on charges of genocide and crimes against humanity, accused of participating in the murder of Tutsi civilians. He also

82 *Ibid.*

83 See www.gov.si/assets/ministrstva/MZEZ/projekti/MLA-pobuda/konvencija-dokoncna/List-of-the-Signatories-14-2-2025.pdf last accessed on 24 September 2025.

84 See https://redress.org/wp-content/uploads/2023/04/01_TRIAL_UJAR_2023_DIGITAL_27_03.pdf last accessed on 24 September 2025.

85 See www.fidh.org/en/region/north-africa-middle-east/syria/q-a-on-the-conviction-of-majdi-nema-by-french-courts-for-complicity last accessed on 24 September 2025.

allegedly played a role in the arrest and execution of Tutsis at a roadblock known as ‘Chez Premier’.⁸⁶

French law also allows for corporate accountability proceedings under the principle of universal jurisdiction.

- In June and July 2021, two French executives, two employees and the company itself, French company Amesys, were charged while under investigation (*mis en examen*) by investigative judges for complicity in torture.⁸⁷ As reported by TRIAL International:

‘In 2007, the company Amesys signed a contract with the government of Libya to provide surveillance technologies for the purposes of intercepting communications and processing and analysing data. This technology, called EAGLE, allegedly allowed the Gaddafi regime (1969-2011) to repress dissident voices and to commit serious human rights abuses.’⁸⁸

- On 26 August 2020, a criminal investigation was opened into BNP Paribas bank’s alleged role in mass atrocities in Sudan.⁸⁹
- French cement company Lafarge SA was indicted on charges of financing terrorism and violation of an embargo and was charged while under investigation (*mis en examen*) for complicity in crimes against humanity. On 16 October 2024, French investigating judges ordered Lafarge SA and eight individuals (including four former top executives of the parent and its subsidiary, two former staff members of the subsidiary and two former intermediaries, including a Syrian businessman) to stand trial before a French criminal court for financing a terrorist organisation and violating an embargo.⁹⁰

6. Sweden

6.1. The law

In 2002, Sweden ratified the Rome Statute of the ICC. While several of the crimes in the Rome Statute were already covered by national legislation, the ratification led to the adoption, in 2014, of a new law, the Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes (the ‘2014 Act’).⁹¹

The 2014 Act criminalises the crime of genocide (section 1), crimes against humanity (section 2) and war crimes (sections 3–11). As per section 16 of the 2014 Act, the attempt, preparation or conspiracy to commit or failure to reveal an act of genocide, a crime against humanity or a war crime is punishable as well. Furthermore, sections 14 and 15 of the 2014 Act criminalise the failure of a superior to exercise supervision and the failure to report crimes committed by subordinates as distinct crimes.

86 See www.ecchr.eu/fileadmin/Publikationen/03_TRIAL_UJAR_2025_FINAL_DIGITAL.pdf last accessed on 24 September 2025.

87 *Ibid.*

88 *Ibid.*

89 *Ibid.*

90 *Ibid.*

91 Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes (2014) (Universal Crimes Act) www.government.se/contentassets/6e0e65c994124235a39387e2dcf5ad48/2014_406-act-on-criminal-responsibility-for-genocide-crimes-against-humanity-and-war-crimes-.pdf last accessed on 24 September 2025.

The Swedish Criminal Code (SCC) provides for universal jurisdiction for several crimes, as listed in Chapter 2, section 3.6 of the Code.⁹²

Universal jurisdiction is triggered when the following conditions are met:

- **Government authorisation:** Prosecution can only be initiated following authorisation by the government or a public authority designated by the government. However, a prosecution may be brought without such authorisation if the defendant has made an untrue or careless statement before an international court.⁹³ The law does not provide clarity in relation to when such an authorisation must be given or when it can be denied, leaving the discretion to the government.
- **Presence in Sweden:** While the suspect does not have to be present in Sweden for the investigation or in regard to establishing jurisdiction, their presence is needed to ensure effective investigations and for the purpose of the trial.
- **Duty to investigate:** As per Chapter 23, section 1(1) of the Swedish Code of Judicial Procedure, the prosecutor has a duty to investigate the crime, namely ‘A preliminary investigation shall be initiated as soon as, due to a report or for other reasons, there is cause to believe that an offence subject to public prosecution has been committed.’⁹⁴
- **Prosecutorial discretion:** Prosecutorial discretion comes down to the practicability of the investigations. As per Chapter 23, section 1(2):

‘A preliminary investigation need not be initiated if it is manifest that it is not possible to investigate the offence. Sections 4a and 22 provide that a preliminary investigation need not be initiated in certain other cases.’⁹⁵

Chapter 23, section 4a further states:

‘A preliminary investigation may also be discontinued

92 Swedish Criminal Code (1962) (SCC) www.government.se/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf last accessed on 24 September 2025, Chapter 2, section 3.6:

‘6. Certain international offences

Offences

a) referred to in the Act on Criminal Responsibility for Certain International Offences (2014:406), except for the crime of aggression under Section 11a or attempting, preparation or conspiracy to commit, or failure to disclose or prevent, such an offence;

b) referred to in Chapter 13, Section 5a (hijacking and shipping or aircraft sabotage), or attempting such an offence;

c) referred to in Chapter 13, Section 5b (airport sabotage), or attempting such an offence;

d) referred to in Chapter 15, Section 4b (making an untrue or careless statement before an international court);

e) referred to in Chapter 16, Section 5 (inciting crime) consisting of an immediate and public call to commit genocide;

f) referred to in the Terrorist Offences Act (2022:666), or referred to in another act of law and committed with intent referred to in Section 12 of the Terrorist Offences Act;

g) directed at the administration of justice by the International Criminal Court; or

h) covered by the definition of torture in Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 10 December 1984, or attempting such an offence.’ Act 2022:667.

93 See www.un.org/en/ga/sixth/76/universal_jurisdiction/sweden_e.pdf last accessed on 24 September 2025.

94 Chapter 23, section 1(1) of the Swedish Code of Judicial Procedure.

95 Chapter 23, section 1(1) of the Swedish Code of Judicial Procedure.

1. If continued inquiry would incur costs not in reasonable proportion to the importance of the matter and the offence, if prosecuted, would not lead to a penalty more severe than a fine or,
 2. If it can be assumed that prosecution will not be instituted pursuant to the provision on waiver of prosecution contained in Chapter 20, or on special examination of prosecution and if no Chapter 23 Preliminary investigation 123 substantial public or private interests would be ignored by the discontinuance of the preliminary investigation.’
- If the conditions for discontinuance of a preliminary investigation according to the first paragraph exist before such investigation has been initiated, it may be decided that a preliminary investigation will not be initiated.
 - Decisions made pursuant to this section shall be issued by a prosecutor.

6.2. Recent developments

In 2020, Sweden was looking into a proposal to repeal the provision in the SCC that extends universal jurisdiction for any crime that has a minimum sentence of four years.⁹⁶ However, this proposal has not yet materialised.

In 2022, the Swedish Supreme Court delivered a decision on the principle of universal jurisdiction, confirming that ‘for Swedish courts to exercise universal jurisdiction, there has to be a Swedish judicial interest, which is decided based, in this case, on the suspect’s connection to Sweden.’⁹⁷ The decision has been criticised by many experts, and led to a discussion on the understanding of the principle of universality under Swedish law.⁹⁸

In February 2024, Sweden signed the Ljubljana–Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes, and other International Crimes.⁹⁹

6.3. Investigations and prosecutions

Sweden has launched some form of investigation into Syria and Iraq. The investigation related to the armed conflict in the countries aimed to ‘secure evidence, cooperate with other countries that are investigating similar crimes, and to lead to individual investigations.’¹⁰⁰ Since then, Sweden has been one of the leading

96 TRIAL International and Open Society Foundations, ‘Universal Jurisdiction Law and Practise in Sweden’ (2020) 4 <https://trialinternational.org/wp-content/uploads/2020/04/Universal-Jurisdiction-Law-and-Practice-in-Sweden.pdf> last accessed on 24 September 2025; Ministry of Justice Sweden, ‘The scope and application of the principle of universal jurisdiction’ (30 April 2021) https://static.un.org/en/ga/sixth/76/universal_jurisdiction/sweden_e.pdf last accessed on 24 September 2025.

97 Andrea Nilsson, ‘Universell jurisdiktion i Sverige (Universal Jurisdiction in Sweden)’ Lund University Faculty of Law 4 <https://lup.lub.lu.se/student-papers/search/publication/9116314> last accessed on 24 September 2025.

98 *Ibid.*

99 See www.gov.si/assets/ministrstva/MZEZ/projekti/MLA-pobuda/konvencija-dokoncna/List-of-the-Signatories-14-2-2025.pdf last accessed on 24 September 2025.

100 TRIAL International and Open Society Foundations, ‘Universal Jurisdiction Law and Practise in Sweden’ (2020) 13 <https://trialinternational.org/wp-content/uploads/2020/04/Universal-Jurisdiction-Law-and-Practice-in-Sweden.pdf> last accessed on 24 September 2025; Miriam Ingesson, Miriam, ‘Structural Criminal Investigations in Sweden - Reinventing Investigations of International Crimes’ (2020) 66 *Scandinavian Studies in Law* <https://scandinavianlaw.se/pdf/66-16.pdf> last accessed on 24 September 2025.

countries in the prosecution of crimes in Syria. Most of the cases concern former Daesh members, but there are also investigations into individuals affiliated with other rebel groups and individuals linked to the Syrian regime.¹⁰¹ Outlined below are some important examples of the prosecution in Sweden of crimes committed in Syria.

- In 2017, a case was filed against Mohammed Abdullah, a former soldier from the Syrian regime's army. A photo submitted to the police showed Abdullah smiling with his foot on the deceased. While he was convicted of war crimes and imprisoned for eight months, the murder charges were dropped. The reason for this was that the photo alone was insufficient to directly link him to the death of the individuals in the photograph. The case was significant as it marked the first time since 2011 that a member of the Syrian regime had been prosecuted for such crimes. It remained unprecedented until the Al-Khatib trial in Germany in 2020.¹⁰²
- The first case related to the conflict in Syria was against Mouhannad Droubi in 2015;¹⁰³ however, the case falls within expansive active personality jurisdiction, which includes foreign persons who acquire residence after the crime. He was initially granted residency in Sweden in 2013, but was arrested after a video of an assault was handed over to the police. In the video, Droubi was seen attacking a defenceless prisoner, an act that constitutes a war crime under Swedish law. He was convicted and sentenced to eight years in prison.¹⁰⁴ The case caused controversy within the Syrian community in exile, as it involved a member of the opposition. Although the case was an important step to combat impunity, many felt that it overshadowed the significant evidence at the time implicating members of the regime in such crimes.¹⁰⁵
- In February 2025, Lina Laina Ishaq, a Swedish woman, was convicted of genocide and war crimes by virtue of active personality jurisdiction. Ishaq was found guilty of enslaving three Yazidi women and six Yazidi children as slaves in Raqqa between 2014 and 2016. Ishaq forced the enslaved Yazidis to wear a veil and practise Islam, and she physically assaulted them. She was already serving jail sentences for taking her two-year-old son to Syria and 'failing to prevent' Daesh from using her 12-year-old son as a child soldier. He died in 2017, aged 16.

7. Spain

7.1. The law

Spain was a pioneer in universal jurisdiction. However, several legal reforms, notably in 2009 and 2014, introduced significant restrictions, to the extent that jurisdiction no longer appears to be universal.

101 Lena Bjurström, 'Sweden on the Frontline with Syria Cases' (11 February 2021) Justice Info www.justiceinfo.net/en/73587-sweden-frontline-syria-cases.html last accessed on 24 September 2025.

102 *Ibid.*

103 *BBC News*, 'Sweden sentences Syrian rebel to five years for war crime' (26 February 2015) www.bbc.co.uk/news/world-middle-east-31639378 last accessed on 24 September 2025; Lena Bjurström, 'Sweden on the Frontline with Syria Cases' (11 February 2021) Justice Info www.justiceinfo.net/en/73587-sweden-frontline-syria-cases.html last accessed on 24 September 2025.

104 *Ibid.*

105 Lena Bjurström, 'Sweden on the Frontline with Syria Cases' (11 February 2021) Justice Info www.justiceinfo.net/en/73587-sweden-frontline-syria-cases.html last accessed on 24 September 2025.

As it stands, the principle of universal jurisdiction is regulated by the Organic Act 1/2014 of 13 March (the ‘2014 Act’).

The 2014 Act amended the Organic Law 6/1985, as follows:

‘One. Sections 2, 4 and 5 of article 23 of Organic Law 6/1985, of July 1, on the Judiciary, are amended, and a new section 6 is introduced in said article 23 of Organic Law 6/1985, of July 1, on the Judiciary, all of which shall be worded as follows:

2. Spanish jurisdiction shall also have jurisdiction over crimes committed outside the national territory, provided that those criminally responsible are Spanish or foreigners who acquired Spanish nationality after the commission of the crime and the following requirements are met:
 - a) That the act is punishable at the place of execution, unless, by virtue of an international treaty or a normative act of an international organisation of which Spain is a party, such a requirement is not necessary, without prejudice to the provisions of the following sections.
 - b) That the aggrieved party or the Public Prosecutor’s Office file a complaint before the Spanish Courts.
 - c) That the offender has not been acquitted, pardoned, or sentenced abroad, or, in the latter case, has not served his sentence. If he has only served part of it, this will be taken into account when proportionally reducing the sentence.
4. [...] the Spanish jurisdiction will be competent to hear cases committed by Spaniards or foreigners outside the national territory that may be classified, according to Spanish law, as any of the following crimes when the conditions stated are met:
 - a) Genocide, crimes against humanity, or crimes against persons and property protected in the event of armed conflict, provided that the proceedings are directed against a Spaniard or a foreign citizen habitually residing in Spain, or against a foreigner who is in Spain and whose extradition has been denied by the Spanish authorities.
 - b) Crimes of torture and against the moral integrity of articles 174 to 177 of the Penal Code, when:
 1. The proceedings are directed against a Spaniard, or,
 2. The victim/survivor had Spanish nationality at the time the acts were committed, and the person accused of committing the crime was in Spanish territory.
 - (c) Crimes of enforced disappearance included in the International Convention for the Protection of All Persons from Enforced Disappearance, signed in New York on 20 December 2006, when:
 1. The proceedings are directed against a Spaniard, or
 2. The victim/survivor had Spanish nationality at the time the acts were committed, and the person accused of committing the crime was in Spanish territory.
- [...]
5. The crimes referred to in the previous section will not be prosecuted in Spain in the following cases:

- a) When a procedure for its investigation and prosecution has been initiated in an International Tribunal constituted in accordance with the Treaties and Conventions to which Spain is a party.
- (b) When a procedure for investigation and prosecution has been initiated in the State where the acts were committed or in the State of nationality of the person accused of committing them, provided that:
 1. The person accused of committing the act is not in Spanish territory; or,
 2. Procedures have been initiated for his extradition to the country where the acts were committed or of whose nationality the victims were, or to place him at the disposal of an International Tribunal to be tried for the same, unless extradition is not authorised.

The provisions of this section b) shall not apply when the State exercising its jurisdiction is unwilling to carry out the investigation or is unable to do so, and this is assessed by the Second Chamber of the Supreme Court, to which the Judge or Court shall submit a reasoned statement.

In order to determine whether or not there is a willingness to act in a given matter, one or more of the following circumstances, as the case may be, shall be examined, taking into account the principles of due process recognised by international law:

- a) That the trial has already been or is underway, or that the national decision has been adopted with the purpose of removing the person concerned from criminal responsibility.
- b) That there has been an unjustified delay in the trial, which, given the circumstances, is incompatible with the intention to bring the person concerned to justice.
- (c) That the proceedings have not been or are not being conducted independently or impartially and have been or are being conducted in a manner that, given the circumstances, is incompatible with the intention of bringing the person concerned to justice.

In order to determine the inability to investigate or prosecute in a given case, it shall be examined whether the State, due to the total or substantial collapse of its national administration of justice or the fact that it lacks one, cannot bring the accused to trial, does not have the necessary evidence and testimony, or is for other reasons not in a position to conduct the trial.

- 6. The crimes referred to in sections 3 and 4 shall only be prosecuted in Spain upon the filing of a complaint by the injured party or the Public Prosecutor's Office.'

The ability to exercise jurisdiction is dependent on the existence of links based on the active personality jurisdiction (the perpetrator must be a natural or legal person with Spanish nationality or, when the perpetrator is a foreigner, must habitually reside in Spain) or the passive personality jurisdiction (the victim/survivor must be a Spanish national or residing in Spain) or the principle of territoriality.

7.2. Recent developments

Spain is considering several reforms. In February 2024, the Congress of Deputies approved the initiation of parliamentary consideration of a draft law to amend paragraphs 2, 4 and 5 of Article 24.3 of Organic Act

6/1985, ‘for the protection of human rights and universal jurisdiction.’ According to the Mission of Spain to the United Nations, the proposed amendment aims to change the existing law to:

- require a minimal link in respect of war crimes, crimes against humanity and torture, and no link with respect to genocide, which would be prosecutable if it had gone unpunished, even when there is no connection with Spain;
- reinstate *acciones populares*, namely the right of private citizens and organisations to bring legal action to protect a public interest or collective good, even if they are not the direct victims/survivors of the crime; and
- reopen *proprio motu* cases that were dismissed or archived under the current Organic Law 1/2014.¹⁰⁶

7.3. Investigations and prosecutions

The first conviction under universal jurisdiction in Spain was the conviction of Adolfo Scilingo, a former Argentine naval officer, for crimes against humanity, by a trial chamber of the Audiencia Nacional, Spain’s special court for serious international crimes, and later affirmed by the Spanish Supreme Court’s Criminal Chamber.

Spain has long been seen as a pioneer of universal jurisdiction. However, the last years have seen a U-turn on universal jurisdiction cases as a result of legal reforms, first in 2009 and then in 2014. As a result, important cases investigated in Spain were ultimately dropped.

- In October 2015, Spain’s Supreme Court dismissed a case against 40 Rwandan officials accused of revenge killings following the 1994 genocide, although 29 of these officials could still be prosecuted if they enter Spanish territory. The case was launched in 2008, when a Spanish judge issued international arrest warrants against the Rwandan officials, accusing them of crimes against humanity, genocide and terrorism. However, after the 2014 law was introduced, requiring more of a nexus with Spain, the approach to these cases changed significantly.
- In July 2015, Spain’s National Court decided to close the investigations into US torture in Guantánamo, following six years of investigating six former US officials of the Bush administration, including former government lawyers John Yoo and Jay Bybee.
- In June 2014, Spain’s High Court dropped a judicial investigation into alleged genocide and human rights violations against a number of Chinese leaders in Tibet, including China’s former president Hu Jintao, ruling that the case did not fall within the purview of the 2014 law.

Spanish courts are considering several cases that fall within the purview of extraterritorial jurisdiction, including the following:

- In July 2025, National Court Judge Antonio Piña Alonso, the presiding judge of Central Investigative Court No. 6, admitted a complaint filed by Sergio Toribio, a Spanish national, against Israeli Prime Minister Benjamin Netanyahu, Minister of Defence Israel Katz, Vice Admiral David Saar Salama and other senior Israeli military officials, alleging war crimes and crimes against humanity by intercepting the Madleen boat, a boat carrying humanitarian assistance for Gaza. Judge Alonso

¹⁰⁶ See www.un.org/en/ga/sixth/79/universal_jurisdiction/spain_e.pdf last accessed on 24 September 2024.

opened preliminary proceedings for war crimes and crimes against humanity against Netanyahu, Katz and several senior Israel Defence Forces officials. In an order, he requested that the Public Prosecutor's Office rule on the proceedings to be conducted and the Court's jurisdiction to hear the case.¹⁰⁷

- According to the information provided by the Mission of Spain to the UN:

“The “Rwanda case” (murder of six missionaries and three aid workers from Spain between 1994 and 2000) and the “Sahara case” (on genocide and terrorism with victims of Spanish nationality) are pending a resolution by the Spanish courts. Furthermore, since 2013, in exercise of universal jurisdiction, the Argentine judge Servini de Cubría has required Spain to collaborate in the investigation and punishment of crimes against humanity committed by the Franco regime.”¹⁰⁸
- In October 2024, the final stage of the investigation phase was officially opened in relation to alleged war crimes in Sierra Leone, the last step prior to the phase of indictments and trials, under the principle of active personality jurisdiction.¹⁰⁹ This follows a complaint filed in September 2021 against Manuel Terrén, a Spanish citizen, by an individual who suffered and witnessed alleged crimes in the Sierra Leonean region of Kono during the civil war. The investigation was formally opened in January 2022.

8. United States

8.1. The law

The principle of universal jurisdiction is domesticated in US law in relation to the crimes of genocide, torture, war crimes, human trafficking, piracy, terrorism and the recruitment or use of child soldiers.¹¹⁰ These crimes are all offences under US federal law.

The crimes of genocide, torture and the recruitment or use of child soldiers can be prosecuted by a US federal court regardless of where the conduct occurred, as long as the alleged perpetrator is a US national or is otherwise located in the US.

The US first criminalised war crimes in the War Crimes Act of 1996. The 1996 Act, until recently,¹¹¹ required that the defendant or victim/survivor be a US national or member of the US armed forces. In 2023, jurisdiction was expanded to better adhere to the 1949 Geneva Conventions, as discussed below.

Neither of these provisions includes the requirement of double criminality. The US has never enacted a statute on crimes against humanity.

¹⁰⁷ See <https://fibgar.es/jurisdiccion-universal-en-espana-el-caso-madleen-reabre-el-debate-sobre-la-impunidad> last accessed on 24 September 2025.

¹⁰⁸ See www.un.org/en/ga/sixth/79/universal_jurisdiction/spain_e.pdf last accessed on 24 September 2025.

¹⁰⁹ See https://trialinternational.org/wp-content/uploads/2025/04/03_TRIAL_UJAR_2025_FINAL_DIGITAL.pdf last accessed on 24 September 2025.

¹¹⁰ See 18 US Code section 1091 (genocide); 18 USC sections 2340-2340A (torture); 18 USC section 2442 (recruitment or use of child soldiers). See also 18 USC section 116 (female genital mutilation).

¹¹¹ This is explained in the subsequent section.

The US Attorney's Office for each district is tasked with charging a federal crime within its district; however, coordination with the Department of Justice's Human Rights Special Prosecution Unit and express approval by the Assistant Attorney General for the Criminal Division are still required.¹¹²

8.2. Recent developments

In January 2023, President Joe Biden signed into law the bipartisan Justice for Victims of War Crimes Act (S. 4240), which expands the scope of those individuals that can be subject to prosecution for war crimes.¹¹³

The Justice for Victims of War Crimes Act strengthens the efforts to ensure justice and accountability by enabling the Department of Justice to prosecute alleged war criminals who are located in the US, regardless of the location of the crime and the nationality of the perpetrator or the victim/survivor. The law comes in the wake of Russia's invasion of Ukraine and the growing body of evidence of war crimes perpetrated by Putin's army.

8.3. Investigations and prosecutions

There are several investigations and prosecutions based on the principle of universal jurisdiction that are of relevance here, such as the following:

- On 11 June 2020, the US Attorney for the District of Colorado issued an indictment under the Torture Act against Michael Sang Correa, a Gambian national and alleged former member of the Junglers paramilitary group, on six counts of torture and one count of conspiracy to commit torture. Correa is accused of having tortured suspected coup d'état participants for confessions, with torture methods including beating the victims with plastic pipes, wires and branches; and suffocating them with plastic bags, among others. At the time of the indictment, Correa was in immigration detention, having overstayed his visa, and his asylum application was rejected.¹¹⁴ On 22 August 2025, he was convicted of torture and sentenced to 67 years in prison.¹¹⁵
- On 10 July 2024, Samir Ousman Alsheikh, a Syrian national, former head of Damascus Central Prison (Adra Prison) and former governor of Deir ez-Zor, was arrested at Los Angeles International Airport in relation to visa and citizenship-related crimes. On 12 December 2024, Alsheikh was charged with torture and conspiracy to commit torture, fraud and misuse of visas, and attempted unlawful procurement of naturalisation. The charges of torture relate to his conduct as head of the Damascus Central Prison (known as Adra Prison) during the period 2005 to 2008. Torture was known to be prevalent in Adra Prison.¹¹⁶

Another important case, based upon passive personality jurisdiction, concerns crimes committed by Russian soldiers. On 6 December 2023, an indictment was issued against four defendants, Dmitry Budnik,

112 See para 9-2.139 of the Department of Justice Manual www.justice.gov/jm/jm-9-2000-authority-us-attorney-criminal-division-mattersprior-approvals#9-2.139 last accessed on 24 September 2025.

113 See www.congress.gov/bill/117th-congress/senate-bill/4240 last accessed on 24 September 2025.

114 See www.ecchr.eu/fileadmin/Publikationen/03_TRIAL_UJAR_2025_FINAL_DIGITAL.pdf last accessed on 24 September 2025.

115 See www.justice.gov/opa/pr/gambian-man-first-non-us-national-convicted-torture-sentenced-more-67-years-prison last accessed on 24 September 2025.

116 *Ibid.*

Suren Seiranovich Mkrtchyan, Valerii (last name unknown) and Nazar (last name unknown), individuals affiliated with Russian Armed Forces and/or Russia-backed armed groups, with the war crimes of unlawful confinement of a protected person, torture and inhuman treatment and conspiracy to commit war crimes. The four men stand accused of kidnapping a US national, confining him for at least ten days and torturing him.¹¹⁷ This is the first time the US has invoked the War Crimes Act. Because the victims/survivors are US citizens, the US can seek the extradition of the perpetrators if they travel outside of Russia and to a State that has an extradition treaty or other arrangement with the US.

117 *Ibid.*

III. Universal jurisdiction and the war in Ukraine

Russia's crimes in Ukraine have been met with unprecedented responses, including the use of the principle of universal jurisdiction. At least 18 countries have launched some form of investigation related to Russia's crimes in Ukraine, investigations which have provided a basis for prosecutions of international crimes under the principle of universal jurisdiction (and also extraterritorial jurisdiction).

This section looks at some of these investigations and prosecutions.

1. Germany

On 8 March 2022, authorities in Germany announced that the Federal Prosecutor had opened a probe into suspected war crimes by Russian troops that have been carried out since the invasion of Ukraine. The Federal Prosecution Office in Karlsruhe has opened a structural investigation in order to begin collecting evidence.

In July 2022, Peter Frank, Attorney General at the Federal Court of Justice, confirmed that his office was in the process of collecting evidence.¹¹⁸

To aid the structural investigations and ensure that expeditious progress is made, several civil society organisations have filed criminal complaints, such as the following:

- In June 2023, the Ukrainian Legal Advisory Group (ULAG) and the European Centre for Constitutional and Human Rights (ECCHR) filed a criminal complaint with the German Federal Public Prosecutor's Office in support of a Ukrainian victim/survivor of sexual violence,¹¹⁹ and
- In October 2023, the CFJ, a non-governmental organisation founded by Amal and George Clooney, filed three cases with the German Federal Prosecutor's Office, requesting an investigation into crimes committed in Ukraine. The case is now being taken forward by InterJust.

2. Poland

On 1 March 2022, the Justice Minister announced that Polish prosecutors would be investigating Russia's crime of aggression against Ukraine. According to an official statement, 'as part of the proceedings, [they will] document all incidents that will later become the basis for bringing the perpetrators to international criminal responsibility.'¹²⁰

118 See <https://bnn.de/karlsruhe/generalbundesanwalt-peter-frank-bundesanwaltschaft-zwei-neue-referrate-ermittlung-gegen-kriegsverbrecher> last accessed on 24 September 2025.

119 See www.ecchr.eu/en/press-release/ulag-and-ecchr-file-criminal-complaint-against-russian-military-in-germany last accessed on 24 September 2025.

120 See www.thefirstnews.com/article/polish-prosecutors-launch-investigation-into-russias-attack-on-ukraine-28331 last accessed on 24 September 2025.

On 16 March 2022, Minister of Justice Zbigniew Ziobro confirmed that the Prosecutor's Office had collected evidence from over 300 witnesses, including testimonies, videos and photographs, and would hand it over to the ICC.¹²¹

According to a statement from the National Prosecutor's Office on 30 May 2022:

'As part of the Polish Prosecutor's Office, the case is being investigated by an investigative team consisting of prosecutors from the Mazowieckie Branch Division of the Department for Organised Crime and Corruption of the National Prosecutor's Office in Warsaw, officers of the Internal Security Agency and the Police. The investigation was initiated on 28 February 2022. The purpose of the proceedings is to secure evidence showing war crimes committed by the armed forces of the aggressor on the territory of Ukraine. Investigative activities focus primarily on collecting and documenting in the form of trial reports of witnesses who came to the territory of the Republic of Poland, as well as on securing photos and videos.'¹²²

The National Prosecutor's Office has been appealing for witnesses of such crimes to come forward to engage with Polish law enforcement authorities in order to testify. They have established a special 24-hour helpline in Ukrainian, operated by the police.¹²³

While Poland does not have legislation in relation to universal jurisdiction, Polish courts can assert jurisdiction on the basis of the protective principle in relation to the offence of initiating or waging a war of aggression (Article 117, Polish Penal Code). This protective principle will apply where an alien has committed an offence abroad 'against the interests of the Republic of Poland' (Article 110(1), requiring double criminality), or 'against the internal or external security of the Republic of Poland' (Article 112(1), under which there is no double criminality requirement).¹²⁴

3. Lithuania

On 3 March 2022, the Office of the Prosecutor General of Lithuania announced that it had begun investigating crimes against humanity and war crimes in Ukraine. According to an official statement, the probe will include 'military attacks on civilians, doctors, destruction of homes, hospitals, educational institutions and other civilian facilities, which lead to deaths of adults and children.'¹²⁵

121 See www.rp.pl/prawo-karne/art35875491-prokuratorzy-zbieraja-dowody-na-zbrodnie-rosji-jest-juz-300-swiadkow last accessed on 24 September 2025.

122 See www.gov.pl/web/prokuratura-krajowa/kolejne-kraje-dolaczyly-do-miedzynarodowego-zespolu-sledczego-badajacego-zbrodnie-wojenne-na-ukrainie last accessed on 24 September 2025.

123 See www.gov.pl/web/prokuratura-krajowa/kolejne-kraje-dolaczyly-do-miedzynarodowego-zespolu-sledczego-badajacego-zbrodnie-wojenne-na-ukrainie last accessed on 24 September 2025. See also www.gov.pl/web/prokuratura-krajowa/informacja-prokuratury-dla-swiadkow-zbrodni-wojennych-na-ukrainie last accessed on 24 September 2025.

124 Carrie McDougall, 'The Imperative of Prosecuting Crimes of Aggression Committed against Ukraine' (2023) 28 *Journal of Conflict and Security Law* 2, 203–230 <https://doi.org/10.1093/jcsl/krad004> last accessed on 24 September 2025.

125 See www.reuters.com/world/europe/lithuania-prosecutors-launch-ukraine-war-crimes-investigation-2022-03-03 last accessed on 24 September 2025.

In January 2024, the Office of the Prosecutor General confirmed that they had interviewed 423 people as witnesses and recognised 125 people as victims/survivors, as part of their investigation into Russian war crimes.¹²⁶

4. Latvia

By mid-March 2022, Latvia's State Security Service had commenced a criminal procedure in regard to war crimes and crimes against humanity and peace in Ukraine committed by Russian armed forces.¹²⁷

5. Estonia

By the end of March 2022, the Internal Security Service (ISS) of Estonia had started investigating war crimes committed in Ukraine. The activities of the ISS consist of collecting evidence that is available in Estonia and evidence on cases related to Estonia. The proceedings are being conducted by the ISS and overseen by the Office of the Prosecutor General.¹²⁸

6. France

On 5 April 2022, French prosecutors launched investigations into three cases of alleged Russian war crimes in Ukraine. The cases involve French citizens located in three Ukrainian cities, Mariupol, Hostomel and Chernihiv. France's Central Office for Combating Crimes against Humanity, Genocide and War Crimes is conducting the investigation.¹²⁹

In June 2022, a group of French weapons experts was sent to Ukraine to collect further evidence of crimes perpetrated in Ukraine.¹³⁰ The group of experts, including experts from the French Gendarmerie, specialists in drone modelling, ballistics and weapons of mass destruction, has been collecting evidence at sites of destruction caused by Russian shelling. This deployment follows the formation of a group of Gendarmerie forensic experts who were sent to Ukraine in order to establish what happened in Bucha.

In October 2022, Razom We Stand and Darwin Climax Coalition lodged a complaint with France's National Anti-Terrorist Prosecutor's Office against TotalEnergies, a French multinational integrated energy and petroleum company, one of the seven supermajor oil companies, alleging its complicity in war crimes.¹³¹

In May 2023, France's Prosecution Office opened an investigation into possible war crimes and crimes against

126 See www.lrt.lt/en/news-in-english/19/2183206/over-400-witnesses-interviewed-in-lithuania-s-russian-war-crimes-probe last accessed on 24 September 2025.

127 See <https://bnn-news.com/latvia-commences-criminal-procedure-over-crimes-committed-by-russian-forces-in-ukraine-233233> last accessed on 24 September 2025.

128 See www.baltictimes.com/estonia_s_internal_security_service_also_investigating_war_crimes_committed_in_ukraine last accessed on 24 September 2025.

129 See www.aa.com.tr/en/europe/france-launches-3-war-crime-investigations-against-russian-forces/2555941#:~:text=Probe%20to%20focus%20on%20war,cities%20%E2%80%93%20Mariupol%2C%20Hostomel%20and%20Chernihiv&text=French%20prosecutors%20on%20Tuesday%20launched,Ukraine%2C%20according%20to%20media%20reports last accessed on 24 September 2025.

130 See www.reuters.com/world/europe/french-experts-collect-evidence-possible-war-crimes-ukraines-chernihiv-2022-06-11 last accessed on 24 September 2025.

131 See www.politico.eu/article/ngo-accuse-france-totalenergies-complicity-war-crime-ukraine-russia last accessed on 24 September 2025.

humanity after an AFP video journalist was killed by Grad rocket fire near Chasiv Yar, in eastern Ukraine.¹³²

7. Sweden

In mid-March 2022, the Public Prosecutor's Office in Sweden opened several investigations into war crimes in connection with the war in Ukraine. The investigations follow two different tracks. First, one of the investigations engages with evidence from the public that deals with war crimes and crimes of aggression, which is being dealt with in the usual way. Second, prosecutors at the National Prosecutors' Office Unit against International and Organised Crime have opened a preliminary structural investigation into war crimes.¹³³

8. Switzerland

In March 2022, Switzerland's Attorney General announced he was setting up a task force to pursue potential sanctions and gather evidence of war crimes connected to Russia's invasion of Ukraine. The Attorney General has asked refugees from Ukraine arriving in Switzerland to come forward to testify about their experiences.

9. Spain

On 8 March 2022, the State Attorney General ordered the opening of an investigation into Russia's invasion of Ukraine. In a statement, the Prosecutor's Office indicated that the proceedings 'are the ideal instrument to ensure and channel assistance to Ukrainian authorities and other countries affected by the war and in a similar situation, allowing the collection of evidence that can be used in investigations of all kinds.'¹³⁴

10. Czech Republic

In August 2022, the Police Headquarters for Combating Organised Crime (NCOZ) in the Czech Republic began investigating crimes in Ukraine. Senior Prosecutor Lenka Bradáčová confirmed that the police have already collected testimonies from dozens of witnesses.¹³⁵ They have also been collecting videos and photographs.

The Police of the Czech Republic have created a special portal for the collection of evidence.¹³⁶ According to the portal website:

'The Police of the Czech Republic is gathering information on concrete war crimes committed by any side of the war conflict in Ukraine, in accordance with [the principle of] universal jurisdiction. The Czech Republic is obliged to prosecute war crimes, regardless of where they were committed,

¹³² See www.reuters.com/world/europe/france-opens-war-crime-investigation-after-afp-journalist-died-ukraine-2023-05-10 last accessed on 24 September 2025.

¹³³ See www.gp.se/nyheter/sverige/%C3%A5klagare-i-sverige-utred-krigsbrott-i-ukraina-1.68190833 last accessed on 24 September 2025.

¹³⁴ See www.elconfidencial.com/espana/2022-03-08/fiscalia-investigacion-guerra-ucrania-rusia_3388023 last accessed on 24 September 2025.

¹³⁵ See <https://deutsch.radio.cz/kriegsverbrechen-der-ukraine-polizei-tschechien-sammelt-zeugenaussagen-fotos-und-8758831> last accessed on 24 September 2025.

¹³⁶ See <https://oznameni.policie.cz> last accessed on 24 September 2025.

by whom and against whom. The goal of the Czech Police is to identify perpetrators of war crimes and, in accordance with universal jurisdiction, prosecute the responsible persons.’¹³⁷

11. The US

The war crimes charges brought by the US in regard to the situation in Ukraine, which were the first war crimes charges in the world brought outside of Ukraine relating to Russia’s brutal invasion of the country, also marked the first time the US war crimes statute was utilised. The case could not have been built without the Memorandum of Understanding between the US Department of Justice and Ukraine Prosecutor General’s Office, which allowed the US to bypass formal mutual legal assistance (MLA) requirements in order to cooperate more swiftly and efficiently with Ukraine.¹³⁸

According to a statement from the US State Department on 18 November 2022:

‘The United States supports unified and coordinated action for all existing efforts to examine mounting evidence of atrocities in Ukraine, including the International Criminal Court, the UN Commission of Inquiry, the UN Human Rights Monitoring Mission in Ukraine, the expert missions established under the OSCE’s Moscow Mechanism, and the Joint Investigative Team coordinated through Eurojust. Additionally, through the Atrocity Crimes Advisory Group, the United States is working closely with Ukraine and our partners to support Ukraine’s domestic war crimes investigations and prosecutions of perpetrators.’¹³⁹

12. Joint initiatives

In addition to domestic initiatives, several States have joined forces to maximise the impact of their work.

A joint investigation team (JIT) is a team of prosecutors, police and judges from different countries who come together to synchronise cross-border investigations and bring prosecutions in order to increase the likelihood of a successful conclusion. They often proceed under the coordination of Eurojust. JITs have a track record of achieving results, having been used in regard to the Bataclan attacks and the MH17 investigation. They are a vital mechanism to secure relevant evidence on the situation in Ukraine and, ultimately, ensure its effective use in criminal proceedings.

The JIT for Ukraine was set up on 25 March 2022 by Lithuania, Poland and Ukraine, with the ICC’s Office of the Prosecutor (OTP) joining in April 2022 and the judicial authorities in Estonia, Latvia and Slovakia joining in May 2022.¹⁴⁰ Romania joined shortly after. In addition, in March 2023, the JIT parties signed seven cooperation and coordination agreements with the US Department of Justice.

137 *Ibid.*

138 See www.justice.gov/archives/opa/pr/four-russia-affiliated-military-personnel-charged-war-crimes-connection-russias-invasion last accessed on 24 September 2025.

139 See www.state.gov/accountability-for-war-crimes-and-other-atrocities-in-ukraine-recent-reporting-on-unjust-detentions-and-disappearances-in-kherson-oblast last accessed on 24 September 2025.

140 See www.eurojust.europa.eu/news/estonia-latvia-and-slovakia-become-members-joint-investigation-team-alleged-core-international last accessed on 24 September 2025.

In September 2024, a meeting of the representatives of all seven countries took place in Kyiv. During the meeting, amendments to the agreement on the establishment of the JIT were signed, expanding its scope of activities to include proceedings concerning torture, inhuman and degrading treatment, filtration, unlawful deprivation of liberty and other crimes committed against civilians.

This close partnership enables the efficient, rapid and real-time coordination and exchange of information between the parties involved.¹⁴¹ The effectiveness of international coordination is already evident from the deployment of a team of tens of investigators to Ukraine, which is fundamental to the prosecution of any alleged war crimes that have taken place in Ukraine.

141 See <https://euobserver.com/opinion/154998> last accessed on 24 September 2025.

IV. Good practices and recommendations

The following section considers some of the fundamentals of good approaches to incorporating the principle of universal jurisdiction into domestic law,¹⁴² and, among others, broadening the reach of universal jurisdiction in regard to war crimes, crimes against humanity and genocide, and other steps that are key to ensuring effective enforcement.

Recommendations

1. Domestic legislation that incorporates the principle of universal jurisdiction for all international crime

Enact domestic legislation that incorporates the principle of universal jurisdiction and other protections for all types of international crime

Globally, the principle of universal jurisdiction has been incorporated into domestic legal frameworks, which specify, among others:

- the international crimes that are within the scope of the legislation;
- territorial jurisdiction;
- personal jurisdiction; and
- any further procedural requirements (eg, a determination that the territorial State is not prosecuting the offence to avoid double jeopardy and a duplication of efforts, the requirement that the accused is either present or located in the State's territory, etc).

1.1. The types of international crime within scope of the legislation

The legislation should include all international crime. This would include, at a minimum, the definitions of international crimes enumerated in the Rome Statute (namely, crimes against humanity, war crimes and genocide), as well as the standalone crimes of torture and enforced disappearance, which are each the subject of a dedicated treaty establishing universal jurisdiction over these offences. Furthermore, the United Nations is currently considering the International Law Commission's draft treaty on crimes against humanity, which includes an extradition or prosecution obligation and aims to provide more accountability than the Rome Statute.¹⁴³

142 See www.eurojust.europa.eu/publication/glance-universal-jurisdiction-eu-member-states last accessed on 24 September 2025; www.eurojust.europa.eu/judicial-cooperation/practitioner-networks/genocide-prosecution-network/national-jurisprudence last accessed on 24 September 2025.

143 See 'Draft Articles on Prevention and Punishment of Crimes Against Humanity' https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf last accessed on 24 September 2025.

Furthermore, lawmakers could explore including universal jurisdiction in regard to the crime of aggression.¹⁴⁴ Several countries have codified the crime of aggression, including Croatia, Cyprus, Luxembourg, Malta, the Netherlands, Portugal, Slovenia and Finland. In these countries, the definition of the crime of aggression mirrors Article 8bis of the Rome Statute. The Czech Republic, Germany, Austria and Sweden have such domestic laws too, with the definition of the crime of aggression containing all the main components of the Rome Statute definition. Several other countries, including Estonia, Latvia, Lithuania and Poland, have their own definitions of the crime of aggression. As it stands, many of the States that currently criminalise the crime of aggression do not allow the use of universal jurisdiction in such cases. This may change in the future, depending on whether and how the jurisdiction of the Rome Statute is harmonised in relation to the crime of aggression.¹⁴⁵

1.2. Territorial jurisdiction

While there are diverse approaches to this issue, legislation should enable prosecutions of international crimes committed globally, without distinction as to whether the crimes were perpetrated within specific territories or prioritising certain crimes over others.¹⁴⁶ While it is understandable why some countries created special laws to address crimes carried out in certain territories, for example, as in the case of international crimes committed in the former Yugoslavia or Rwanda, considering the prevalence of international crimes globally, this approach cannot be justified anymore.

1.3. Personal jurisdiction

To give full effect to the principle of universal jurisdiction, it is crucial that legislation is not limited to the citizens and residents of the country enacting the legislation, which would not constitute universal jurisdiction, but rather active personality jurisdiction.¹⁴⁷

In a recent report by the Joint Committee on Human Rights (in the UK Parliament), the Committee criticised the current legal framework in the UK (as part of the International Criminal Court Act 2001), stating that:

‘The UK legal framework applicable to international crimes is inconsistent. Whilst it is possible to prosecute individuals for torture and grave breaches of the Geneva Conventions committed

144 See https://redress.org/storage/2019/03/2019.03.08_Joint-NGO-letter-on-MLA-Initiative.pdf last accessed on 24 September 2025.

145 While the Rome Statute does not grant universal jurisdiction, it establishes a legal framework where States Parties hold the primary responsibility to prosecute grave crimes like genocide, crimes against humanity and war crimes within their own territories and under their own laws. As such, the Rome Statute and subsequent amendments, can help with developments in relation to the adoption and implementation of the principle of universal jurisdiction. In July 2025, the Assembly of States Parties to the Rome Statute of the International Criminal Court held a special session on the review of the amendments on the crime of aggression at the United Nations Headquarters in New York. Among others, the issues considered included the urgency of harmonisation of jurisdiction. Despite strong support, the initiative was ultimately stalled by the opposition by a small group of States Parties, including Canada, France, Japan, New Zealand and the United Kingdom. The Assembly of States Parties adopted a resolution to convene another special session in 2029, at which time the proposal on the amendment addressing harmonisation, and deposited in April 2025 by Costa Rica, Germany, Sierra Leone, Slovenia and Vanuatu, will be revisited.

146 See for example, SRSG SVC’s Model Legislative Provisions <https://partnersinjustice.org/wp-content/uploads/2021/06/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf> last accessed on 24 September 2025.

147 See <https://redress.org/storage/2023/10/Global-Britain-Global-Justice-report.pdf> last accessed on 24 September 2025. See also www.amnesty.org/en/latest/news/2023/05/global-french-government-tries-to-weaken-new-treaty-in-way-that-could-allow-war-criminals-to-escape-justice last accessed on 24 September 2025.

abroad, it is not possible to prosecute individuals for genocide, crimes against humanity, or other war crimes committed abroad, unless the individuals are UK nationals, UK residents, or subject to service personnel laws. This creates a key barrier to the exercise of the principle of universal jurisdiction in the UK.’¹⁴⁸

The Committee added that the current legal system in the UK creates barriers to accountability: ‘There is no principled reason to allow prosecutions for some international crimes irrespective of nationality and residency, whilst limiting jurisdiction over genocide and crimes against humanity to persons who are UK nationals, residents, or subject to service personnel laws.’¹⁴⁹

The Committee proposed ‘the removal of the nationality and residency requirements to allow for the UK to exercise universal jurisdiction over these international crimes. We propose a series of amendments to the Crime and Policing Bill to provide for universal jurisdiction.’¹⁵⁰

A similar narrow approach with respect to war crimes was also taken in the US until recently. However, in response to the war in Ukraine, in 2023, the US Congress passed the Justice for Victims of War Crimes Act to expand US law to allow federal authorities to prosecute alleged perpetrators of war crimes committed abroad, based on presence alone and regardless of the nationality of the alleged perpetrator or victim/survivor.

There is a growing trend in domestic law to expand this form of jurisdiction to include foreign nationals who commit a crime abroad and subsequently become a national or resident of the lawmaking State.¹⁵¹ If all States embraced these forms of jurisdiction, then it would help to close the accountability gaps.

1.4. Further procedural requirements

Several countries have significant procedural barriers that may prevent such cases from being taken up or progressing. This may include a heightened standard of proof in regard to initiating prosecutions.¹⁵²

While there should be measures in place to prevent abuse of the system, those measures should not become a bar to investigations and prosecutions. Among the common legal impediments to the exercise of universal jurisdiction are:

- The requirement that approval is given by the attorney general or other political appointees before an investigation or prosecution can proceed. Some systems require prior approval from a political office holder before a line prosecutor can proceed. If such an approval is necessary, a requirement for approval from the public prosecutors’ office instead of a political office holder (such as an

148 See JCHR, ‘Accountability for Daesh crimes’, May 2025 <https://publications.parliament.uk/pa/jt5901/jtselect/jtrights/612/report.html> last accessed on 24 September 2025. A similar recommendation was then made by the International Development Committee in June 2025 <https://committees.parliament.uk/publications/48324/documents/252895/default> last accessed on 24 September 2025.

149 *Ibid.*

150 *Ibid.*

151 See the section on the Netherlands.

152 For example, in the UK, prosecutions may only take place if there is a ‘reasonable prospect of conviction.’ House of Commons Library, Standard Note, Universal Jurisdiction, SN/IA/5422, 25 March 2010, p 4. In Switzerland, this standard is much lower and requires only a showing of sufficient suspicion. See OSJI, TRIAL International, *Universal Jurisdiction Law and Practice in Switzerland*, June 2019, para 1.2.

attorney general) would be preferable. Universal jurisdiction cases are often politically sensitive.¹⁵³ As such, political support (or the lack thereof) will ultimately determine whether the case will proceed or not.¹⁵⁴ This is especially the case when a political appointee has to decide whether to grant consent for a case to proceed. In some countries, foreign policies are aligned to support justice processes and contribute to successful prosecutions under the principle of universal jurisdiction.¹⁵⁵ In countries where there is no such requirement, legislation is often more restrictive to ensure that extra safeguards are in place.

The requirement of the suspect being present on the territory.¹⁵⁶ A distinction must be made between:

- 1) the ability of authorities to open a preliminary inquiry or investigation without the presence of the suspect. This is key and could lead to the issuance of an arrest warrant, which then could be circulated regionally or internationally; and
- 2) the presence of the suspect/perpetrator during the prosecution, which is a requirement of almost all criminal justice mechanisms. The requirement varies between countries, with some allowing for a case to proceed if the defendant is present for a fleeting visit only.¹⁵⁷ In most universal jurisdiction cases that have proceeded successfully, the suspect has been living in the country that is initiating the investigations or prosecutions.¹⁵⁸ A decision should be made whether, in accordance with a victim/survivor-centric approach, the presence of the victims/survivors in the country should be enough to proceed with the investigations and prosecutions. Alternatively, a ‘visiting’ presence should be considered. Much of this may hinge on whether the legal system in question allows for in absentia cases. At a minimum, States can initiate structural investigations to be ready in the event that a defendant appears on their territory.

Limitations when other courts are considering similar cases. When international crimes have taken place, there may be multiple States with some degree of nexus to the offence that are willing and able to investigate and potentially prosecute the offenders. The fact that multiple States have opened an investigation into a particular crime should not be a bar to other countries investigating the case. When the same perpetrator is being considered by more than one country, the countries should explore how best to cooperate (eg, through a JIT) and provide mutual legal assistance. Furthermore, a key consideration is whether the alleged

153 ICTJ, *Advancing Global Accountability the Role of Universal Jurisdiction in Prosecuting International Crimes*, December 2020, www.ictj.org/sites/default/files/ICTJ_Report_Universal_Jurisdiction.pdf last accessed on 24 September 2025, at 23 and 25.

154 House of Commons Library, Standard Note, Universal Jurisdiction, SN/IA/5422, 25 March 2010, p.4. See also Canada, Crimes Against Humanity, Warms Crimes Act, Criminal Code and Geneva Conventions Act, requiring consent of the Attorney General or Deputy Attorney General, the scope and application of the principle of universal jurisdiction. Report of the Secretary-General, A/75/151, 9 July 2020, para 40. OSJI, TRIAL International, Universal Jurisdiction Law and Practice in Canada, April 2020 https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-S-1-Res.1-ENG.pdf last accessed on 24 September 2025.

155 See Germany, *TRIAL International Report 2022* <https://trialinternational.org/wp-content/uploads/2022/05/UJ-Germany.pdf> last accessed on 24 September 2025.

156 See for example, Supplemental Brief of the European Commission on behalf of the European Union at Amicus Curiae in Support of Neither Party, Supreme Court of the United States, Judgment of 13 June 2012, *Esther Kiobel et al., v Royal Dutch Petroleum*.

157 *The scope and application of the principle of universal jurisdiction*, report by the Secretary-General, A/75/151, 9 July 2020, para 39.

158 European Parliament, workshop, ‘Universal jurisdiction and international crimes: Constraints and best practices’, PE 603.878, September 2018. See also the cases in Austria www.echr.eu/en/case/the-path-to-justice-leads-through-europe-eg-austria last accessed on 24 September 2025 and, for example, Farayadi Sawar Zardad in the UK, living at the time in the UK, House of Commons Library, Standard Note, Universal Jurisdiction, SN/IA/5422, p 4.

perpetrators are prosecuted for the same crimes or lesser or even unrelated offences (such as ordinary crimes or corruption). For example, in Iraq, Daesh fighters have been prosecuted for terror-related offences only and not for their involvement in war crimes, crimes against humanity and genocide against the Yazidis. Such prosecutions for terror-related offences should not be a bar to prosecutions elsewhere for international crimes.

Furthermore, immunities are also often cited as a barrier that affects prosecutorial strategies. The issue of immunities will be a topic dealt with in a separate report, which will look into recent developments, among others.¹⁵⁹

1.5. Private prosecutions

Examine how private prosecutions could help with victims’/survivors’ access to justice

In some countries, private prosecutions are an option to trigger universal jurisdiction cases. For example, in England and Wales, private individuals can bring a criminal prosecution by presenting information on the suspect and the allegations to a magistrates’ court. The magistrates’ court then decides whether to proceed and should do so unless there are compelling reasons not to. The court then issues a summons or arrest warrant. In Norway, private prosecutions are possible if prosecutors waive a prosecution or do not continue to pursue the case.¹⁶⁰

2. Structural and other investigations

Enable structural and other investigations to be pursued through appropriate staffing, bureaucratic structures and the provision of resources

The legislation and/or policy relating to universal jurisdiction should also cover the following:

- When and how structural investigations can be initiated. While universal jurisdiction statutes rarely explicitly authorise structural investigations, codifying this power could expand the use of such investigations and ensure a degree of accountability when the authorities fail to undertake such investigations.
- Whether and how the prosecutor has discretion as to the selection of cases, for example, where such prosecutions are in the public interest, how cases are prioritised, etc.

159 Notably, French jurisprudence recently clarified that there are no functional immunities for international crimes. The recent Cour de Cassation decisions on immunities in relation to Syrian officials crystallises the exception to functional immunities for international crimes. The Court confirmed personal immunities, but recognised that they become moot after the official has left their functions, and exceptions exist before certain international tribunals. See www.courdecassation.fr/en/toutes-les-actualites/2025/07/25/press-release-scope-immunity-foreign-officials-and-heads-state last accessed on 24 September 2025.

160 OSJI, TRIAL International, *Universal Jurisdiction, Law and Practice in Norway* (June 2019) 26.

2.1. Initiation

Introduce clear laws, policies and guidance for the conduct of structural and other investigations into international crimes committed abroad

A structural investigation is a form of investigation that does not target particular suspects, but aims to gather evidence of the suspected crimes and identify the structures behind them, such as the chain of command.

In addition to structural investigations, prosecutions in regard to individual cases should be initiated, subject to substantial evidence having been collected, regardless of whether the structural investigations have been concluded or not.

2.2. Capacity and resources

Ensure that the work in this area is adequately funded

This also refers to ongoing education and training, to ensure that teams have (up-to-date) knowledge and skills, as well as access to relevant technologies to assist their work.

2.3. Specialised units

Introduce specialised units to focus on investigating crimes subject to universal jurisdiction

The existence of specialised units can help with investigating and prosecuting international crimes; such units have the relevant expertise, capacity and resources to investigate international crimes specifically.

Council Decision 2003/335/JHA recommended EU Member States to: ‘set up or designate specialist units within the competent law enforcement authorities with particular responsibility for investigating and, as appropriate, prosecuting’ genocide, crimes against humanity and war crimes.¹⁶¹ Similarly, the Office for Democratic Institutions and Human Rights (ODIHR) recommended that States ‘establish or reinforce specialised units with sufficient resources to efficiently investigate and prosecute torture under domestic and universal jurisdiction.’¹⁶² Such units have been established in Belgium, Croatia, Denmark, France, Germany, the Netherlands, Poland, Sweden and the UK, among others.¹⁶³ Likewise, the US has established specialised international crimes teams, although these have been dismantled or curtailed under the current administration.

However, for such units to be effective, investment and commitment are needed.

Such specialised units, apart from having a specific mandate, must ensure that their staff are trained on international crimes. The sharing of expertise and logistical support can help countries with less expertise in universal jurisdiction investigations and prosecutions.

161 Council Decision 2003/335/JHA.

162 OSCE ODIHR and Fair Trials, *Eliminating Incentives for Torture in the OSCE Region, Baseline Study and Practical Guidance*, 2020, p.85.

163 European Parliament, workshop, ‘Universal jurisdiction and international crimes: Constraints and best practices’, PE 603.878, September 2018. See also Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes.

3. From investigations to prosecutions

Ensure effective processes

Investigatory and prosecutorial processes differ between States, and this will affect the handling and progress of such cases. For example, in France, defence lawyers can participate in witness interviews during the investigation stage, while in Germany, such early engagement by defence lawyers is not possible. Further differences affecting the process include standards on the admissibility of evidence, how victims/survivors and witnesses participate and what assistance is available to them to participate, the rules on the gathering and storing evidence, among others.

4. Victims/survivors and witnesses' rights and protection

Establish effective protection and support structures for victims/survivors and witnesses

The willingness of victims/survivors to come forward and participate in legal processes is the main reason why so many of these types of cases have succeeded in the first place: they are a driver of successful universal jurisdiction prosecutions, as they act both as initiators and witnesses, which are key to building such cases.¹⁶⁴

In order for victims/survivors and witnesses to engage safely and effectively, it is crucial that they are assisted throughout the process.¹⁶⁵ This includes the provision of:

- comprehensive information mechanisms to ensure that they are informed and updated about the process, and throughout the process;
- legal aid assistance; and
- psychosocial assistance and other support they may need.

The EU Directive on Victims' Rights states that:

'62. [...] For victims of crime to receive the proper degree of assistance, support and protection, public services should work in a coordinated manner and should be involved at all administrative levels – at the Union level as well as at the national, regional and local levels. Victims should be assisted in finding and addressing the competent authorities in order to avoid repeat referrals. Member States should consider developing “sole points of access” or “one-stop shops,” that address victims' multiple needs when involved in criminal proceedings, including the need to receive information, assistance, support, protection and compensation.'¹⁶⁶

164 See <https://redress.org/publication/breaking-down-barriers-access-to-justice-in-europe-for-victims-of-international-crimes> last accessed on 24 September 2025.

165 ICTJ, *Advancing Global Accountability: The Role of Universal Jurisdiction in Prosecuting International Crimes*, December 2020, www.ictj.org/sites/default/files/ICTJ_Report_Universal_Jurisdiction.pdf last accessed on 24 September 2025.

166 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, para 62.

In order to provide comprehensive assistance, several States have introduced specialised units for victims/survivors and witnesses.¹⁶⁷

4.1. Offer victims/survivors protection

States must have strong and comprehensive laws that provide protection for victims/survivors to enable their effective and safe participation throughout investigations and prosecutions.¹⁶⁸ This may include special measures when victims/survivors are particularly vulnerable, be it due to their age, disabilities, other characteristics or issues, such as trauma suffered, threats, etc.

4.2. Offer victims/survivors assistance

Victims/survivors may require assistance to be able to participate in justice processes. Before any steps are taken to engage them, including in the documentation process, one must identify options for referring victims/survivors and witnesses for assistance and support and put in place procedures for the referral process itself. However, a referral is not dependent on their participation in documentation and justice processes. As such, all individuals should, with their consent and according to their needs, be referred to the appropriate service, even if they decline to provide their testimony. Types of assistance for consideration should include:

- medical assistance;
- psychosocial assistance;
- legal assistance; and
- protection assistance (including safe shelters, relocation and transport assistance, witness protection programmes).

4.3. Ensure there are opportunities for victims/survivors to seek reparations

Victims/survivors have a right to reparations. Such reparations can help to empower and enable victims/survivors to reestablish their lives.

States must explore how best to ensure that victims/survivors are given the opportunity to seek reparations.

5. Cooperation and collaboration

Ensure effective cooperation and collaboration between States and international bodies, including through the use of MLA agreements, memoranda of understanding or international treaties, among others

¹⁶⁷ Some of them are part of broader legal frameworks or networks such as Victim Support Europe (VSE), which includes member organisations in countries such as the UK, France, Germany and many others. See, for example, <https://victim-support.eu/members> last accessed on 24 September 2025. In Europe, further services are provided by the European Network on Victims' Rights (ENVR) and as per the EU Victims' Rights Directive.

¹⁶⁸ See: Redress, FIDH, ECCHR, 'Breaking Down Barriers: Access to Justice in Europe for Victims of International Crimes' (2020). Available at: <https://redress.org/publication/breaking-down-barriers-access-to-justice-in-europe-for-victims-of-international-crimes>.

For universal jurisdiction proceedings to succeed, cooperation and collaboration, including cross-border coordination, are key.

Over the years, such cooperation has taken different forms, including MLA agreements, memoranda of understanding, JITs, etc.

5.1. MLA agreements

The establishment of mutual legal assistance (MLA) agreements is a method of cooperation between States for obtaining assistance during the investigation or prosecution of criminal offences. MLA is generally used for obtaining material that cannot be obtained on a law enforcement basis, particularly enquiries that require coercive measures.

MLA is the applicable framework for judicial cooperation during these types of investigation and prosecution. Due to the principle of sovereignty, States cannot conduct investigative measures on the territory of another State and, therefore, require the assistance of that State.¹⁶⁹ This is achieved through MLA and extradition processes. MLA treaties and conventions serve as a legal basis (which the domestic legislation of the relevant States may require) and can set a practical framework to ensure efficient and effective cooperation. Bilateral treaties, regional treaties and the newly established Ljubljana–Hague Convention are necessary and valuable tools in regard to securing judicial cooperation between States.

MLA agreements can help to facilitate requests for assistance, including serving court documents, searches and seizures, providing evidence and facilitating witnesses, etc.

However, the stringent requirements for effectuating MLA requests under these agreements, which often take lengthy amounts of time, as well as the treaty/agreement nature of MLA agreements, often prevent efficient processes. Moreover, in regard to the nature of such treaties, MLA agreements usually must proceed according to a State's treaty ratification process, thus slowing down the process of implementation. The duration of the ratification process in a particular State will depend on the domestic system in place.

5.2. Memorandum of understanding

A memorandum of understanding (MoU) between prosecutorial authorities can help to accommodate cooperation without the need for treaty ratification. However, an MoU alone may not be able to address procedural differences between jurisdictions.

MoUs can help bypass the stringent requirements, as well as the time-consuming nature, of MLA agreements via the use of treaties. In the context of Ukraine, the MoUs entered into by the US and each of the JIT member countries were instrumental for the JIT cases and the US war crimes case, as well as the historic MoU entered into by the US Department of Justice and Ukraine Prosecutor General's Office.¹⁷⁰

169 Some States deploy prosecutors and investigative teams overseas, but this effort often lacks transparency and requires further attention.

170 See Eurojust, 'National Authorities of the Ukraine joint investigation team sign Memorandum of Understanding with the United States Department of Justice' (4 March 2023) www.eurojust.europa.eu/news/national-authorities-ukraine-joint-investigation-team-sign-memorandum-understanding-usa last accessed on 24 September 2025.

MoUs may strengthen the judicial cooperation between States, as long as the State does not require the existence of a treaty as a legal basis for judicial cooperation.¹⁷¹

5.3. Informal cooperation via bilateral agreements (including Eurojust and Europol)

Eurojust, which hosts the Secretariat of the Genocide Prosecution Network, the European network for the investigation and prosecution of genocide, crimes against humanity and war crimes, was created in 2003 by the Council of Europe to facilitate cooperation between national authorities and Europol. Eurojust, and specifically the Genocide Prosecution Network, facilitates cooperation between national authorities and Europol, but also among national authorities.

In Australia, in September 2023, the Justice and Accountability Network Australia (JANA) was established to assist in bolstering accountability efforts for atrocity crimes in Australian national courts exercising universal jurisdiction.¹⁷² It also aims to increase Australia's efforts to support its MLA obligations abroad. In Australia, JANA is a non-governmental organisation and was established by Drs Lauren Sanders and Melinda Rankin. Other regions should consider similar arrangements. Further, such coordination arrangements can be made informally by government officials.

5.4. International treaties

There are several international treaties that touch upon mutual legal cooperation, including the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters,¹⁷³ the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁷⁴ among others.

In May 2023, during a two-week diplomatic conference in Ljubljana, Slovenia, 68 States agreed on the text of the Ljubljana–Hague Convention on International Cooperation on the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes, and Other International Crimes. The treaty is designed to help deliver justice to victims/survivors of international crimes by facilitating effective and efficient international cooperation in regard to the domestic investigation and prosecution of these crimes.

The Ljubljana–Hague Convention is a treaty that aims to streamline the prosecution of offenders subject to international criminal law through cooperation between States on matters such as information sharing, extradition, jurisdiction and the definitions of international crimes.

The treaty aims to ensure that States are better equipped to investigate and prosecute individuals suspected of committing international crimes, namely genocide, crimes against humanity and war crimes, even if the crimes were committed outside of their territory and do not directly affect their own citizens or interests.

The treaty includes provisions on legal assistance, extradition, the transfer of sentenced persons, joint investigation teams, asset confiscation and victim/survivor restitution, the use of videoconferencing and the financial implications of the execution of such requests. By offering a comprehensive framework for

171 See Matthew Garrod, 'Deportation of Suspected Terrorists with "Real Risk" of Torture: The House of Lords Decision in Abu Qatada' (2010) *Modern Law Review*, 73:4, 631.

172 See Justice and Accountability Network Australia www.janaonline.org last accessed on 24 September 2025.

173 18 March 1970.

174 See Roland Schmidt, 'Mutual Judicial Assistance' in Manfred Nowak, Moritz Birk, and Giuliana Monina (eds), *The United Nations Convention Against Torture and its Optional Protocol: A Commentary* (Oxford Law Pro, 2019).

cooperation, the Ljubljana–Hague Convention contributes to strengthening domestic judicial capacities and supports States in adhering to their international responsibilities to address serious crimes.

As of September 2025, the treaty has been signed by some 40 States.¹⁷⁵ It will only enter into force when at least three States have ratified it.¹⁷⁶ Notably, on 28 August 2025, Latvia became the first country to ratify the Convention, marking an important step towards its implementation. States should ratify the treaty, as it provides for more efficient MLA pathways between all those that have ratified the treaty and would eliminate the time-intensive/cumbersome requirements inherent to bilateral MLA agreements.

5.5. European investigation orders

European investigation orders enable another EU country to obtain evidence, including through a specific investigation, and they set specific deadlines for acknowledgement and carrying out the measures requested.¹⁷⁷

5.6. European arrest warrants

European arrest warrants enable the surrender of suspects across borders and can be used to avoid long extradition procedures.¹⁷⁸ They can be issued by a national judicial authority, and they function by enabling direct contact between the relevant authorities. In some circumstances, Interpol notices and procedures can also be of assistance.

5.7. European judicial network

A European judicial network is composed of ‘contact points’ to facilitate cooperation among the judiciary, including through providing contacts and other information to enable further requests to be implemented.¹⁷⁹

5.8. Other approaches

Further steps are needed to ensure effective collaboration and cooperation.

Among others, States should ensure that they introduce a mandate for a minister or special envoy focused on international criminal justice, who will be responsible for the State’s work in the area, domestically and internationally (in collaboration with others). Such a mandate existed in the US, in the form of an Ambassador-At-Large For International Criminal Justice, who would advise the Secretary of State and other leadership on how to effectively respond to atrocity crimes. In the US, the Ambassador headed the Office of Global Criminal Justice, since shuttered, which was established to help:

175 See ‘Second Anniversary of the Adoption of the Ljubljana–the Hague Convention’ www.gov.si/en/news/2025-05-26-second-anniversary-of-the-adoption-of-the-ljubljana-the-hague-convention last accessed on 24 September 2025.

176 See Article 90 (1) www.gov.si/en/news/2025-05-26-second-anniversary-of-the-adoption-of-the-ljubljana-the-hague-convention last accessed on 24 September 2025.

177 Directive 2014/41/EU, 3 April 2014.

178 See https://ec.europa.eu/info/publications/council-framework-decision-european-arrest-warrant-and-surrender-procedures-between-member-states_en last accessed on 24 September 2025.

179 Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, www.ejn-crimjust.europa.eu/ejn/Ejn_Home/EN last accessed on 24 September 2025.

- Formulate US policy on the prevention of, responses to, and accountability for mass atrocities. To this end, the Office advised the US Government and foreign governments on the appropriate use of a wide range of transitional justice mechanisms, including truth and reconciliation commissions, lustrations and reparations, in addition to judicial processes.
- Coordinate US Government positions relating to the international and hybrid courts currently prosecuting persons responsible for genocide, war crimes and crimes against humanity.
- Work closely with other governments, international institutions and non-governmental organisations to establish and assist international and domestic commissions of inquiry, fact-finding missions and tribunals to investigate, document and prosecute atrocities in every region of the globe.
- Coordinate the deployment of a range of diplomatic, legal, economic, military and intelligence tools to help expose the truth, judge those responsible, protect and assist victims, enable reconciliation, deter atrocities and build the rule of law.¹⁸⁰

States should also pursue participation in regular ministerial conferences, where ministers and special envoys share best practices and work towards more comprehensive responses. Such ministerial conferences should also include victims/survivors and civil society representatives to share their experiences and provide input into the discussions and recommendations.

Furthermore, it is also key to consider avenues short of universal jurisdiction, which are nevertheless effective in the pursuit of international justice, for example, domestic statutes that have broad jurisdiction and/or far reaching extraterritorial jurisdiction (such as the previous US war crimes statute, the US Foreign Corrupt Practices Act, money laundering statutes that have jurisdiction over any transaction involving a US bank or banking partner via SWIFT, legislation allowing for the prosecution of sanctions evasion, etc.). For States that may find it difficult to expand their criminal jurisdiction to include universal jurisdiction because of political and military concerns, these other legislative efforts offer ways to express political will to pursue justice. These are real tools that are and should continue to be utilised, even if they do not involve universal jurisdiction.

6. Learning from and improving best practices

Ensure greater exchange of best practices and accommodate effective learning processes

There is a great need to ensure that countries learn from the successes of effectively using the principle of universal jurisdiction (and from failed efforts too). Capacity assistance should also be looked into, especially for countries that have yet to domesticate the principle and are willing to hear about the experiences of other countries.

7. Outreach and education

Ensure better outreach and education about universal jurisdiction processes and their importance for international justice and accountability

¹⁸⁰ See <https://2009-2017.state.gov/j/gcj> last accessed on 24 September 2025.

Universal jurisdiction cases are undertaken far away from where the international crimes were committed. As such, the communities affected may not be aware or know enough about the trials taking place. It is key to ensure that this information is easily available to the affected communities, including in their native language.

Furthermore, greater education is needed on the topic in countries where such trials are taking place. Taxpayers must be informed about why such investigations and trials are taking place, why it is important to proceed with them, and how these efforts contribute to the pursuit of justice and accountability globally.

Appendix A

- Global Rights Compliance, ‘Practitioners’ Handbook on Extraterritorial or Universal Jurisdiction to pursue accountability for international crimes committed in Ukraine’ (13 June 2025) <https://globalrightscpliance.org/new-grc-handbook-on-universal-jurisdiction-in-the-ukrainian-context> last accessed on 24 September 2025.
- TRIAL International, Civitas Maxima, CJA, ECCHR, FIDH and Redress, *Universal Jurisdiction Annual Review 2025* (8 April 2025) www.ecchr.eu/en/publication/universal-jurisdiction-annual-review-2025 last accessed on 24 September 2025.
- Redress, *Justice Without Borders: Ending Impunity for International Crimes in Europe Through Universal Jurisdiction* (January 2025) www.ecchr.eu/fileadmin/ECCHR_Policy_Paper_Initiative_Against_Impunity.pdf last accessed on 24 September 2025.
- Devika Hovell and Mara Malagodi, ‘Universal Jurisdiction: Law out of Context’ (2024) 87(6) *Modern Law Review* 1480 <https://onlinelibrary.wiley.com/doi/10.1111/1468-2230.12898> last accessed on 24 September 2025.
- Ham Diley Campaign (Monash University), *Handbook on Universal Jurisdiction: Holding the Taliban Accountable for International Crimes* (11 September 2024) www.monash.edu/__data/assets/pdf_file/0006/3800859/Handbook-on-Universal-Jurisdiction-Ham-Diley-Campaign.pdf last accessed on 24 September 2025.
- Alexandra Fowler, ‘Comparing universal jurisdiction in Europe and in Latin America: a vehicle for international justice or for colonial reckoning?’ (published online 10 September 2024) *The International Journal of Human Rights* www.tandfonline.com/doi/full/10.1080/13642987.2024.2408591 last accessed on 24 September 2025.
- Ana Srovin Coralli, ‘Universal jurisdiction: Time to revisit the basics’ (2024) SSRN Electronic Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4905368 last accessed on 24 September 2025.
- Eurojust (Genocide Network), ‘At a Glance: Universal Jurisdiction in EU Member States’ (23 May 2023) www.eurojust.europa.eu/publication/glance-universal-jurisdiction-eu-member-states last accessed on 24 September 2025.
- Brianne McGonigle Leyh, ‘Using Strategic Litigation and Universal Jurisdiction to Advance Accountability for Serious International Crimes’ (2022) 16(3) *International Journal of Transitional Justice* 363–379 <https://academic.oup.com/ijtj/article/16/3/363/6763559> last accessed on 24 September 2025.
- Universal Jurisdiction: Law & Practice in the United States (briefing paper), Open Society Justice Initiative; TRIAL International; Centre for Justice & Accountability; Civitas Maxima. May 2022. www.justiceinitiative.org/publications/universal-jurisdiction-law-and-practice-in-the-united-states last accessed on 24 September 2025.

- Oxford Public International Law, ‘Universal Jurisdiction’ (2022) <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2259.013.2259/law-mpeipro-e2259> last accessed on 24 September 2025.
- Lawyers for Palestinian Human Rights (LPHR), ‘Briefing on Universal Jurisdiction’ (18 March 2021) <https://lphr.org.uk/wp-content/uploads/2021/03/LPHR-briefing-on-Universal-Jurisdiction-Mar-2021.pdf> last accessed on 24 September 2025.
- Asia Justice Coalition, *Universal Criminal Jurisdiction: Scoping Paper* (last updated March 2021) www.asiajusticecoalition.org/_files/ugd/811bc6_4c6c67c3617145b1a98067342a29964b.pdf?index=true last accessed on 24 September 2025.
- Howard Varney and Katarzyna Zduńczyk, *Advancing Global Accountability: The Role of Universal Jurisdiction in Prosecuting International Crimes* (International Centre for Transitional Justice, December 2020) www.ictj.org/sites/default/files/ICTJ_Report_Universal_Jurisdiction.pdf last accessed on 24 September 2025.
- Amnesty International, *End Impunity Through Universal Jurisdiction: No Safe Haven—Canada* (June 2020) www.amnesty.org/en/documents/amr20/2287/2020/en last accessed on 24 September 2025.
- Open Society Justice Initiative and TRIAL International, *Universal Jurisdiction: Law and Practice in France* (March 2019) www.justiceinitiative.org/publications/universal-jurisdiction-law-and-practice-france last accessed on 24 September 2025.
- Eugene Kontorovich, ‘The Parochial Uses of Universal Jurisdiction’ (2019) 94(3) *Notre Dame Law Review* 1417 <https://scholarship.law.nd.edu/ndlr/vol94/iss3/8> last accessed on 24 September 2025.
- European Parliament, *Universal Jurisdiction and International Crimes: Constraints and Best Practices* (Workshop report, 28 June 2018) [www.europarl.europa.eu/thinktank/en/document/EXPO_STU\(2018\)603878](http://www.europarl.europa.eu/thinktank/en/document/EXPO_STU(2018)603878) last accessed on 24 September 2025.
- European Parliament, *The Application of Universal Jurisdiction in the Fight against Impunity* (Policy Department, April 2016) www.statewatch.org/media/documents/news/2016/apr/ep-study-universal-jurisdiction-fight-against-impunity-4-16.pdf last accessed on 24 September 2025.
- Redress and CFJ, ‘Global Britain, Global Justice: Strengthening Accountability for International Crimes in England and Wales’ (2023) <https://redress.org/storage/2023/10/Global-Britain-Global-Justice-report.pdf>.



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Chancery House
53–64 Chancery Lane
London WC2A 1QS
United Kingdom
Tel: +44 020 7842 0090
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