

Forum: Legal Committee (GA6)

Issue: The scope and application of the principle of universal jurisdiction

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INTRODUCTION

The scope and application of universal jurisdiction is a controversial topic that has been on the agenda of the sixth committee (Legal) in previous sessions of the General Assembly. The principle of universal jurisdiction gives a state jurisdiction over crimes that violate International Law. Universal jurisdiction is applied even when the crime did not occur on the state's territory and neither the accused person's nor the victim's nationality or country of residence is that of the prosecuting state. Even after many talks between the states, the topic of universal jurisdiction continues to be a controversial one.

Some believe that this principle is helpful, especially for courts in Less Economically Developed Countries (LEDCs) can hold perpetrators accountable for their acts abroad and prevent impunity in their nation.¹ Others keep a different stance on the matter. Their policy usually is distant from the principle of universal jurisdiction and it is thought that it allows other nations to intervene in national matters, something that may cause conflict and tension between the states.

The scope and application of the principle of universal jurisdiction need to be addressed thoroughly and the nations need to come to a unanimous conclusion about it. International law should be altered to cover the matter to prevent tension between the states. It is necessary that it is stated clearly the way that crimes will be prosecuted and that it is important for all states to recognize the importance of keeping a similar stance against the matter so as to act quickly and efficiently. Criminals who commit crimes against International Law and/or International Humanitarian Law should be brought to trial, something that is delayed due to the impunity gap between the state of the crime scene and that of the court that will take the case as well as because of the numerous trials of the International Courts that do not have a verdict yet. The crime rate has been increasing in the past years and therefore requires a strong legal system and powerful legislations which leave limited space for perpetrators. All states must adopt a similar policy and adhere to international law for the impunity gap not to broaden

¹ "Universal Jurisdiction." 24 June 2022, www.ecchr.eu/en/glossary/universal-jurisdiction/#:~:text=The%20principle%20of%20universal%20jurisdiction,a%20natio

further. Universal jurisdiction should be recognized by all nations as it is also a principle of International Law.

DEFINITION OF KEY-TERMS

International Law

International law is a legislation that is applied in all nations with no exception and this law leads the relations and dealing of nations with each other, between states or individuals and is applied to the relations between international parties.

Universal Jurisdiction

Jurisdiction is "the authority of a court or official organization to make decisions and judgments."² Universal jurisdiction, specifically, is a legal code that permits nations and international organizations to apply their jurisdiction over a prosecuted criminal regardless of the location of the crime scene or the perpetrator's nationality and country of residence.

War Crimes

A war crime violates International Law and is considered a crime against humanity. The criminals are usually the combatants. Intentionally killing civilians or prisoners of war, torture, pillaging, the conscription of children in the military, genocide, extermination, enslavement, deportation, mass systematic rape and sexual enslavement³ in a time of war are war crimes.

Impunity

"Freedom from punishment or from the unpleasant results of something that has been done and the injurious consequences of an action"⁴

International Humanitarian Law (IHL)

International humanitarian law (IHL) constitutes of laws that seek, for humanitarian reasons, to limit the effects of armed conflict⁵ and protect human life.

² "JURISDICTION | Meaning in the Cambridge English Dictionary." Cambridge Dictionary | English Dictionary, Translations & Thesaurus, dictionary.cambridge.org/dictionary/english/jurisdiction.

³ "War Crimes." BBC, www.bbc.co.uk/ethics/war/overview/crimes_1.shtml.

⁴ "Impunity." Cambridge Dictionary | English Dictionary, Translations & Thesaurus, dictionary.cambridge.org/dictionary/english/impunity.

⁵ "What is International Humanitarian Law?" International Committee of the Red Cross, 30 Nov. 2020, www.icrc.org/en/document/what-international-humanitarian-law.

Indictment

“The act of making a formal statement accusing an individual or a State of something”⁶ and charging them with a serious crime.

Crimes Against Humanity

“A deliberate act, typically as part of a systematic campaign, that causes human suffering or death on a large scale.”⁷

Impunity Gap

The impunity gap is a space in the legal system where there should be “an exemption or freedom from punishment”⁸

Country of residence

The country of residence is the state where a person has lived for at least the past 12 months, receives services by that state and they are looking for an establishment in that said country.

BACKGROUND INFORMATION

The application of universal jurisdiction

The concept of universal jurisdiction is very broad and it involves various legal principles, as the Rome Statute and the Geneva Convention in which it is based on, and is closely connected with each state’s domestic law. Universal jurisdiction gives the power to national courts to prosecute criminals who have committed international crimes or crimes that are upon universal jurisdiction. This happens in order to prevent impunity and hold perpetrators accountable for their actions especially when the International Law or the International Humanitarian Law (IHL) is violated. Such international crimes are war crimes, genocide, torture and crimes against humanity as it is thought that these types of criminal acts harm the international community and disturb international peace. Generally, universal jurisdiction is applied either when a nation wants to intervene in an international issue to protect its own

⁶ "Indictment." Cambridge Dictionary | English Dictionary, Translations & Thesaurus, dictionary.cambridge.org/dictionary/english/indictment.

⁷ "Oxford Languages and Google - English | Oxford Languages." Oxford Languages | The Home of Language Data, 20 May 2020, languages.oup.com/google-dictionary-en/.

⁸ <https://www.duckofminerva.com/2011/07/mind-impunity-gaps.html#:~:text=An%20impunity%20gap%20infers%20that,exemption%20or%20freedom%20from%20punishment.>

state or when other bases of criminal jurisdiction are not able to take the case to the courts immediately. For example, in the second case, the defendant is not a national of the State, the defendant did not commit a crime in that State's territory or against its nationals, or the State's national interests are not adversely affected.⁹

Universal jurisdiction was legally established as a principle in International Law after World War II with the recognition of the Geneva convention of 1949. Later, the principle was incorporated in other conventions such as the Convention against Torture of 1984 as well as in numerous domestic legislations. The principle of universal jurisdiction was part of other conventions and legal system in order to ensure that the prosecution of the criminals would be successful even if the state where the crime occurred was not able to bring justice. Countries decided to start implementing the principle and making it a part of their national law so as to prevent impunity and injustice in the region. The application of universal jurisdiction was different in each nation, making it necessary for the United Nations to examine the issue.

Universal jurisdiction remains a controversial issue, even after years of discussion within the United Nations. That is mostly due to the difficulty of the correct application and implementation of the principle of universal jurisdiction. For the principle to not be taken advantage of or misused, it is required for a state to have adopted an appropriate legal system with enough resources for the implementation of universal jurisdiction. Because of the special nature and degree of complexity of international crimes (war crimes, genocide, torture, crimes against humanity), financial resources are mandatory for the combat of impunity. The application of universal jurisdiction calls for the creation of specialist units within prosecution and police authorities, commonly called War Crimes Units¹⁰, which will be dedicated to this kind of jurisdiction.

The Impunity Gap

Some states have already incorporated a form of universal jurisdiction into their national law. Amnesty International reports that, in total, 163 of the 193 UN Member States "can exercise universal jurisdiction over one or more crimes under international law, either as such crimes or as ordinary crimes under national law."¹¹ These states have the jurisdiction to intervene in issues about not only international crimes but also, crimes that have occurred overseas and may not be considered worthy of universal jurisdiction but a third nation finds it

⁹ "Universal Jurisdiction." International Justice Resource Center, 27 Feb. 2021, ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/.

¹⁰ "Universal Jurisdiction." TRIAL International, 15 July 2020, trialinternational.org/topics-post/universal-jurisdiction/.

¹¹ "Universal Jurisdiction: A Preliminary Survey of Legislation Around the World - 2012 Update - Amnesty International." Amnesty International, 26 July 2021, www.amnesty.org/en/documents/ior53/019/2012/en/.

necessary to address it in order to prevent impunity in its territory. Furthermore, more than 166 countries identify at least one of the four international crimes as a serious crime in their domestic law. It is important to understand that the impunity gap is created because of the difference between domestic national laws, making countries to react differently to cases that need to be examined in international level. Some states recognize international crimes and others do not. Other nations do recognize international crimes but do not apply universal jurisdiction for them, while others apply universal jurisdiction even for crimes which do not violate international law or the IHL.

The impunity gap that is created because of the variety of different legislations needs to be closed. In order to bridge the gap, all member-states of the UN should cooperate closely, especially when it comes to cases upon universal jurisdiction. The countries should preferably find common ground within the International Criminal Court (ICC), the main body that works for the cases of universal jurisdiction. The functions of the ICC were set by the Rome Statute. The nations that had not signed the treaty are not considered territory of the ICC and the court does not have jurisdiction in these states.¹² The application of universal jurisdiction in these states is proven to be more challenging since the principle is not totally accordant with the domestic law. If all nations could alter their domestic law so as to follow the Rome Statute and the resolution 1970 of the Security Council, then trials and investigations would be carried out by the ICC since the principle of universal jurisdiction is in power in those nations.

Previous cases of universal jurisdiction

The case of Augusto Pinochet

The indictment and arrest of Augusto Pinochet in 1998 was the first time that universal jurisdiction was applied. Augusto José Ramón Pinochet Ugarte was a Chilean general who ruled Chile from 1973 to 1990, first as the leader of the Military Junta of Chile, then as the President of the Republic.¹³ He was charged with a human rights violation that he had committed in his country of residence, Chile. He was arrested in London some days after his indictment and was released in 2000 calling that "his freedom did not represent a danger for the security of the society".¹⁴ Once he returned to Chile, he was charged with more charges. He died in 2006 without being sentenced in his native country. His arrest was noteworthy as it marked the first case of applied universal jurisdiction and Augusto, who had been involved in a dictatorship, was prosecuted. "The

¹² "Signatories of the Rome Statute." International Criminal Court, <https://internationalcriminalcourtnashie.weebly.com/signatories-of-the-rome-statute.html>

¹³ "Pinochet Articles." Inquiries Journal - Online Academic Student Journal, www.inquiriesjournal.com/keyword/pinochet.

¹⁴ "U.S. Sends Back Pinochet Daughter." CNN International - Breaking News, US News, World News and Video, edition.cnn.com/2006/US/01/28/chile.pinochet/?section=cnn_topstories.

judges involved in the case declared themselves competent to judge crimes committed in a country by former heads of state, despite the existence of local amnesty laws.”¹⁵

The genocide in Rwanda

Eugène Rwamucyo is a Rwandan citizen who was accused of being present in the torture of the burial of Tutsi victims and of finishing off those already injured, during the Butare prefecture. In April 2007, the Collectif des parties civiles pour le Rwanda (CPCR) indicted Rwamucyo for his participation in the genocide, which took place from the 7th of April 1994 till the 15th of July 1994. Later this year, the Prosecutor of Lille started the investigation, in which the CPCR and the International Federation of Human Rights (FIDH) participated in and was continued by judges of the Paris Tribunal. Rwamucyo was indicted in 2013 and was put under supervision. In 2020, he was tried for charges of genocide and crimes against humanity.¹⁶ After they called for the transfer of the case to the Paris Criminal Court since the members involved were mostly French judges, this decision was declined.

The case of Ahmad al-Y

Ahmad al-Y was part of the Ahrar al-Sham fighters. While in Hama, Syria, in 2015, he made his fighters suffer, humiliated and degraded them by posing with the corpse of an enemy fighter and kicking the body of another¹⁷ while videotaping the action and talking disrespectfully about the dead. After years of hiding and seeking asylum, Ahmad al-Y was arrested in the Netherlands in 2019 “on suspicion of outrages upon personal dignity constituting a war crime.”¹⁸ In 2020, he was heard before the High Secure Court in Amsterdam. In 2021, The Hague District Court found Ahmad al-Y guilty of participating in a terrorist organization and committing a war crime but not charged for personal dignity. He was sentenced to six years in prison and the case closed.

¹⁵ "Indictment and Arrest of Augusto Pinochet." Wikipedia, the Free Encyclopedia, Wikimedia Foundation, Inc, 25 Aug. 2006, en.wikipedia.org/wiki/Indictment_and_arrest_of_Augusto_Pinochet. Accessed 13 July 2022.

¹⁶ "Eugène Rwamucyo." TRIAL International, 4 Apr. 2022, trialinternational.org/latest-post/eugene-rwamucyo/.

¹⁷ "Ahmad Al-Y." TRIAL International, 4 Apr. 2022, trialinternational.org/latest-post/ahmad-al-y/.

¹⁸ "Ahmad Al-Y." TRIAL International, 4 Apr. 2022, trialinternational.org/latest-post/ahmad-al-y/.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Canada

Canada has been legally active on the issue of jurisdiction. To facilitate the application of the Rome Statute, Canada adopted the Crimes Against Humanity and War Crimes Act. Even though that has had a positive response from the general public and it is thought that keeps the nation safe, some people have a different opinion. The officials of Canada believe that this Act is extreme and unnecessary since it makes Canada stricter and not inevitably safer. The Act follows the principle of the Rome Statute providing the courts of Canada with jurisdiction over criminal acts occurring inside and outside of ICC territory, enabling Canada to trial perpetrators even before the ICC does.

United States

The United States legal system prohibit national courts the use of universal jurisdiction even though the criminal code of the US criminalizes the four international crimes calling for universal jurisdiction. The closest principle in use in the US that resembles the principle of universal jurisdiction is the Alien Torts Statute (ATS). In previous years, the US had taken over cases that were upon universal jurisdiction under the ATS but lately, the ATS is used very rarely due to the US Supreme Court imposing strict criteria for its application.

Indonesia

Indonesia supports the application of universal jurisdiction but thinks that it remains a controversial issue that needs to be addressed cautiously. It is thought that the application of this principle is challenging since it concerns both international and national law and that is the reason why it is not universally applied the same way. The ambassador of Indonesia, in his remarks in the sixth committee on October 2019, highlighted the importance to reduce the legal gap to end impunity and protect human rights as well as that close cooperation between nations is necessary. Indonesia is following closely the matter and has been engaging in diplomatic talks on the topic of universal jurisdiction.

Norway

Universal jurisdiction is believed to be an important legal tool for all states to ensure that no criminal act, that poses a threat to the general population, goes unpunished. Similarly, this policy applies to the Kingdom of Norway. The ambassador of Norway has stated in a session of the sixth committee in 2017 that the fact that the principle has been adopted in

Norway as a fundamental principle of criminal law at both national and international levels¹⁹ is something that will facilitate further discussions on the issue and will engage more states. Norway also agrees that misuse of the principle and its wrongful application is dangerous but they argue that naming a long list of crimes, for which the principle of universal jurisdiction will be applied, will not be efficient.

Australia

Australia supports universal jurisdiction as a well-established principle of international law. The state is confident that it helps keep peace and holds criminals accountable. What is worth mentioning is that Australia believes that the country where a crime took place and the country of nationality of the perpetrator (the territorial and national State) should be first responsible for providing impunity. Even though the laws about universal jurisdiction are not able to be incorporated into the Australian Domestic Law, the principle of universal jurisdiction is applied in the state of Australia.

European Union

The European Union (EU) is accordant to the principle of universal jurisdiction which is applied to most of the member-states of the EU. In a fact sheet,²⁰ some serious complaints and disadvantages of universal jurisdiction were noted. Firstly, some states have complained that universal jurisdiction does not respect national law and restricts the rights of the national government. Moreover, even though universal jurisdiction is applied for crimes such as genocide, crimes like immigrant child kidnapping by authorities, war crimes by officials as well as sexual assault allegations are not criminal acts for which the universal jurisdiction has been applied. Furthermore, it is controversial why a state would want the jurisdiction to chase perpetrators when there was no harm to the said state. On the other hand, universal jurisdiction is important since it closes the impunity gap as well as provides access to justice to criminals who had committed an international crime. This report by the EU should be valuable to the UN for each next session.

International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross has actively participated in previous talks in the sixth committee of the United Nations and has contributed in reports to the Secretary

¹⁹ "Please Wait..." Please Wait... | Cloudflare,
www.norway.no/en/missions/UN/statements/general-assembly-committees/2017/6c-the-scope-and-application-of-the-principle-of-universal-jurisdiction/.

²⁰
[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603878/EXPO_STU\(2018\)603878_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603878/EXPO_STU(2018)603878_EN.pdf)

General on the question of the scope and application of the principle of universal jurisdiction. It is stated that the ICRC is accordant to the application of the principle and that this helps prevent violations of the International Humanitarian Law (IHL). The ICRC also commented that the principle of universal jurisdiction is an extension of the four Geneva Conventions of 1949 and the Additional Protocol I of 1977 which “stipulate that States Parties must search for persons alleged to have committed, or to have ordered to be committed, those violations of the Conventions and the Protocol that are defined as grave breaches, and either bring them before their own courts – regardless of these persons' nationality – or hand them over for trial by another State Party concerned.”²¹ The ICRC keeps working on past violations of the IHL and fully supports the establishment of great functioning mechanisms at domestic level to prevent such crimes. The ICRC also actively helps nations to establish such mechanisms by providing technical support and by developing documents and tools for the application of the principle of universal jurisdiction.

TIMELINE OF EVENTS

²¹ "International Committee of the Red Cross." International Committee of the Red Cross, www.icrc.org/en/document/scope-and-application-principle-universal-jurisdiction-icrc-statement-united-nations-2016.

DATE	DESCRIPTION OF EVENT
1949	Universal jurisdiction was established as a principle in International Law after World War II with the recognition of the Geneva convention of that year.
1984	The principle was incorporated in other conventions such as the Convention against Torture of 1984 as well as in numerous domestic legislations.
17 July 1998	The Rome Statute was adopted in Rome.
10 October 1998	Universal jurisdiction was applied for the first time to arrest Augusto Pinochet by judge Juan Guzmán Tapia.
1 July 2002	The Rome Statute came into power.
26 June 2009	The principle of universal jurisdiction was included in the provisional agenda of the General Assembly at the request of the United Republic of Tanzania ²² .
16 December 2009	The first resolution of the UN on the topic of universal jurisdiction, resolution 64/117, was adopted by the General Assembly.
11 November 2010	A resolution on “The scope and application of the principle of universal jurisdiction” on behalf of the Bureau of the UN was adopted without a vote.
14 December 2015	Resolution 70/119 on the scope and application of the principle of universal

²² "The Scope and Application of the Principle of Universal Jurisdiction - Seventy-first Session - Sixth Committee (Legal) - UN General Assembly." Welcome to the United Nations, www.un.org/en/ga/sixth/71/universal_jurisdiction.shtml.

	jurisdiction was adopted by the GA.
22 October 2019	Arrest of Ahmad al-Y in the Netherlands.
21 April 2021	The case of Ahmad al-Y closed after the court in Hague applied the principle of universal jurisdiction.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Rome Statute of the International Criminal Court

The Rome Statute of the International Criminal Court is a treaty established by the ICC. It was adopted at a diplomatic conference in Rome, Italy in 1998 and it came into force in 2002.²³ 123 states are part of the treaty by 2019. The treaty states the court's functions, over which crimes it has jurisdiction and its structure. By this treaty, genocide, crimes against humanity, war crimes and crimes of aggression were established as the four international crimes. Under the Rome Statute, the ICC can only investigate and prosecute the four international crimes when the involved nations are not able or not willing to do so. The jurisdiction of the ICC compliments the jurisdiction of the domestic courts.

Request for the inclusion of the item of the scope and application of the principle of universal jurisdiction: Letter dated 29 June 2009

On 29 June 2009, the permanent representative of the United Republic of Tanzania, on behalf of the Group of the African States, addressed via a letter the then Secretary General of the UN, Ban Ki-moon. The request was the inclusion of an additional item on the agenda of the session of the General Assembly. The topic was the scope and application of the principle of universal jurisdiction. It was thought necessary to review the topic since not all member states shared the same opinion and inconveniences had occurred after its implementation concerning the way cases will be handled. This item has been on the agenda of the GA ever since.

Resolution 64/117 adopted by the General Assembly on 16 December 2009

The resolution 64/117 was the first one on this matter to be adopted by the GA in its 63th session. The main reason for the resolution is to reaffirm the reconsideration of the matter in order to keep the UN updated on the matter as well as ensure the commitment of the

²³ "Rome Statute." Wikipedia, the Free Encyclopedia, Wikimedia Foundation, Inc, 7 Aug. 2002, en.wikipedia.org/wiki/Rome_Statute#cite_note-scharf-6. Accessed 13 July 2022.

UN on the issue. It was also requested the inclusion of this topic on the agenda of the 65th session. The resolution did not have any other significant impact.

Resolution 70/119 adopted by the General Assembly on 14 December 2015

This Resolution was the last one adopted by the GA on the topic of universal jurisdiction. The main focus of the clauses included in the Resolution is that the Legal Committee should further discuss the matter and other related matters as well as calls for member states to provide appropriate information for the review of the principle of universal jurisdiction. The resolution had not any significant impact except from the Secretary General receiving reviews of the principle.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Annual Review of Universal Jurisdiction

The review of the principle and the collection of feedback from organizations and states is something that has been going on since the start of the application of the principle of universal jurisdiction. The Secretary General of the United Nations encourages through resolutions and reports, member-states and states that have applied the principle, as well as international organizations to fill out reviews, fact sheets and assessment sheets. Organizations such as Amnesty International and the European Center for Constitutional and Human Rights (ECCHR) complete annual reviews on the issue. The reviews are handed in to the Secretary General who then studies them in order to fill a report.

Inclusion of the topic in every session of the UN sixth committee

An important step to recognizing the flaws of the principle of universal jurisdiction and addressing all complaints made by the member-states of the United Nations is the communication between the states and the discussion of the matter. Since 2009, when the item of the scope and application of the principle of universal jurisdiction was first suggested for the agenda of the sixth committee, this item has been part of the agenda of almost every session of the committee and the General Assembly. Every time more information on the matter is added and new resolutions are drafted so as to reach at some point the application of the principle unanimously. Alterations for the principle to fit the international law are made and improvements are done with the feedback the UN gets from the reports the Secretary General asks from the member-states.

POSSIBLE SOLUTIONS

Development of a database

As mentioned previously, a lot of feedback comes to the Secretary General about the issue. The creation of a database for the collection of all data concerning universal jurisdiction would seem helpful and it would be an effective measure. The database should be constituted of a special team dedicated to the issue who will work with the United Nations Statistical Commission (UNSD). Statistics would take place with several cases upon universal jurisdiction, the number of international crimes committed and the number of each kind of criminal activity will be noted down. The data should be downloaded and help create the archive of the principle of universal jurisdiction. This will provide clear data for next discussions and help the drafting of resolutions.

Bridge the Impunity Gap

As long as all states and the international courts do not have aligned legislation and policy about universal jurisdiction, the impunity gap will not be mitigated. The impunity gap holds society from improving as a whole and it makes the prosecution of international criminals more complicated. It gives the chance to perpetrators to find an asylum, a place where they are not seen as criminals. If we manage to bridge the impunity gap, universal jurisdiction will be applied smoothly throughout the globe and crime rates will drop. The adaptation of domestic laws to fit the principles set by the International Law as well as the increase of the territory of the ICC to enhance its jurisdiction would help bridge the gap. The elimination of the impunity gap will give us a more powerful legal system with fewer flaws for the perpetrators to take advantage of.

Special Units for the Application of Universal Jurisdiction

The application of universal jurisdiction calls for the creation of specialist units within prosecution and police authorities, commonly called War Crimes Units²⁴, which will be dedicated to this kind of jurisdiction. It would be a relief to the system if the cases of universal jurisdiction were handled separately by a special group of authority. The Units can be created within the United Nations or separately by each government that supports and implements the principle of universal jurisdiction. The prosecution will be up to the officials of the group as well as the cases will be examined and brought to trial by the same Unit.

Revision of the Mandate for Universal Jurisdiction

The creation of the mandate for the principle of universal jurisdiction was based on the Geneva Convention and the Rome Statute. Many years have passed since these treaties were

²⁴"Universal Jurisdiction." TRIAL International, 15 July 2020, [trialinternational.org/topics-post/universal-jurisdiction/](https://www.trialinternational.org/topics-post/universal-jurisdiction/).

adopted which affects the mandate of the principle at hand. If the treaties and the mandate for the principle of universal jurisdiction are not altered properly to fit the International Law as of today, the nations that will not think of the principle as a part of their domestic law will be various and the misuse of this jurisdiction will cause tension within countries. The mandate should be revised by the responsible member of the UN, in a session of the UNSC or in a special conference for the matter. If the current mandate was updated to fit the alteration made to the rest of international laws and the needs of today's society, universal jurisdiction would be easier to incorporate into national laws.

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