UNIVERSAL JURISDICTION

A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD – 2012 UPDATE

AMNESTY INTERNATIONAL

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I. INTRODUCTION

Universal jurisdiction, an essential tool of international justice, is the ability of the court of any state to try persons for crimes committed outside its territory that are not linked to the state by the nationality of the suspect or the victims or by harm to the state's own national interests. The Sixth (Legal) Committee of the UN General Assembly began having annual discussions of the scope and application of this rule of customary international law four years ago at the request of the African Union (AU). In that request, the AU proclaimed its support for "the principle of universal jurisdiction within the context of fighting impunity as well as the need to punish perpetrators of genocide, crimes against humanity and war crimes", but expressed its concerned about the supposed "ad hoc and arbitrary application, particularly towards African leaders".[1] That request followed the publication of a joint study of an *ad hoc* expert group that had been commissioned by the AU and European Union Troika.[2]

As explained below, this updated preliminary survey by Amnesty International of legislation around the world is designed to assist the Sixth Committee in its annual discussions of universal jurisdiction. The updated version takes into account amendments to national legislation in Luxembourg and Comoros extending the scope of jurisdiction of their courts to provide for universal jurisdiction over genocide, crimes against humanity and war crimes that have taken place since the preliminary survey was published in October 2011. It also includes information received since October 2011 concerning a similar extension of the scope of jurisdiction of the courts of Mauritius that had taken place earlier and it clarifies that the courts of Ghana can exercise universal jurisdiction over war crimes in both non-international and international armed conflict. In addition, Amnesty International is publishing simultaneously a separate paper, *Universal jurisdiction: Strengthening this essential tool of international justice*, that provides advice to states on how, at both the international and national levels, they can improve the effectiveness of their role as agents of the international community in enforcing international criminal law and provides information about positive developments and setbacks over the past year.[3]

Brief summary of results of the preliminary survey. This updated preliminary survey indicates that 166 (approximately 86%) of the 193 UN member states have defined one or more of four crimes

[1] Request for the inclusion of an additional item in the agenda of the sixty-third session, The scope and application of the principle of universal jurisdiction, Letter dated 29 June 2009 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, U.N. Doc. A/63/237/Rev.1, 23 July 2009 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/421/25/PDF/N0942125.pdf?OpenElement).

[2] This expert group concluded that

- international law did not give states where the crimes were committed priority over investigation and prosecution;
- the majority of AU member states have universal jurisdiction legislation regarding crimes defined in treaties and customary international law which only one has ever tried to use;
- Thirteen African states have abolished in national law, or have agreed to do so, provisions recognizing claims of immunity by state officials for crimes under international law;
- EU universal jurisdiction cases involve a broad range of nationalities; and
- some of the cases that have been cited as evidence of "abuse" of universal jurisdiction were not even based on universal jurisdiction.

The study is available at: http://register.consilium.europa.eu/pdf/en/09/st08/st08672.en09.pdf.

[3] *Universal jurisdiction: Strengthening this essential tool of international justice*, Index: IOR 53/020/2012, September 2012.

under international law (war crimes, crimes against humanity, genocide and torture) as crimes in their national law. As noted below, however, not only have many states failed to define all of these crimes under international law as crimes under national law, but in many instances the definitions are not consistent with the strictest requirements of international law, creating a serious impunity gap. 24 states apparently have not defined any of them as crimes in their national law. No relevant legislation could be located in one state (Swaziland) and insufficient legislation in another (Suriname), making it impossible to determine whether they had included any of these crimes in national law. In some states, legislation could be located regarding only one crime.

In addition, it appears that 147 (approximately 76.2 %) out of 193 states have provided for universal jurisdiction over one or more of these crimes. In addition, at least 16 (approximately 8.29%) out of 193 UN member states can exercise universal jurisdiction over conduct amounting to a crime under international law, but only as an ordinary crime (indeed, a total of 91 states have provided universal jurisdiction over ordinary crimes, even when the conduct does not involve conduct amounting to a crime under international law). Thus, a total of 163 states (approximately 84.46%) can exercise universal jurisdiction over one or more crimes under international law, either as such crimes or as ordinary crimes under national law. As explained below in Section II.D on ordinary crimes, this ability has proved to be very useful when the state concerned has not yet included particular crimes under international law as crimes under national law, but it is an unsatisfactory substitute for defining crimes under international law as crimes under national law. As previously noted, no relevant legislation could be found in some states and in some states not all relevant legislation could be located.

Unfortunately, as noted below, the mere existence of universal jurisdiction legislation does not mean that the state can effectively act as an agent of the international community to enforce international criminal law. All too often, the legislation contains numerous obstacles to the effective use of this tool of international justice. However, the preliminary survey is a useful compilation of state practice demonstrating that approximately three-quarters of the UN member states have authorized their courts to exercise universal jurisdiction over one or more crimes under international law and that almost half have authorized their courts to exercise universal jurisdiction over ordinary crimes. It is also evidence of *opinio juris* since such legislation indicates that two branches of each state – the legislature and the executive – believe that such legislation is fully compatible with the state's obligations under international law. Indeed, there are almost no examples of other states making formal objections to the enactment of such criminal legislation.

Supporting the annual discussion of universal jurisdiction in the General Assembly. This is an updated version of Amnesty International's third paper issued in connection with the annual discussion of universal jurisdiction in the Sixth (Legal) Committee of the General Assembly.[4] This updated paper is designed to supplement the reports of states and observers and the useful analytical report of the UN Secretary-General summarizing those reports.[5] The number of state reports received by the Sixth Committee so far remains disappointing. Only 57 (29.5%) of the 193 UN member states and six observers have submitted reports so far.[6]

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[4] The third paper was the first edition of the *Preliminary survey*; the previous two papers were: Amnesty International, *Ending impunity: Developing and implementing a global action plan using universal jurisdiction*, Index: IOR 53/005/2009, 1 October 2009 (http://www.amnesty.org/en/library/info/IOR53/005/2009/en); ____, *Universal Jurisdiction: UN General Assembly should support this essential international justice tool*, Index: IOR 53/015/2010, 5 October 2010 (http://www.amnesty.org/en/library/info/IOR53/015/2010/en).

[5] The scope and application of the principle of universal jurisdiction, Report of the Secretary-General, U.N. Doc. A/67/116, 28 June 2012 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/395/29/PDF/N1239529.pdf?OpenElement).

[6] In 2010, 44 states submitted reports (Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, the Plurinational State of Bolivia, Bulgaria, Cameroon, Chile, China, Costa Rica, Cuba, Cyprus, the Czech Republic,

As explained in more detail below, it is hoped that this updated paper, a preliminary survey of national legislation covering most UN member states, will help provide states with a more comprehensive picture of the extent to which states have defined certain crimes under international law as crimes in their national law. It also gives states a more complete view of which states have provided their courts with universal jurisdiction over these crimes under international law and over ordinary crimes. Amnesty International welcomes the shift in the written submissions and the oral interventions in the discussion from questioning the legitimacy of the use of universal jurisdiction to recognizing that this tool of international justice is not only consistent with conventional and customary international law, but also is an essential component of the rule of law.

As in previous years, Amnesty International is urging the Sixth Committee to propose for adoption by the General Assembly a resolution that urges states to strengthen this essential judicial tool of international justice found in the legislation of almost all states, and to guarantee the independence and impartiality of those conducting investigations, prosecutions and trials.[7] That resolution should also invite states and relevant observers to continue to submit information and observations with regard to universal jurisdiction to the UN Secretary-General and request the Secretary-General to seek such information and observations from other reliable sources.[8]

Amnesty International's experience in supporting the use of universal jurisdiction. Amnesty International has long experience supporting this essential tool of international justice, including calling on states for more than a quarter of a century to provide their courts with universal jurisdiction over torture, extrajudicial executions and enforced disappearances;[9] submitting third-

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Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Iraq, Israel, Italy, Kenya, Kuwait, Lebanon, Malaysia, Malta, Mauritius, the Netherlands, New Zealand, Norway, Peru, Portugal, the Republic of Korea, Rwanda, Slovenia, South Africa, Sweden, Switzerland, Tunisia and the United States of America). The scope and application of the principle of universal jurisdiction - Report of the Secretary-General prepared on the basis of comments and observations of Governments, U.N Doc. A/65/181, 29 July 2010 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/467/52/PDF/N1046752.pdf?OpenElement).

In 2011, in addition to the seven states that had submitted reports the previous year (Azerbaijan, Cyprus, El Salvador, Lebanon, Slovenia, Sweden and Switzerland), 10 states submitted reports for the first time (Argentina, Bosnia and Herzegovina, Botswana, Colombia, Lithuania, Paraguay, the Philippines, Slovakia, Spain and the United Kingdom). In addition, six observers submitted reports (the AU, the Council of Europe, the International Labour Organization (ILO), the International Maritime Organization (IMO), the Organization for the Prohibition of Chemical Weapons and the International Committee of the Red Cross). The scope and application of the principle of universal jurisdiction - Report of the Secretary-General, U.N. Doc. A/66/93/Add.1, 16 August 2011 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/455/40/PDF/N1145540.pdf?OpenElement).

In 2012, in addition to the five states that had submitted reports previously (El Salvador, Finland, Kuwait, New Zealand and Sweden), three states submitted reports for the first time (Ghana, Panama and Vietnam).

[7] *Universal jurisdiction: Strengthening this essential tool of international justice*, Index: IOR 53/020/2012, September 2012.

[8] The General Assembly has adopted resolutions after each of the previous annual discussions. G.A. Res. 66/103, 9 December 2011; G.A. Res. A/RES/65/53, 6 December 2010; G.A. Res. 64/117, 16 December 2009.

[9] Amnesty International, *12-Point Program for the Prevention of Torture,* Point 8 (Prosecution of alleged torturers) ("Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no 'safe haven' for torturers."), in Amnesty International, *Torture in the Eighties* 249, 250 (AI Index: ACT 04/01/84) (1984); Amnesty International, *14-Point Program for the Prevention of Extrajudicial Executions*, Point 11 (Prosecution) ("Governments should ensure that those responsible for extrajudicial executions are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has

party interventions in the *Pinochet* case in the United Kingdom House of Lords;[10] publishing a memorandum in 2001 on universal jurisdiction in approximately 125 states;[11] issuing a study of

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elapsed since the commission of the crime."), reproduced in Amnesty International, *"Disappearances" and Political Killings: Human Rights Crisis of the 1990s – A Manual for Action*, AI Index: ACT 33/001/1994, February 1994; Amnesty International, *14-Point Program for the Prevention of "Disappearances"*, Point 11 (Prosecution) ("Governments should ensure that those responsible for 'disappearances' are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime."), reproduced in *ibid*.

[10] *Regina v. Bartle and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet Regina v. Evans and Another and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet (On Appeal from a Divisional Court of the Queen's Bench Division) (No. 3*), 24 March 1999 (http://www.parliament.the-stationery-office.co.uk/pa/ld199899/ldjudgmt/jd990324/pino1.htm); *Regina v. Bartle and the Commissioner of Police for the Metropolis and others EX Parte Pinochet (on appeal from a Divisional Court of the Queen's Bench Division) (No. 1) (http://www.parliament.the-stationery-office.co.uk/pa/ld199899/ldjudgmt/jd981125/pino01.htm).*

[11] Amnesty International published a 722-page memorandum in September 2001, *Universal jurisdiction: The duty of states to enact and implement legislation*, documenting state practice at the international and national levels in approximately 125 countries in separate chapters:

Introduction, Index: IOR 53/002/2001 (http://www.amnesty.org/en/library/info/IOR53/002/2001);
Chapter One - Definitions, Index: IOR 53/003/2001 (http://www.amnesty.org/en/library/info/IOR53/003/2001);
Chapter Two – The evolution of the practice of universal jurisdiction, Index: IOR 53/004/2001 (http://www.amnesty.org/en/library/info/IOR53/004/2001);
Chapter Three – War crimes: The legal basis for universal jurisdiction, Index: IOR 53/005/2001 (http://www.amnesty.org/en/library/info/IOR53/005/2001);
Chapter Four: Part A – War crimes: State practice – Algeria – Hungary, Index: IOR 53/006/2001 (http://www.amnesty.org/en/library/info/IOR53/006/2001);
Chapter Four: Part B – War crimes: State practice – India – Zimbabwe, Index: IOR 53/007/2001 (http://www.amnesty.org/en/library/info/IOR53/007/2001/en);
Chapter Five – Crimes against humanity: The legal basis for universal jurisdiction, Index: IOR 53/008/2001 (http://www.amnesty.org/en/library/info/IOR53/008/2001/en);
Chapter Six – Crimes against humanity: State practice – a country by country analysis, Index: IOR 53/009 (http://www.amnesty.org/en/library/info/IOR53/009/2001/en);
Chapter Seven – Genocide: The legal basis for universal jurisdiction, Index: IOR 53/010/2001 (http://www.amnesty.org/en/library/info/IOR53/010/2001/en);
Chapter Eight – Genocide: State practice at the national level, Index: IOR 53/011/2001 (http://www.amnesty.org/en/library/info/IOR53/011/2001/en);
Chapter Nine – Torture: The legal basis for universal jurisdiction, Index: IOR 53/12/2001 (http://www.amnesty.org/en/library/info/IOR53/012/2001/en);
Chapter Ten – Torture: State practice at the national level, Index: IOR 53/013/2001 (http://www.amnesty.org/en/library/info/IOR53/013/2001/en);
Chapter Eleven – Extrajudicial executions, Index: IOR 53/014/2001 (http://www.amnesty.org/en/library/info/IOR53/014/2001/en);
Chapter Twelve: "Disappearances", Index: IOR 53/015/2001 (http://www.amnesty.org/en/library/info/IOR53/015/2001/en);
Chapter Thirteen – Other crimes, Index: IOR 53/016/2001 (http://www.amnesty.org/en/library/info/IOR53/016/2001/en);
Chapter Fourteen – Overcoming obstacles to implementing universal jurisdiction, Index: IOR 53/017/2001 (http://www.amnesty.org/en/library/info/IOR53/017/2001/en); and
Chapter Fifteen - Recommendations, bibliography and appendix (ratifications chart), Index: IOR 53/018/2001 (http://www.amnesty.org/en/library/info/IOR53/018/2001/en).

universal civil jurisdiction (not addressed in this preliminary survey),[12] supplying information to the International Law Commission to assist it in its study of the related topic of *aut dedere aut judicare*[13] and publishing a series of papers on universal jurisdiction in individual countries.[14] Universal jurisdiction is an essential tool of international justice because of the limited jurisdiction of international courts and because national police and prosecutors are all too often unwilling and unable genuinely to investigate crimes under international law (war crimes, crimes against humanity, enforced disappearances, torture, genocide and extrajudicial executions) in their own countries. Hence, every state should provide its courts with effective universal jurisdiction over such grave crimes that undermine the international legal framework and eliminate any obstacles to national courts exercising such jurisdiction as agents of the international community to repress such crimes.

The updated Amnesty International preliminary survey. As a contribution to the discussion in the Sixth Committee, this updated preliminary survey documents how many UN member states have not only defined four crimes under international law (war crimes – at least one, crimes against humanity – at least one, genocide and torture) as crimes under their national law, but also how many of them have either provided for universal jurisdiction over those crimes or have provided for universal jurisdiction over ordinary crimes under national law, permitting their courts to try persons for conduct amounting to crimes under international law when that conduct is also an ordinary crime, such as murder, assault, rape or abduction.

It must be emphasized at the outset that this is only a *preliminary* survey. Although it updates the 722-page 2001 Amnesty International *Memorandum* and covers almost all 193 UN member states, it has not been possible in this shorter paper to provide the same level of detail, relevant extracts of legislation both in translation and in the original language, references to secondary sources and in-depth legal analysis. In particular, in a preliminary survey of this nature, it has not been possible to provide the legal analysis of each provision where there are elements of ambiguity about its scope or meaning. Therefore, the general principles used in such analysis in the survey are explained and, where there were significant doubts about whether a provision defined a crime under international law or gave national courts universal jurisdiction, it was not listed. It is entirely possible, however, that national courts would, in certain instances, give such provisions a more expansive interpretation.

After a brief description below of the two annexes that summarize the results of this updated preliminary survey (Section I.A), there is a discussion of the well-established definitions employed in conducting the survey (Section I.B), a brief description of analytical principles used (Section 1.C) and then a review of the scope of the preliminary survey, indicating a range of matters that are not

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[12] Amnesty International, *Universal Jurisdiction: The scope of universal civil jurisdiction*, Index: IOR 53/008/2007, 1 July 2007 (http://www.amnesty.org/en/library/info/IOR53/008/2007).

[13] See, for example, Amnesty International, *Amnesty International, International Law Commission: The obligation to extradite or prosecute* (aut dedere aut judicare), AI Index: IOR 40/001/2009, 3 February 2009 (http://www.amnesty.org/en/library/info/IOR40/001/2009/en). Also available in Spanish at: http://www.amnistiainternacional.org/Publicacion.php?Id=119.

[14] The next papers in the *No safe haven* series are on Burkina Faso, Ghana, Sierra Leone and Vanuatu, due to be published in the near future. Six papers have been published so far: Bulgaria (http://www.amnesty.org/en/library/info/EUR15/001/2009/en); Germany (http://www.amnesty.org/en/library/info/EUR23/003/2008/en); (https://doc.es.amnesty.org/cgibin/ai/BRSCGI/ALEMANIA%20LA%20LUCHA%20CONTRA%20LA%20IMPUNIDAD%20A%20TRAVES%20DE%20LA%20JURISDICCION%20UNIVERSAL?CMD=VEROBJ&MLKOB=27141201313) (Spanish); Solomon Islands (http://www.amnesty.org/en/library/info/ASA43/002/2009/en); Spain (http://www.amnesty.org/es/library/info/EUR41/017/2008/es) (Spanish only); Sweden (http://www.amnesty.org/en/library/info/EUR42/001/2009/en); Venezuela (http://www.amnesty.org/en/library/info/AMR53/006/2009/en); (http://www.amnesty.org/es/library/info/AMR53/006/2009/es) (Spanish).

addressed, in particular, the extensive obstacles in legislation undermining the effectiveness of universal jurisdiction as tool of international justice (Section I.D). Section II contains a brief analysis of the extent to which states have defined the four crimes under international law (war crimes, crimes against humanity, genocide and torture) in national law and provided universal jurisdiction over these crimes and over ordinary crimes.

A. THE TWO ANNEXES

Annex I. Annex I is a chart indicating whether the UN member state has defined war crimes, crimes against humanity, genocide or torture as a crime under national law and whether it has provided its courts with universal jurisdiction over these crimes and over ordinary crimes. It does not indicate whether the state has defined crimes under national law of international concern, such as counterfeiting, hostage-taking, hijacking and transnational crime, as crimes under its national law.[15] If the entry contains a question mark, it simply means that Amnesty International has not yet been able to locate relevant legislation to determine whether the crime has been defined under national law or it has not been able to determine whether that state's courts can exercise universal jurisdiction over the crime. In a few instances, the question mark indicates that the meaning of the relevant provision is too ambiguous to draw any conclusions.

Annex II. Annex II indicates for each state where legislation has been located, each source consulted, the date of the source (where known) and the link to the source (where one has been found).

Information was sought regarding legislation in all 193 UN member states, but it proved impossible to locate any relevant legislation in one state (Swaziland) and insufficient amounts of legislation in another (Suriname). It was not possible to locate all relevant legislation in some other states. When the missing relevant legislation is located and analyzed, it will be brought to the attention of states in connection with subsequent meetings of the Sixth Committee regarding universal jurisdiction. In addition, it has not been possible to review all legislation of each state. To assist the reader, Annex II clearly indicates what sources were consulted, the dates of those sources and links to the sources (where they are known to exist), so that the sources themselves may be consulted. It is entirely possible that in a few instances amendments to relevant provisions of legislation cited have been made of which the organization is unaware, as in the case of Mauritius in this updated paper, or that there is other or more recent legislation defining crimes under international law as crimes under national law or providing for universal jurisdiction over crimes under international law or over ordinary crimes that Amnesty International has not yet located. In addition, in a number of instances, only a translation of the legislation, not the original text, was reviewed. In some cases, translations were available only of the original codes, not subsequent amendments.

AMNESTY INTERNATIONAL WOULD WELCOME RECEIVING COPIES OF ANY LEGISLATION OR AMENDMENTS NOT MENTIONED IN THIS PAPER. IT WOULD ALSO WELCOME RECEIVING ANY CORRECTIONS WITH RESPECT TO THE LEGISLATION CITED, AS WELL AS ANY AUTHORITATIVE COMMENTARIES OR JURISPRUDENCE INTERPRETING

[15] Crimes under national law of international concern, over which most states have provided universal jurisdiction and which are not included in this preliminary survey to ensure that it was of manageable length, include: piracy; counterfeiting; narcotics trafficking; violence against passengers or crew on board a foreign aircraft abroad; hijacking a foreign aircraft abroad; sale of psychotropic substances; certain attacks on aviation; terrorist attacks against internationally significant persons; attacks on internationally protected persons, including diplomats; sheltering, supporting or enlisting in mercenary bands; hostage taking; theft of nuclear materials; attacks on ships and navigation at sea; use, financing and training of mercenaries; trafficking in minors; attacks on UN and associated personnel; terrorist bombing; terrorism; financing of terrorism; transnational crime (organized crime, trafficking of human beings and illicit manufacturing of and trafficking in firearms; corruption; and nuclear terrorism.

THOSE PROVISIONS. SUCH INFORMATION SHOULD BE SENT WITH THE SUBJECT MATTER CITED AS "UNIVERSAL JURISDICTION LEGISLATION" TO: IJP@AMNESTY.ORG.

B. DEFINITIONS

As a preliminary matter, it is essential to distinguish the rule of universal jurisdiction from the related *aut dedere aut judicare* (extradite or prosecute) rule and from other forms of extraterritorial jurisdiction (active and passive personality and protective jurisdiction).

Universal jurisdiction is the *ability* of the court of any state to try persons for crimes committed outside its territory that are not linked to the state by the nationality of the suspect or the victims or by harm to the state's own national interests.[16] Sometimes this rule is called permissive universal jurisdiction.

This rule is now part of customary international law, although it is also reflected in treaties, national legislation and jurisprudence concerning crimes under international law, crimes under national law of international concern (see footnote 15) and ordinary crimes under national law. When a national court is exercising jurisdiction over conduct amounting to crimes under international law or crimes under national law of international concern committed abroad, as opposed to conduct amounting simply to ordinary crimes, the court is really acting as an agent of the international community enforcing international law. As the Supreme Court of Israel in the *Eichmann* case explained:

> *Not only do all the crimes attributed to the appellant bear an international character, but their harmful and murderous effects were so embracing and widespread as to shake the international community to its very foundations. The State of Israel therefore was entitled, pursuant to the principle of universal jurisdiction and in the capacity of a guardian of international law and an agent for its enforcement, to try the appellant. That being the case, no importance attaches to the fact that the State of Israel did not exist when the offences were committed.*[17]

Under the related ***aut dedere aut judicare*** (extradite or prosecute) rule, a state may not shield a person in territory subject to its jurisdiction suspected of certain categories of crimes. Instead, it is *required* either to exercise jurisdiction (which would necessarily include universal jurisdiction in certain cases) over a person suspected of certain categories of crimes or to extradite the person to a state able and willing to do so or to surrender the person to an international criminal court with jurisdiction over the suspect and the crime.[18] As a practical matter, when the *aut dedere aut judicare* rule applies, the state where the suspect is found must ensure that its courts can exercise all possible forms of geographic jurisdiction, including universal jurisdiction, in those cases where it will not be in a position to extradite the suspect to another state or to surrender that person to an international criminal court.[19]

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[16] Amnesty International, *Universal jurisdiction: The duty of states to enact and implement legislation*, AI Index: IOR 53/003/2001, September 2001, Ch. One (Definitions), p. 11. The International Law Commission has adopted an identical approach in its working definition of universal jurisdiction. Preliminary report on the 'Obligation to extradite or prosecute ('aut dedere aut judicare')', A/CN.4/571, by Zdzislaw Galicki, Special Rapporteur, International Law Commission, Fifty-eighth session, Geneva, 1 May-9 June and 3 July- 11 August 2006, para. 19. In addition, the same definition is used in the International Bar Association's Report of the Task Force on Extraterritorial Jurisdiction, 2008, p.151 (http://www.ibanet.org/Publications/publications_books.aspx).

[17] *Attorney General of Israel v. Eichmann*, 36 Int'l L. Rep. 277, 304 (Israel Sup. Ct. 1962).

[18] See, for example, Gaspard Ruhumuriza case in Switzerland. *"La Suisse refuse d'extrader un Rwandais. Le Rwanda peut présenter à la Suisse une demande de délégation de la poursuite pénale »*, Communiqués, OFJ, 30.06.2009 (http://www.ejpd.admin.ch/ejpd/fr/home/dokumentation/mi/2009/ref_2009-06-300.html).

[19] Every state could face this eventuality at some point. For example, no other state might seek an alien suspect's extradition and no international criminal court might have jurisdiction over the crime or the suspect or the case might be inadmissible for some reason in such a court. Therefore, as a practical matter, the view of some that the *aut dedere aut judicare* rule today does not require a state to exercise universal jurisdiction is not strictly

Active personality jurisdiction. Active personality jurisdiction is a category of jurisdiction based on the nationality of the suspect or defendant at the time of the commission of the crime or tort.[20] This category of jurisdiction does not include jurisdiction over crimes committed by a foreigner who is not a national, but who is a resident of the country, at the time of the crime, or who subsequently becomes a resident, domiciliary or national of the forum state. Jurisdiction over crimes on such a basis instead falls under the category of universal jurisdiction.

Passive personality jurisdiction. Passive personality jurisdiction is a category of jurisdiction based on the nationality of the victim at the time of the commission of the crime or the tort.[21] It does not include crimes committed against someone who became a national, domiciliary or resident of the forum state after the crime was committed; in that situation, jurisdiction would be universal. In addition, it also does not apply to crimes committed against a national of a co-belligerent state in an armed conflict who is not a national of the forum state. Such jurisdiction, sometimes called belligerent jurisdiction, is simply an example of universal jurisdiction.

Protective jurisdiction. The category of protective jurisdiction involves jurisdiction over crimes committed against the forum state's own special interests, such as counterfeiting the forum state's currency, treason and sedition.[22]

C. ANALYTICAL PRINCIPLES USED IN THE PRELIMINARY SURVEY

In addition to identifying the accepted definitions of various forms of extraterritorial jurisdiction

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correct. It is true that some early treaties expressly imposed an *aut dedere aut judicare* obligation only with respect to suspects who were nationals of the requested state. Now, however, the usual rule is to impose such an obligation regardless of the nationality of the suspect. Therefore, in some cases, the rule will require the exercise of territorial or other principles of extraterritorial jurisdiction; in other cases, however, the only way the requested state will be able to fulfil its obligations under international law will be to exercise universal jurisdiction. Indeed, almost every treaty imposing an *aut dedere aut judicare* obligation expressly requires states parties to provide for universal jurisdiction in the event that extradition is not possible.

[20] This is the approach taken in the International Bar Association Legal Practice Division, Report of the Task Force on Extraterritorial Jurisdiction (October 2008) (IBA Report), p. 144: "The active personality principle, also known as the active nationality principle, permits a state to prosecute its nationals for crimes committed anywhere in the world, if, at the time of the offense, they were such nationals.". For the scope of the active personality principle, see Amnesty International, *Universal jurisdiction: The duty of states to enact and enforce legislation – Ch. One*, AI Index: IOR 53/003/2001, September 2001, Sect. II.B (http://www.amnesty.org/en/library/asset/IOR53/003/2001/en/a866e900-d8f0-11dd-ad8c-f3d4445c118e/ior530032001en.pdf). See also Dapo Akande, *Active Personality Principle*, in Antonio Cassese, ed., *The Oxford Companion to International Justice,* Oxford: Oxford University Press, 2008, 229 (criticizing the application of the active personality principle to persons possessing the forum state's nationality at the time of prosecution, but not at the time of the crime, except when it was a crime under international law; seeing prosecution of persons who became residents of the forum state after the crime as analogous to active personality jurisdiction).

[21] IBA Report, *supra*, note 18, p.146: "The victim must have been a national of the foreign state, State A, at the time of the crime". For the scope of the passive personality principle, see Amnesty International, *Universal jurisdiction (Ch. One), supra*, note 9, at Sect. II.C. See also Dapo Akande, *Passive Personality Principle*, in Cassese, *supra,* note 18, at p. 452 (justifying the passive personality jurisdiction on the ground that perpetrators "will often select their victims based on this nationality and will know that the state of nationality has an interest in preventing such acts").

[22] For the scope of protective jurisdiction, see Amnesty International, *Universal jurisdiction (Ch. One), supra*, note 18, at Sect. II.D. For a somewhat more restrictive definition, see IBA Report, *supra*, note 18, p. 149: "[T]he 'protective principle' … recognizes a state's power to assert jurisdiction over a limited range of crimes committed by foreigners outside its territory, where the crime prejudices the state's vital interests". See also Dapo Akande, *Protective Principle (Jurisdiction)*, in Cassese, *supra,* note 18, at p. 474 (similar narrow definition).

employed in this preliminary survey, it is important to note some basic analytical principles used.

Definitions. With regard to definitions of crimes, a state is listed in Annex I as having defined some war crimes in national law even when only one crime or a few crimes (such as grave breaches of the Geneva Conventions or only war crimes in international armed conflict) were included. The same approach was used with regard to crimes against humanity when only one (such as *apartheid*, the slave trade or slavery) was included. In that situation, the survey indicates that limitation in the country entries in Annex II. Although the extremely serious crime of trafficking in persons sometimes can amount to a crime against humanity, because of the wide variety and complexity of this legislation that often covers conduct that does not constitute a crime against humanity, this serious crime under national law of international concern was not included in this preliminary survey, but it will be addressed in various Amnesty International publications in the future. Similarly, although torture can be a crime against humanity or a war crime, if it was listed as a separate crime, it was addressed separately in Annex I under the torture heading.

Given that one of the most common problems (see Section D below) with national legislation is that the definitions fall short of the strictest requirements of international law, legislation clearly identifying the crime was not excluded simply because the definition was flawed. However, legislation that simply included an ordinary crime, such as assault, or legislation providing that torture was an aggravating factor in determining the appropriate sentence, but not an independent crime, was not listed in Annex I or Annex II.

Jurisdictional provisions. There are no authoritative judicial decisions interpreting jurisdictional provisions in most states. Therefore, it is possible that in some instances national courts will interpret such provisions differently when they are invoked in practice. The following principles will explain how this paper categorized certain common types of jurisdictional provisions.

Crime defined in national law, with reference to treaty obligation to prosecute. In some instances, the state has defined a crime under international law, such as torture, as a crime in its national law and provided that its courts have jurisdiction over crimes where it is obliged under a treaty it has ratified to prosecute. Such treaties are those with *aut dedere aut judicare* provisions that require a state party if a suspect is present to submit the case to its prosecuting authorities for the purpose of prosecution if the suspect is not extradited. These treaties include the Geneva Conventions (grave breaches), Protocol I (grave breaches), Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (damage to cultural property), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) (torture) and the Convention for the Suppression and Punishment of the Crime of *Apartheid* (*Apartheid* Convention). In these instances, Annex I indicates that the state has universal jurisdiction over the relevant crime (YES).

Crimes defined in national law, with reference to treaties. In some instances, the state has defined a crime under international law, such as genocide, as a crime in national law and provided that its courts have jurisdiction over crimes in treaties it has ratified (some provisions do not specify that the treaty has to have been ratified). In those instances, the state would have jurisdiction not only over crimes in *aut dedere aut judicare* treaties, but treaties like the Convention for the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and the Rome Statute of the International Criminal Court (Rome Statute) that do not contain an *express* obligation to exercise universal jurisdiction, although they may contain an implied obligation to do so. Annex I indicates that the state has jurisdiction over the relevant crime (YES).

Crime not defined in national law, with reference to treaty obligation to prosecute. In some instances, the state will not have defined the crime in national law, but it has provided that its courts have jurisdiction over crimes where it is obliged under a treaty it has ratified to prosecute. In that situation, if the state has ratified such an *aut dedere aut judicare* treaty, it would not be able to prosecute a suspect for the crime under international law, such as torture, since it has not defined

the crime in its own criminal law. However, it could fulfil its obligations under the treaty in a manner consistent with the principle of legality (requiring both the crime and the sentence to be defined) by prosecuting the suspect for an ordinary crime with a specified sentence under national law, such as assault or rape, even though the state had failed to provide its courts with universal jurisdiction over ordinary crimes. Annex I then indicates that the state has jurisdiction over some conduct amounting to the relevant crime, but only as an ordinary crime (YES/O).

Crime not defined in national law, universal jurisdiction over ordinary crimes. In a significant number of instances, the state has failed to define crimes under international law as crimes under national law, but it has provided for universal jurisdiction over ordinary crimes under national law, such as murder, assault, rape and abduction. In those instances, where the national courts can exercise universal jurisdiction over conduct amounting to a crime under international law, but only as a crime under national law, Annex I indicates that jurisdiction as YES/O.

Crime not defined in national law, constitution provides treaties are part of national law. In some instances where states have not defined crimes under international law as crimes in its own national law, the constitution provides that treaties are part of national law (in most instances, the state must be a party to the treaties). Unless there is an authoritative or convincing analysis by local counsel or national practice (such as the prosecution of Axis nationals directly for crimes under international law) indicating that such a provision would permit prosecutions in national courts on the basis of universal jurisdiction directly under international law with respect to *aut dedere aut judicare* treaties regarding a particular crime, Annex I indicates that suspects could be prosecuted only for ordinary crimes under national law (YES/O) since the national law would not provide for the applicable sentence if the person was convicted. This approach has been followed in monist states that decline under their interpretation of the principle of legality to prosecute persons directly under international law and, instead, require that the crime and the sentence be defined in national law.

The same approach has been taken in Annex I with regard to constitutional or legislative provisions incorporating customary international law as part of national law. There are a few exceptions, where national courts in the state have prosecuted persons under such provisions.

D. LIMITED SCOPE OF THIS UPDATED PRELIMINARY GLOBAL SURVEY

This updated preliminary survey of legislation does not address all matters regarding universal jurisdiction legislation, such as universal civil jurisdiction and national cases in which that legislation has been the basis of prosecution[23] or extradition.[24] In particular, the preliminary survey does not address two important issues: the urgent need to eliminate obstacles to exercising universal jurisdiction and to incorporate effective human rights guarantees, both with respect to prosecutions and with respect to state cooperation in extradition and mutual legal assistance. These issues will be addressed in various other publications by Amnesty International at some point in the future.

The need to eliminate obstacles to universal jurisdiction. As the legitimacy of universal jurisdiction as an essential tool of international justice becomes increasingly recognized, it becomes all the more important to devote greater attention to eliminating obstacles to investigating and prosecuting cases based on universal jurisdiction involving conduct that amounts to crimes under international law and to extradition and mutual legal assistance in such cases. Many of these obstacles are documented in

[23] Since the Second World War, prosecutions based on universal jurisdiction have been instituted, although not all have led to a final judgment, in Argentina, Austria, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Israel, Netherlands, Norway, Paraguay, Senegal, Spain, Sweden, Switzerland, the United Kingdom and the United States of America. A court in South Africa has ordered the national police and prosecutor to open an investigation of officials from Zimbabwe suspected of torture and South African police have since opened an investigation of allegations that the former President of Madagascar was responsible for crimes against humanity.
[24] An Argentine national was extradited by Mexico to Spain to face a prosecution based on universal jurisdiction.

the reports of the Secretary-General. These obstacles include:

- failure to define crimes under international law as crimes under national law;
- inadequate definitions of crimes and principles of criminal responsibility;
- improper defences, such as superior orders;
- presence requirements in order to open an investigation or to seek extradition;
- limiting universal jurisdiction to persons who are residents or who subsequently become residents or nationals;
- limiting universal jurisdiction to foreign nationals that are civil servants or members of the armed forces;
- statutes of limitation;
- requirements of double criminality;
- recognition of claims by current or former foreign officials to immunities;
- bars on retrospective application of national criminal law even when the conduct was a crime under international law at the time it was committed;
- *ne bis in idem* (double jeopardy) bars, even when the foreign proceeding was a sham or unfair;
- political control over decisions to investigate, prosecute or extradite;
- restrictions on the rights of victims with regard to the proceedings and to reparation;
- recognition of amnesties and similar measures of impunity; and
- obstacles in extradition and mutual legal assistance legislation and treaties.

None of these obstacles should exist with respect to the investigation and prosecution of crimes under international law.

The need to ensure effective human rights safeguards. As in cases based on territorial jurisdiction and other forms of extraterritorial jurisdiction, legislation must effectively guarantee the right to fair trial in accordance with international law and standards and exclude the death penalty.[25] However, in universal jurisdiction cases, it is particularly important to ensure that the accused has the same access to evidence abroad as the prosecution. In addition, legislation must ensure that extradition will not be granted or mutual legal assistance provided if it would involve the risk of the death penalty, torture or other ill-treatment or unfair trial.

[25] For a comprehensive discussion of the scope of the right to fair trial, see Amnesty International, *Fair Trials Manual*, Index: POL 30/002/1988, 1 December 1998 (second edition forthcoming 2013) (http://www.amnesty.org/en/library/info/POL30/002/1998).

II. DEFINITIONS OF CRIMES IN NATIONAL LAW AND UNIVERSAL JURISDICTION

This preliminary survey indicates that 166 (approximately 86%) of the 193 UN member states have defined one or more of the four crimes under international law (war crimes, crimes against humanity, genocide and torture) as crimes in their national law. As noted below, however, not only have many states failed to define all of these crimes under international law as crimes under national law, but in many instances the definitions are not consistent with the strictest requirements of international law, creating a serious impunity gap. 24 states apparently have not defined any of them as crimes in their national law. No relevant legislation could be located in one state (Swaziland) and in sufficient legislation in another (Suriname), making it impossible to determine whether they had included any or some of these crimes in national law.

In addition, it appears that 147 (approximately 76.2%) states have provided universal jurisdiction over one or more crimes under international law and 91 (approximately 47.1%) states have provided universal jurisdiction over ordinary crimes under national law, even when the conduct does not involve conduct amounting to a crime under international law, in most instances permitting their courts in certain circumstances to exercise universal jurisdiction over some conduct that amounts to a crime under international law. In addition, many states have constitutional or legislative provisions requiring them to extradite or prosecute persons suspected of crimes under international law, but, because they have not defined such crimes as crimes under national law, the only way that they can fulfil – at least in part - their responsibilities under international law will be to prosecute those persons for ordinary crimes. As explained below in Section II.D on ordinary crimes, this ability has proved to be very useful when the state concerned has not yet included particular crimes under international law as crimes under national law. As previously noted, no relevant legislation could be found in one state and in some states not all relevant legislation could be located. In addition, in most instances, there are numerous obstacles to the exercise of universal jurisdiction over crimes (see the discussion of the most common obstacles in Section I.D above).

A. WAR CRIMES

As of 1 September 2012, it appears that at least 142 (approximately 73.6%) UN member states have included at least one war crime as a crime under national law and at least 136 (approximately 70.5%) UN member states have provided for universal jurisdiction over such crimes. In addition, at least approximately 29 (approximately 15.0%) UN member states, although they have not expressly included war crimes in their national law, have provided their courts with universal jurisdiction over ordinary crimes under national law, which means that they can try persons based on universal jurisdiction for at least some conduct, such as murder, assault, rape and abduction committed during armed conflict, that amounts to war crimes.

As with the three other crimes under international law covered in this preliminary survey, many of the definitions of war crimes are seriously flawed. In some instances, only one war crime is included in national law; in others only war crimes in international armed conflict are included.

B. CRIMES AGAINST HUMANITY

As of 1 September 2012, it appears that at least 92 (approximately 47.7%) UN member states have included at least one crime against humanity as a crime under national law and at least 80 (approximately 41.5%) UN member states have provided for universal jurisdiction over such crimes. In addition, at least 45 (approximately 23.3%) UN member states, although they have not expressly included crimes against humanity in their national law have provided their courts with universal jurisdiction over ordinary crimes under national law, which means that they can try persons based on universal jurisdiction for at least some conduct, such as murder, assault, rape and abduction, that, if committed as part of a widespread or systematic attack against civilian population, amounts to crimes against humanity.

Many of the definitions of crimes against humanity are seriously flawed. In some instances, only one crime against humanity, such as *apartheid*, slavery or the slave trade, is included in national law.

C. GENOCIDE

As of 1 September 2012, it appears that at least 118 (approximately 61.1%) UN member states have included genocide as a crime under national law and at least 94 (approximately 48.7%) UN member states have provided for universal jurisdiction over genocide. In addition, at least 25 (approximately 13.0%) UN member states, although they have not expressly included genocide in their national law have provided their courts with universal jurisdiction over ordinary crimes, which means that they can try persons based on universal jurisdiction for at least some conduct, such as murder, assault, rape and abduction, that if committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, could amount to genocide.

Although some definitions of genocide under national law are broader than in the Genocide Convention, by including more protected groups and more prohibited acts, other definitions fall short of international law by excluding certain protected groups or omitting certain prohibited conduct.

D. TORTURE

As of 1 September 2012, it appears that at least 95 (approximately 49.2%) UN member states have included torture as a separate crime under national law (not as a war crime or crime against humanity) and at least 85 (approximately 44%) UN member states have provided for universal jurisdiction over this crime. In addition, at least 40 (approximately 20.72%) UN member states, although they have not expressly included torture in their national law have provided their courts with universal jurisdiction over ordinary crimes, which means that they can try persons based on universal jurisdiction for at least some conduct, such as assault and rape, that, in some circumstances, could be prosecuted as torture.

Many states, including states parties to the Convention against Torture, have flawed definitions of the crime of torture. Indeed, the repeated concluding observations by the Committee against Torture concerning the failure to define torture in accordance with Article 1 of the Convention against Torture make depressing reading. If, as in a number of codes, torture was simply listed as an aggravating factor in determining an appropriate sentence, it was not included in the preliminary survey.

E. ORDINARY CRIMES

As of 1 September 2012, least 91 (approximately 47.1%) UN member states have expressly provided their courts with universal jurisdiction over ordinary crimes. That means that they can try persons based on universal jurisdiction for at least some conduct, such as murder, assault, rape and abduction, which could under some circumstances amount to crimes under international law. As explained below, such jurisdiction is particularly important when such states have not yet expressly

included crimes under international law as crimes in their own national law. The ability of national courts to exercise universal jurisdiction over some conduct amounting to crimes under international law as ordinary crimes has permitted courts in Austria,[26] Denmark,[27] Germany[28] and Norway[29] in the past to seek to try persons for such conduct as crimes under international law. No state is known to have protested over the exercise of such jurisdiction.

Of course, prosecuting a person suspected of crimes under international law simply for ordinary crimes under national law is not satisfactory as it leaves gaps where conduct amounting to crimes under international law is not subject to criminal responsibility under national law. For example, the state may decide not to apply the legal consequences of such crimes, such as prohibitions of statutes of limitations, amnesties, immunities. In addition, conviction for an ordinary crime, even when it has common elements, does not convey the same moral condemnation as if the person had been convicted of a crime under international law and does not necessarily involve as severe a punishment. Another serious problem with relying on ordinary crimes to prosecute persons suspected of crimes under international law is that principles of criminal responsibility applicable to ordinary crimes would not include command or superior responsibility, making it difficult or impossible to prosecute commanders or superiors for failing to exercise such responsibility over their subordinates.

The fundamental distinction between crimes under international law, which are an attack on the entire international community, and ordinary crimes under national law, which are a concern of the state where the crime was committed, was vividly demonstrated in the decision by the International Criminal Tribunal for Rwanda (ICTR) in 2006, to refuse to transfer a case involving charges of genocide to Norway, where the accused would have faced only a charge of murder as an ordinary crime. The Trial Chamber explained:

> *In this case, it is apparent that the Kingdom of Norway does not have jurisdiction (*ratione materiae*) over the crimes as charged in the confirmed Indictment. In addition, the Chamber recalls that the crimes alleged – genocide, conspiracy to commit genocide and complicity in genocide* – are significantly different in term of their elements and their gravity from the crime of homicide*, the basis upon which the Kingdom of Norway states that charges may be laid against the Accused under its domestic law. The Chamber notes that the crime of genocide is distinct in that it requires the '"intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such"'. This specific intent is not required for the crime of homicide under Norwegian criminal law. Therefore, in the Chamber's view, the ratione materiae jurisdiction, or subject matter jurisdiction, for the acts alleged in the confirmed Indictment does not exist*

[26] The *Landesgericht, Salzburg* (District Court of Salzburg) issued an indictment in the *Dusko Cvjetkoviič* case on 27 July 1994 for genocide, complicity in genocide and the ordinary crimes of murder and arson.

[27] In November 1994, the Danish High Court (*Ostre Landsrets*) in Copenhagen, acting on the basis of universal jurisdiction over grave breaches of the Third and Fourth Geneva Conventions, conferred by Article 8 (5) of the Penal Code, convicted Refik Sari. After a jury trial of 14 out of 25 charges of the ordinary crimes of assault and aggravated assault under Articles 245 and 246 of the Penal Code, in 1993 of detainees in a detention camp in Bosnia and Herzegovina and sentenced him to eight years' imprisonment. *Public Prosecutor v. N.N.*, High Court (*Ostre Landsrets*), 3d Div., Judgment, 25 November 1994.

[28] On 26 September 1997, Nikolai Jorgi. was convicted of 11 counts of genocide and 30 counts of the ordinary crime of murder in Bosnia and Herzegovina amounting to grave breaches of the Fourth Geneva Convention by the *Oberlandesgericht Düsseldorf* (OLG Düsseldorf), Higher Regional Court at Düsseldorf and sentenced to life imprisonment. *Public Prosecutor v. Jorgi.,* Judgment, Higher Regional Court at Düsseldorf, 26 September 1997 [*Oberlandesgericht Düsseldorf,* StE 8/96, 26 September 1997] (abstract in English *obtainable from* http://www.icrc.org/ihl-nat/ihl-nat).

[29] Norway, at a time when it did not have universal jurisdiction over genocide, offered to try a person being detained by the International Crminal Tribunal for Rwanda (ICTR) suspected of genocide for the ordinary crime of murder, but the ICTR declined (see discussion in main text below).

> *under Norwegian law. Consequently, Michel Bagaragaza's alleged criminal acts cannot be given their full legal qualification under Norwegian criminal law, and the request for the referral to the Kingdom of Norway falls to be dismissed.*[30]

The Appeals Chamber affirmed, stating that it fully appreciated that

> *. . . Norway's proposed prosecution of Mr. Bagaragaza, even under the general provisions of its criminal code, intends to take due account of and treat with due gravity the alleged genocidal nature of the acts underlying his present indictment. However, in the end,* any acquittal or conviction and sentence would still only reflect conduct legally characterized as the 'ordinary crime' of homicide*. . . . Furthermore, the protected legal values are different. The penalization of genocide protects specifically defined groups, whereas the penalization of homicide protects individual lives.*[31]

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[30] *Prosecutor v. Bagaragaza*, Decision on the Prosecution Motion for Referral to the Kingdom of Norway – Rule 11 *bis* of the Rules of Procedure and Evidence, Case No. ICTR-2005-86-11 *bis*, Trial Chamber, 19 May 2006, para. 16 (emphasis added).

[31] *Prosecutor v. Bagaragaza*, Decision on Rule 11 *bis* Appeal, Case No. ICTR-05-86-a AR11 *bis*, Appeals Chamber, 30 August 2006, para. 16 (emphasis added). Norway has since amended its Penal Code to permit its courts to exercise universal jurisdiction over genocide, crimes against humanity and war crimes. Amendment to the General Civil Penal Code, LOV-2005-05-20-28, entered into force on 7 March 2008; See 'National implementation of international humanitarian law: Biannual update on national legislation and case law July–December 2008', 91 Int'l Rev. Red Cross, 2008, p. 185.

ANNEX I: COUNTRY LEGISLATION PROFILE CHART

COUNTRY	WAR CRIMES		CRIMES AGAINST HUMANITY		GENOCIDE		TORTURE		ORDINARY CRIMES
	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	UJ
Afghanistan	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES
Albania	YES	YES	YES	YES	YES	YES	YES	YES	YES
Algeria	YES	YES	NO	YES/0	NO	YES/0	YES	YES	YES
Andorra	YES	YES	YES	YES	YES	YES	YES	YES	YES
Angola	NO	YES/0	NO	NO	NO	NO	NO	NO	NO
Antigua and Barbuda	YES	YES	?	?	YES	?	YES	YES	?
Argentina	YES	YES	YES	YES	YES	YES	YES	YES	NO
Armenia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Australia	YES	YES	YES	YES	YES	YES	YES	YES	NO
Austria	NO	YES/0	NO	YES/0	YES	YES	NO	YES/0	YES
Azerbaijan	YES	YES	YES	YES	YES	YES	YES	YES	NO
Bahamas	YES	YES	?	?	YES	?	?	?	?
Bahrain	NO	NO	NO	NO	NO	NO	YES	NO	?
Bangladesh	YES	NO	YES	NO	YES	NO	NO	NO	NO
Barbados	YES	YES	?	?	YES	?	?	?	?
Belarus	YES	YES	YES	YES	YES	YES	YES	YES	YES
Belgium	YES	YES	YES	YES	YES	YES	YES	YES	YES
Belize	YES	YES	NO	NO	YES	NO	YES	NO	NO
Benin	NO	YES/0	NO	YES/0	NO	NO	NO	YES/0	YES
Bhutan	NO	NO	NO	YES/0	NO	YES/0	YES	YES	YES
Bolivia	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Bosnia and Herzegovina	YES	YES	YES	YES	YES	YES	YES	YES	YES
Botswana	YES	YES	NO	NO	NO	NO	NO	NO	NO
Brazil	YES	YES	YES	NO	YES	YES	YES	YES	NO
Brunei Darussalam	NO	NO	NO	NO	NO	NO	NO	NO	NO
Bulgaria	YES	YES	YES	YES	YES	YES	NO	YES/0	NO
Burkina Faso	YES	YES	YES	YES	YES	YES	NO	NO	YES

COUNTRY	WAR CRIMES		CRIMES AGAINST HUMANITY		GENOCIDE		TORTURE		ORDINARY CRIMES
	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	UJ
Burundi	YES	YES	YES	YES	YES	YES	YES	YES	YES
Cambodia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Cameroon	NO	YES/0	YES	YES	NO	YES/0	YES	YES	YES
Canada	YES	YES	YES	YES	YES	YES	YES	YES	NO
Cape Verde	YES	YES	NO	NO	YES	YES	YES	YES	NO
Central African Republic	YES	NO	YES	NO	YES	NO	YES	NO	NO
Chad	NO	NO	NO	NO	NO	NO	NO	NO	NO
Chile	YES	YES	YES	YES	YES	YES	YES	YES	NO
China (not Hong Kong or Macau)	NO	YES/0	NO	YES/0	NO	NO	YES	YES	NO
Colombia	YES	YES	NO	NO	YES	YES/0	YES	YES/0	YES
Comoros	YES	YES	YES	YES	YES	YES	YES	YES	YES
Congo	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Costa Rica	YES	YES	YES	YES	YES	YES	YES	YES	NO
Côte d'Ivoire	YES	YES	NO	YES/0	YES	YES	NO	YES/0	YES
Croatia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Cuba	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Cyprus	YES	YES	YES	YES	YES	YES	YES	YES	NO
Czech Republic	YES	YES	YES	YES	YES	YES	YES	YES	YES
Democratic People's Republic of Korea	NO	NO	NO	NO	NO	NO	NO	NO	NO
Democratic Republic of the Congo	YES	YES	YES	YES	YES	YES	YES	YES	YES
Denmark	YES	YES	YES	YES	YES	YES	YES	YES	YES
Djibouti		YES	NO	YES/0	NO	YES/0	YES	YES	YES
Dominica	YES	YES	?	?	YES	?	?	?	?
Dominican Republic	NO	YES/0	NO	YES/0	NO	YES/0	YES	YES	NO
Ecuador	NO	YES/0	NO	YES/0	NO	YES/0	YES	YES/0	NO
Egypt	NO	NO	NO	NO	NO	NO	YES	NO	NO
El Salvador	YES	YES	YES	YES	YES	YES	YES	YES	NO
Equatorial Guinea	NO	?	NO	?	NO	?	YES	?	?
Eritrea	YES	YES	YES	YES	YES	YES	YES	YES	YES
Estonia	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Ethiopia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Fiji	YES	YES	YES	YES	YES	YES	NO	NO	YES

COUNTRY	WAR CRIMES		CRIMES AGAINST HUMANITY		GENOCIDE		TORTURE		ORDINARY CRIMES
	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	UJ
Finland	YES	YES	YES	YES	YES	YES	YES	YES	YES
France	YES	YES	YES	YES	YES	YES	YES	YES	NO
Gabon	NO	NO	NO	NO	NO	NO	NO	NO	NO
Gambia	YES	YES	?	?	?	?	?	?	?
Georgia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Germany	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Ghana	YES	YES	YES	YES	YES	YES	NO	YES/0	NO
Greece	NO	YES/0	YES	YES	NO	YES/0	YES	YES	YES
Grenada	YES	YES	?	?	?	?	?	?	?
Guatemala	YES	YES	YES	NO	YES	NO	YES	YES	NO
Guinea	YES	YES	NO	YES/0	NO	YES/0	NO	YES/0	YES
Guinea-Bissau	NO	YES/0	YES	YES/0	YES	YES/0	NO	YES/0	YES
Guyana	YES	YES	?	?	?	?	NO	?	?
Haiti	NO	YES/0	NO	YES/0	NO	NO	YES	YES	NO
Honduras	YES	YES	YES	YES	YES	YES	YES	YES	NO
Hungary	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Iceland	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES
India	YES	YES	NO	NO	NO	NO	NO	NO	NO
Indonesia	NO	YES/0	YES	YES/0	YES	YES/0	NO	YES/0	YES
Iran	NO	YES/0	NO	YES/0	NO	NO	NO	NO	NO
Iraq	YES	YES	YES	YES	YES	YES	YES	YES	YES
Ireland	YES	YES	YES	NO	YES	NO	YES	YES	NO
Israel	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Italy	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Jamaica	YES	YES	NO	NO	YES	NO	NO	NO	NO
Japan	NO	YES/0	NO	NO	NO	NO	NO	YES/0	NO
Jordan	NO	YES/0	NO	YES/0	NO	YES/0	YES	YES	YES
Kazakhstan	YES	YES	NO	NO	YES	YES	YES	YES	YES
Kenya	YES	YES	YES	YES	YES	YES	NO	NO	NO
Kiribati	YES	YES	NO	NO	YES	NO	NO	NO	NO
Kuwait	NO	NO	NO	NO	NO	NO	NO	NO	NO
Kyrgyzstan	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Lao People's Democratic Republic	YES	YES	NO	YES/0	NO	YES/0	YES	YES	YES
Latvia	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Lebanon	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES

COUNTRY	WAR CRIMES		CRIMES AGAINST HUMANITY		GENOCIDE		TORTURE		ORDINARY CRIMES
	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	UJ
Lesotho	YES	YES	?	?	?	?	?	?	?
Liberia	NO	YES/0	NO	YES/0	NO	NO	NO	YES/0	NO
Libyan Arab Jamahiriya	YES	NO	NO	NO	NO	NO	YES	NO	NO
Liechtenstein	NO	YES/0	YES	NO	YES	NO	NO	YES/0	YES
Lithuania	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Luxembourg	YES	YES	YES	YES	YES	YES	YES	YES	YES
Madagascar	YES	YES	NO	YES/0	NO	YES/0	YES	YES	YES
Malawi	YES	YES	NO	NO	NO	NO	NO	NO	NO
Malaysia	YES	YES	NO	NO	NO	NO	NO	NO	YES
Maldives	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mali	YES	YES	YES	YES	YES	YES	YES	YES	YES
Malta	YES	YES	YES	YES	YES	YES	YES	YES	YES
Marshall Islands	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mauritania	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES
Mauritius	YES	YES	YES	YES	YES	YES	NO	?	?
Mexico	YES	YES	YES	YES	YES	NO	YES	YES	NO
Micronesia	NO	NO	NO	NO	NO	NO	NO	NO	NO
Monaco	YES	YES	NO	YES/0	NO	YES/0	NO	YES/0	YES
Mongolia	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Montenegro	YES	YES	YES	YES	YES	YES	YES	YES	YES
Morocco	NO	YES/0	NO	YES/0	NO	YES/0	YES	YES	YES
Mozambique	YES	YES	NO	YES/0	NO	NO	NO	YES/0	NO
Myanmar	NO	NO	YES	NO	NO	NO	NO	NO	NO
Namibia	YES	YES	NO	YES/0	NO	NO	NO	YES/0	NO
Nauru	NO	NO	NO	NO	NO	NO	YES	NO	NO
Nepal	NO	NO	NO	NO	NO	NO	NO	NO	NO
Netherlands	YES	YES	YES	YES	YES	YES	YES	YES	NO
New Zealand	YES	YES	YES	YES	YES	YES	YES	YES	YES
Nicaragua	YES	YES	YES	YES	YES	YES	YES	YES	YES
Niger	YES	YES	YES	YES	YES	YES	NO	NO	NO
Nigeria	YES	YES	YES	NO	NO	NO	NO	NO	NO
Norway	YES	YES	YES	YES	YES	YES	YES	YES	YES
Oman	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES
Pakistan	NO		NO		NO		NO		YES
Palau	YES	NO	NO	NO	NO	NO	NO	NO	NO
Panama	YES	YES	YES	YES	YES	YES	YES	YES	YES

COUNTRY	WAR CRIMES		CRIMES AGAINST HUMANITY		GENOCIDE		TORTURE		ORDINARY CRIMES
	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	UJ
Papua New Guinea	YES	YES	NO	NO	YES	NO	NO	NO	NO
Paraguay	YES	YES	NO	YES/0	YES	YES	YES	YES	NO
Peru	YES	YES	NO	YES/0	YES	YES	YES	YES	NO
Philippines	YES	YES	YES	YES	YES	YES	NO	?	NO
Poland	YES	YES	YES	YES	YES	YES	YES	YES	YES
Portugal	YES	YES	YES	YES	YES	YES	YES	YES	YES
Qatar	NO	YES/0	NO	YES/0	NO	NO	YES	YES/0	NO
Republic of Korea	YES	YES	YES	YES	YES	YES	NO	NO	NO
Republic of Moldova	YES	YES	NO	YES/0	YES	YES	YES	?	YES
Romania	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Russian Federation	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Rwanda	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Saint Kitts and Nevis	YES	YES	?	?	?	?	?	?	?
Saint Lucia	YES	YES	?	?	?	?	?	?	?
Saint Vincent and the Grenadines	YES	YES	NO	NO	YES	NO	NO	NO	NO
Samoa	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
San Marino	NO	YES/0	NO	NO	NO	NO	NO	NO	NO
Sao Tome and Principe	NO	?	NO	?	NO	?	NO	?	NO
Saudi Arabia	YES	?	?	?	?	?	NO	?	?
Senegal	YES	YES	YES	YES	YES	YES	YES	NO	NO
Serbia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Seychelles	YES	YES	NO	NO	YES	NO	NO	NO	NO
Sierra Leone	YES	YES	NO	NO	NO	NO	NO	NO	NO
Singapore	YES	YES	NO	?	YES	?	NO	?	?
Slovakia	YES	YES	YES	YES	YES	YES	YES	NO	NO
Slovenia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Solomon Islands	YES	YES	NO	NO	YES	NO	NO	NO	NO
Somalia	NO	YES/0	YES	YES	NO	YES/0	NO	YES/0	YES
South Africa	YES	YES	YES	YES	YES	YES	NO	NO	YES
South Sudan	NO	NO	NO	NO	NO	NO	NO	NO	NO
Spain	YES	YES	YES	YES	YES	YES	YES	YES	YES
Sri Lanka	YES	YES	YES	NO	NO	NO	YES	YES	NO
Sudan	YES	YES	YES	YES	YES	YES	YES	NO	NO
Suriname	?	?	?	?	?	?	?	?	?

COUNTRY	WAR CRIMES		CRIMES AGAINST HUMANITY		GENOCIDE		TORTURE		ORDINARY CRIMES
	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	Defined in Law	UJ	UJ
Swaziland	?	?	?	?	?	?	?	?	?
Sweden	YES	YES	NO	YES/0	YES	YES	NO	YES/0	YES
Switzerland	YES	YES	YES	YES	YES	YES	NO	YES/0	YES
Syrian Arab Republic	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES
Tajikistan	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Thailand	YES	NO	NO	NO	NO	NO	NO	NO	YES
The former Yugoslav Republic of Macedonia	YES	YES	YES	YES	YES	YES	YES	YES	YES
Timor-Leste	YES	YES	YES	YES	YES	YES	YES	YES	YES
Togo	NO	YES/0	NO	YES/0	NO	YES/0	NO	YES/0	YES
Tonga	NO	NO	NO	NO	YES	NO	NO	NO	NO
Trinidad and Tobago	YES	YES	YES	YES	YES	YES	?	?	?
Tunisia	NO	YES/0	NO	YES/0	NO	NO	YES	YES	NO
Turkey	NO	YES/0	YES	YES/0	YES	YES/0	YES	YES	YES
Turkmenistan	YES	YES	NO	YES/0	YES	YES	YES	YES	YES
Tuvalu	YES	YES	NO	NO	YES	NO	NO	NO	NO
Uganda	YES	YES	YES	YES	YES	YES	NO	NO	NO
Ukraine	YES	YES	YES	YES	YES	YES	YES	YES	YES
United Arab Emirates	?	?	?	YES/0	?	?	?	?	?
United Kingdom of Great Britain and Northern Ireland	YES	YES	YES	YES	YES	YES	YES	YES	NO
United Republic of Tanzania	YES	YES	NO	NO	NO	NO	NO	NO	NO
United States of America	YES	YES	NO	NO	YES	YES	YES	YES	NO
Uruguay	YES	YES	YES	YES	YES	YES	YES	YES	NO
Uzbekistan	YES	YES	NO	YES/0	YES	YES	NO	YES/0	YES
Vanuatu	YES	YES	YES	YES	NO	NO	NO	NO	YES
Venezuela	YES	YES	NO	YES	NO	NO	YES	YES	NO
Viet Nam	YES	YES	YES	YES/0	YES	YES	NO	NO	YES
Yemen	YES	YES	NO	NO	NO	NO	YES	NO	NO
Zambia	NO	NO	NO	NO	NO	NO	NO	NO	NO
Zimbabwe	YES	YES	NO	NO	YES	YES	NO	NO	NO

ANNEX II: BACKGROUND INFORMATION ON LEGISLATION IN EACH COUNTRY

ABBREVIATIONS

Amnesty International 2001 *Memorandum* – *Universal Jurisdiction: The duty of states to enact and enforce legislation*, Index: IOR 53/002 - 018/2001, September 2001.

***Apartheid* Convention -** International Convention on the Suppression and Punishment of the Crime of *Apartheid*, 18 July 1976.

Convention against Torture - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984.

Geneva Conventions –

- Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.
- Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949.
- Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.
- Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

Genocide Convention – Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948.

Protocol I - Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

Redress, *Extraterritorial Jurisdiction* - Redress, *Extraterritorial Jurisdiction in the European Union: A Study of the Laws and Practice in the 27 Member States of the European Union* (December 2010 (http://www.redress.org/downloads/publications/Extraterritorial_Jurisdiction_In_the_27_Member_States_of_the_European_Union.pdf).

Rome Statute – Rome Statute of the International Criminal Court, 17 July 1998.

1954 Hague Convention Second Protocol - Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999.

COUNTRIES

AFGHANISTAN

Sources

- Constitution 2004 (http://www.afghan-web.com/politics/current_constitution.html)
- Penal Code 1976 (http://www.unhcr.org/refworld/pdfid/4c58395a2.pdf)

Definitions of crimes under international law:

War crimes: Penal Code 1976 (no definition)
Crimes against humanity: Constitution, arts. 62 (requires the president not to "have been convicted of crimes against humanity . . . by a court") and 69 ("accusations of crime against humanity . . . can be levelled against the President by one third of the members of the Wolesi Jirga."); Penal Code 1976 (no provision)
Genocide: Penal Code 1976 (no provision)
Torture: Constitution 2004, art. 29 (prohibition of torture, no criminal sanction); Penal Code 1976 (no provision)

Universal jurisdiction

War crimes: Penal Code 1976 (no provision)
Crimes against humanity: Penal Code 1976 (no provision)
Genocide: Penal Code 1976 (no provision)
Torture: Penal Code 1976 (no provision)
Ordinary crimes: Penal Code, art. 16 (Penal Code is applicable to foreign nationals assigned to public services by Afghanistan and who commit a crime abroad during the performance of their assigned duties or for reasons thereof)

ALBANIA

Sources

Penal Code of the Republic of Albania 1995, amended by Law No. 8733, 24 January 2001)
(http://legislationline.org/documents/section/criminal-codes) (Penal Code 2001)

Definitions of crimes under international law:

War crimes: Penal Code 2001, art. 75 (war crimes)
Crimes against humanity: Penal Code 2001, art. 74 (Crimes against humanity)
Genocide: Penal Code 2001, art. 73 (Genocide)
Torture: Penal Code 2001, arts. 86 (Torture); 87 (Torture resulting into [sic] serious consequences).

Universal jurisdiction

War crimes: Penal Code 2001**,** art. 8 (Applicable law on criminal acts committed by a person without nationality)
Crimes against humanity: Penal Code 2001,
- art. 7 (The applicable law on criminal acts committed by foreign citizens) (crimes against humanity)
- art. 8 (see war crimes)
Genocide: Penal Code 2001, art. 8 (see war crimes)
Torture: Penal Code 2001, art. 8 (see war crimes)
Ordinary crimes: Penal Code 2001, art. 8 (see war crimes)

ALGERIA

Sources

Code Pénal Algérien (as amended 2004) (http://www.droit.mjustice.dz/legisl_fr_de_06_au_juil_08/code_penal_avec_mod_06.pdf) (Penal Code 2004)
Code *de procédure pénale 1996* (http://www.droit.mjustice.dz/code%20de%20procedure%20p%E9nale.pdf) (Criminal Procedure Code 1991)
Code de Justice Militaire 1971 (http://www.icrc.org/ihl-nat.nsf/0/5a39da3a52dfab40c12571230032934b/$FILE/Justice%20Military%20Code%20-%20Algeria%20-%20FR.pdf) (Military Code of Justice 1971)

Definitions of crimes under international law

War crimes:
Penal Code 2001, art. 76 (mercenaries); art. 89 (pillage);
Military Code of Justice 1971, arts. 286 (pillage); (robbing the wounded, sick, shipwrecked or dead); 299 (*emploie indûment les signes distinctifs et emblèmes définis par les conventions internationales*)
Crimes against humanity: Penal Code 1966 (no provision)
Genocide: Penal Code 2004 (no provision)
Torture: Penal Code 2004, art. 263 bis (torture)

Universal jurisdiction

War crimes: Criminal Procedure Code 1966, art. 584 (any act characterized as a minor crime (*delit*), by Algerian law and the legislation of the country where it was committed can be prosecuted and tried in Algeria if the perpetrator subsequently acquires Algerian nationality); 585 (anyone who is on Algerian territory and responsible as an accomplice in a serious crime (*crime*) or a less serious crime (*delit*) committed abroad can be prosecuted and tried by Algerian courts if the act is punishable both by the foreign law and Algerian law, provided that the act is recognized by a final decision of the [foreign] jurisdiction)
Crimes against humanity: Criminal Procedure Code 1966 (no provision)
Genocide: Criminal Procedure Code 1966 (no provision)
Torture: Criminal Procedure Code, arts. 584 and 585 (see war crimes)
Ordinary crimes: Criminal Procedure Code, arts. 584 and 585 (see war crimes)

ANDORRA

Source

Penal Code 2005 (http://www.icrc.org/ihl-nat.nsf/0/8104498af83194e4c1257570003e5c81/$FILE/Andorra%20-%20New%20Penal%20and%20Procedure%20Codes%202005.pdf)

Definitions of crimes under international law

War crimes: Penal Code 2005, arts 466 to 475 (war crimes), 266 (Chemical and biological weapons)
Crimes against humanity: Penal Code 2005, arts. 459 to 465 (crimes against humanity)
Genocide: Penal Code 2005, art. 456 (Genocide)
Torture: Penal Code 2005, art. 110 (torture)

Universal jurisdiction

War crimes: Penal Code 2005, art. 8 (8) (international treaties that provide for universal jurisdiction to which Andorra is party) (Andorra is party to the Geneva Conventions)
Crimes against humanity: Penal Code 2005, art. 8 (8) (Offences committed outside Andorra – slavery)
Genocide: Penal Code 2005, art. 8 (8) (Offences committed outside Andorra – Genocide)
Torture: Penal Code 2005, art. 8 (8) (Offences committed outside Andorra – Torture)
Ordinary crimes: Penal Code 2005 (no provision)

ANGOLA

Sources

- Constitution of Angola (2010) (http://www.embangola-can.org/pdf/constituition.pdf)
- Portuguese Penal Code 1886 (still applies) (http://www.fd.unl.pt/Anexos/Investigacao/1274.pdf)
- Draft Penal Code 2006 (not yet in force) (http://www.minjus.gov.ao/LegislacaoD.aspx?Codigo=76)
- Criminal Procedure Code (Decree N 16,489 of 15 February 1929 and Decree 19,271 of 24 January 1931) (hard copy in Amnesty International files)

Definitions of crimes under international law

War crimes: Penal Code 1886 (no definition)
Crimes against humanity: Constitution of Angola 2010, art. 61 (Crimes against humanity are defined as heinous crimes; no criminal sanction); Penal Code 1886 (no definition)
Genocide: Constitution of Angola 2010, art. 61 (Genocide is defined as a heinous crime; no criminal sanctions); Penal Code 1886 (no definition)
Torture: Constitution of Angola 2010, art. 60 (prohibition of torture or degrading treatment; no criminal sanctions); Penal Code 1886 (no definition)

Universal Jurisdiction

War crimes:
- Constitution 2010,
- - art. 13 (1) ("General or common international law received under the terms of this Constitution shall form an integral part of the Angolan legal system") and
- - art. (2) (international treaties duly approved "shall come into force in the Angolan legal system") (Angola is a party to the Geneva Conventions and Protocol I);
- Penal Code 1886 (no provision);
- draft Penal Code, art. 5 (e) (unless provided to the contrary by an international treaty or convention, Angolan law will apply acts committed outside Angola, when a treaty or convention requires Angola to prosecute the crime)

- Criminal Procedure Code 1929 (no provision) (war crimes are not in Penal Code 1886, so prosecution would have to be for ordinary crimes) (Angola is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Penal Code 1886 (no provision); draft Penal Code, art. 5 (b) (unless provided to the contrary by an international treaty or convention, Angolan law will apply to acts committed, by a person now in Angola, outside Angola when they are crimes in Articles 367 and 368); Criminal Procedure Code 1929 (no provision)
Genocide: Penal Code 1886 (no provision); draft Penal Code, art. 5 (b) (see crimes against humanity); Criminal Procedure Code 1929 (no provision)
Torture: Penal Code 1886 (no provision); Criminal Procedure Code 1929 (no provision)
Ordinary crimes: Penal Code 1886 (no provision); Criminal Procedure Code 1929 (no provision)

ANTIGUA AND BARBUDA

Sources

- Antigua and Barbuda Constitution Order 1981, No. 1106, made 31 July 1981 and came into operation 31 October 1981, annexing the Constitution of Antigua and Barbuda in Schedule 1 and Transitional Provisions in Schedule 2 (continuing in force the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959) (Geneva Conventions Order)
- Genocide Act, Laws, Vol. 4, chapter 191 (Genocide Act)
- NO. 15 of 1993, The Suppression of Torture Act, 1993 (http://www.laws.gov.ag/acts/1993/a1993-15.pdf) (Suppression of Torture Act)

Definitions of crimes under international law

War crimes: Geneva Conventions Order, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal law could not be located
Genocide: Genocide Act
Torture: Suppression of Torture Act, s. 3 (1) and (2)

Universal jurisdiction

War crimes: Geneva Conventions Order
Crimes against humanity: Criminal law could not be located
Genocide: Criminal law could not be located
Torture: Suppression of Torture Act, s. 3 (1) and (2)
Ordinary crimes: Criminal law could not be located

ARGENTINA

Sources

- National Constitution, 1853 – as amended 1994 (*Constitución de la Nación Argentina*) (www.senado.gov.ar/web/interes/constitucion/cuerpo1.php) (Constitution 1994)

- Penal Code 1922 – as amended (*Código Penal de la Nación Argentina*) (www.infoleg.gov.ar/infolegInternet/anexos/15000-19999/16546/texact.htm)

- Law on the implementation of the Rome Statute, 2007 (*Ley de Implementación del Estatuto de Roma, Ley 26.200 de 2007*) (www.infoleg.gov.ar/infolegInternet/anexos/120000-124999/123921/norma.htm) (Rome Statute implementation law 2007)

Definitions of crimes under international law

War crimes: Rome Statute implementation law 2007, art. 10 (war crimes are defined as in the Rome Statute; in addition, conscripting or enlisting children under the age of 18 years and intentionally using starvation of civilians as a method of warfare in non international armed conflicts)
Crimes against humanity: Rome Statute implementation law 2007, art. 9 (as in the Rome Statute)
Genocide: Rome Statute implementation law 2007, art. 8 (as in the Rome Statute)
Torture: Penal Code, art. 144ter (either committed by state officials and non-state agents)

Universal jurisdiction

War crimes:

- Constitution 1994, art. 118 (jurisdiction over violations of international norms outside the national borders)

- Rome Statute implementation law, - art. 3 (d) (Argentine courts shall exercise jurisdiction over foreigners who commit crimes abroad as long as so provided for in treaties and international conventions to which Argentina is a party) (Argentina is a party to the Geneva Conventions and Protocols I and II and 1954 Hague Convention Second Protocol); - art. 4 (*aut dedere aut judicare*) (when an alleged perpetrator of genocide, a crime against

humanity or a war crime is found in any territory subject to the jurisdiction of the Argentine Republic an investigation shall be open before national courts, unless that persons is extradited to another state or surrendered to the International Criminal Court)
Genocide: Constitution 1994, art. 118 (see war crimes) Rome Statute implementation law 2007, art. 4 (see war crimes)
Crimes against humanity: Constitution 1994, art. 118 (see war crimes); Rome Statute implementation law 2007, art. 4 (see war crimes)
Torture: Constitution 1994, art. 118 (see war crimes) (in addition, the Convention against Torture has constitutional hierarchy under Argentine Law and all its provisions are considered as part of the National Constitution)
Ordinary crimes: Penal Code 1922 (no provision)

ARMENIA

Sources
Criminal Code 2003 (http://www.unhcr.org/refworld/category,LEGAL,,ARM,3f46119c4,0.html)

Definitions of crimes under international law

War crimes: Criminal Code 2003, arts. 387 (Application of prohibited methods of war); 390 (Serious breach of international humanitarian law during armed conflicts); 391 (Inaction or making an illegal command during armed conflict); 397 (Illegal use of identification signs protected by international treaties)
Crimes against humanity: Criminal Code 2003, art. 392 (Deportation, illegal arrest, enslavement, mass and regular execution without trial, kidnapping followed by disappearance, torture or cruel treatment of civilians, due to racial, national, ethnic identity, political views and religion)
Genocide: Criminal Code 2003, art. 393 (Genocide)
Torture: Criminal Code 2003, art. 119 (Torture)

Universal jurisdiction

War crimes: Criminal Code 2003, art. 15 (Effect of criminal law with regard to persons who committed crimes outside the territory of the Republic of Armenia)
- (1) (stateless permanent residents who committed a crime outside Armenian territory are subject to criminal liability under the Criminal Code if the act they committed is recognized as a crime in the legislation of the state where the crime was committed, and if they were not convicted in another state)
- (2) (stateless permanent residents who committed a crime outside Armenian territory are subject to criminal liability under articles 390 [Serious breach of international humanitarian law during armed conflicts]; 391 [Inaction or making an illegal command during armed conflict]; and 397 [Illegal use of identification signs protected by international treaties] of this Criminal Code, regardless whether the act is considered or not considered a crime in the state where the crime was committed)
- (3) (foreign citizens and stateless persons not permanently residing in Armenia who committed a crime outside Armenian territory are subject to criminal liability under the Criminal Code of the Republic of Armenia, if they committed such crimes which are provided in an international treaty binding on Armenia)
Crimes against humanity; Criminal Code 2003, art. 15
- (1) (see war crimes) (stateless permanent residents)
- (2) (stateless permanent residents who committed a crime outside Armenian territory are subject to criminal liability under article 392 of this Criminal Code, regardless whether the act is considered or not considered a crime in the state where the crime was committed)
- (3) (see war crimes) (foreign citizens and stateless persons not permanently residing in Armenia)
Genocide: Criminal Code 2003, art. 15
- (1) (see war crimes) (stateless permanent residents)
- (2) Criminal Code, art. 15 (2) (stateless permanent residents who committed a crime outside Armenian territory are subject to criminal liability under article 393 of this Criminal Code, regardless whether the act is considered or not considered a crime in the state where the crime was committed)
- (3) (see war crimes) (foreign citizens and stateless persons not permanently residing in Armenia)
Torture: Criminal Code 2003, art. 15
- (1) (see war crimes) (stateless permanent residents)
- (3) (see war crimes) (foreign citizens and stateless persons not permanently residing in Armenia)
Ordinary crimes: Criminal Code 2003, art. 15 (1) (see war crimes) (stateless permanent residents)

AUSTRALIA

Sources

Criminal Code Act 1995, as amended 2011 (http://www.comlaw.gov.au/Details/C2011C00261) (Criminal Code Act 2011)

Definitions of crimes under international law:

War crimes: Criminal Code Act 2011, ss. 268.24 to 268.101
Crimes against humanity: Criminal Code Act 2011, ss. 268.8 to 268.23
Genocide: Criminal Code Act 2011, ss. 268.3 to 268.7
Torture: Criminal Code Act 2011, ss. 274.1 to 274.7

Universal jurisdiction

War crimes: Criminal Code Act 2011, ss. 268.117 (1) and 15.4
Crimes against humanity: Criminal Code Act 2011, ss. 268.117 (1) and 15.4
Genocide: Criminal Code Act 2011, ss. 268.117 (1) and 15.4
Torture: Criminal Code Act 2011, ss. 274.2 (5) and 15.4
Ordinary crimes: Criminal Code Act 2011 (no provision)

AUSTRIA

Sources
- Constitution (http://www.servat.unibe.ch/icl/au00000_.html)
- Criminal Code (no English translation available)
- Concluding observations of the Committee against Torture - Austria, U.N. Doc. CAT/C/AUT/CO/4-5, 20 May 2010 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/425/57/PDF/G1042557.pdf?OpenElement) (CAT observations 2010)

Definitions of crimes under international law

War crimes: Criminal Code (no provision)
Crimes against humanity: Criminal Code (no provision)
Genocide: Criminal Code, art. 321
Torture: Criminal Code (no provision); CAT observations 2010, para. 8 (no provision)

Universal jurisdiction

War crimes:
- Constitution, art. 9 (1) (The generally recognized rules of international law are regarded as integral parts of federal law.)
- Criminal Code
- - s. 64 (1) (6) (Austrian courts can exercise universal jurisdiction over conduct defined as a crime under Austrian law - apart from certain crimes listed in Section 64 (1) (1) to (5) - if Austria is under an obligation to prosecute them – even if committed abroad – irrespective of the criminal law of the state where they were committed, even if that conduct is not a crime in the place where they were committed.) (Austria is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol) (war crimes not included, so prosecutions would have to be for ordinary crimes)
- - s. 65 (1) (1) (jurisdiction over crimes in the Criminal Code, if the suspect subsequently becomes an Austrian national) (war crimes not included, so prosecutions would have to be for ordinary crimes)
- - s. 65 (1) (2) (universal jurisdiction over a foreigner found in Austria, provided that, for reasons independent of the nature and characteristics of the offence, the person is not extradited) (war crimes not included, so prosecutions would have to be for ordinary crimes)
Crimes against humanity: Criminal Code s. 65 (1) (1) and (2) (see war crimes) (crimes against humanity not included, so prosecutions would have to be for ordinary crimes)
Genocide: Criminal Code, s 65 (1) (1) and (2) (see war crimes)
Torture:
- Constitution, art. 9 (1) (see war crimes)
- Criminal Code
-- s. 64 (1) (6) (see war crimes) (Austria is a party to the Convention against Torture) (torture not included, so prosecutions would have to be for ordinary crimes)
-- s. 65 (1) (1) and (2) (see war crimes) (torture not included, so prosecutions would have to be for ordinary crimes)
Ordinary crimes: Criminal Code,
- s. 64 (1) (4) (jurisdiction over kidnapping abroad by a foreigner against a foreigner for the purpose of extortion, as defined in s. 102)
- s. 65 (1) (1) and (2) (see war crimes)

AZERBAJAN

Sources
Azerbaijan Penal Code 2000

(http://www.legislationline.org/download/action/download/id/1658/file/4b3ff87c005675cfd74058077132.htm/preview)

Definitions of crimes under international law

War crimes: Penal Code 2000, arts. 114 (Mercenaries); 115 (Violations of laws and customs of war); 116 (Violations of the norms of international humanitarian law in time of an armed conflict); 117 (Negligence or giving criminal order in time of armed conflict); 118 (Pillage); 119 (Abuse of protected signs)
Crimes against humanity: Penal Code 2000, arts. 105 (Extermination); 107 (Deportation or forcible transfer of population); 108 (Gender violation); 109 (Persecution); 110 (Enforced disappearance of persons); 111 (Racial discrimination (apartheid)); 112 (Deprivation of liberty contrary to the norms of international law)
Torture: Penal Code 2000, art. 113 (Torture)
Genocide: Penal Code 2000, arts. 103 (Genocide) and 104 (Instigation for the commitment of genocide)

Universal jurisdiction

War crimes: Penal Code 2000, arts. 12 (3) (Foreigners and stateless persons who committed crimes against peace and humanity, war crimes, torture and other crimes for which punishment is required by international treaties to which Azerbaijan is a party, not depending on the place of commitment of the crime, shall be held criminally responsible and punished under the present Code)
Crimes against humanity: Penal Code 2000 (see war crimes)
Genocide: Penal Code 2000 (see war crimes)
Torture: Penal Code 2000 (see war crimes)
Ordinary crimes: Penal Code 2000 (see war crimes)

BAHAMAS

Sources

- Bahamas Independence Order 1973, Statutory Instruments 1973, No. 1080, made 20 June 1973, coming into operation 10 July 1973 (http://www.georgetown.edu/pdba/Constitutions/Bahamas/bahamas.html), s. 4 (continuing existing laws, including Geneva Conventions Act (Colonial Territories) Order in Council 1959) (Geneva Conventions Order 1959)
- An Act to create the offence of genocide, No. 29 of 1969, commencement 19 December, 1969, Genocide, cap. 85 (http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1969/1969-0029/GenocideAct_1.pdf) (Genocide Act 1969)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2
Crimes against humanity: No known provision In Bahamas criminal law
Genocide: Genocide Act 1969, s. 3
Torture: No known provision in Bahamas criminal law

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: No known provision In Bahamas criminal law
Genocide: No known provision in Bahamas criminal law
Torture: No known provision in Bahamas criminal law
Ordinary crimes: No known provision In Bahamas criminal law

BAHRAIN

Sources

Penal Code 1976 (https://www.unodc.org/tldb/showDocument.do?documentUid=6361&node=docs&cmd=add&country=BAH)

Definitions of crimes under international law

War crimes: Criminal Code 1976 (no provision)
Crimes against humanity: Criminal Code 1976 (no provision)
Genocide: Criminal Code 1976 (no provision)
Torture: Criminal Code 1976, arts. 208 and 232

Universal jurisdiction

War crimes: Criminal Code 1976 (no provision)
Crimes against humanity: Criminal Code 1976 (no provision)
Genocide: Criminal Code 1976 (no provision)
Torture: Criminal Code 1976, arts. 208 and 232
Ordinary crimes: Penal Code 1976, Article 7 (Code applies to offences committed abroad

by civil servants or persons charged with public duties - universal jurisdiction only if they can be non-nationals - whether in the exercise of their duties or in their private capacity)

BANGLADESH

Sources

- Penal Code 1860, Act XLV (http://www.assetrecovery.org/kc/resources/org.apache.wicket.Application/repo?nid=9153a404-dbba-11dc-a0c4-d1586e294e8c) (Penal Code 1860)
- The International Crimes (Tribunal) Act No XIX 1973, as amended 2010 (http://www.internationallawbureau.com/blog/wp-content/uploads/2010/07/The-International-Crimes-Tribunals-Act-1973.pdf) (ICT Act 2010)

Definitions of crimes under international law

War crimes: ICT Act 2010,
- art. 3 (d) (war crimes: namely, violation of laws or customs of war which include but are not limited to murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population in the territory of Bangladesh; murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages and detainees, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity)
- art. 3 (e) (violation of any humanitarian rules applicable in armed conflicts laid down in the Geneva Conventions).
Crimes against humanity: ICT Act 2010, art. 3 (a) (Crimes against humanity: namely, murder, extermination, enslavement, deportation, imprisonment, abduction, confinement, torture, rape or other inhumane acts committed against any civilian population or persecutions on political, racial, ethnic or religious grounds, whether or not in violation of the domestic law of the country where perpetrated).
Genocide: ICT Act No XIX 2010, art. 3 (c) (Genocide)
Torture: Criminal Code 1860 (no provision); ICT Act 2010 (no provision)

Universal jurisdiction

War crimes: Penal Code 1860 (no provision); ICT Act 2010 (no provision)
Crimes against humanity: Penal Code 1860 (no provision); ICT Act 2010 (no provision)
Genocide: Penal Code, 1860 (no provision); ICT Act 2010 (no provision)
Torture: Penal Code 1860 (no provision); ICT Act 2010 (no provision)
Ordinary crimes: Penal Code 1860 (no provision) ; ICT Act 2010 (no provision)

BARBADOS

Sources

- Geneva Conventions Act, CAP. 17A, 22 September 1980, 3 L.R.O. 1985 (Geneva Conventions Act 1985)
- Genocide Act, CAP. 133A, 10 November 1980, 3 L.R.O. 1985 (Genocide Act 1985)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1985, s. 3 (2)
Crimes against humanity: No known provision In Barbados criminal law
Genocide: Genocide Act 1985, ss. 3 and 4.
Torture: Barbados criminal law not found

Universal jurisdiction

War crimes: Geneva Conventions Act 1985, s. 3 (2) (grave breaches of the Geneva Conventions)
Crimes against humanity: Barbados criminal law not found
Genocide: Barbados criminal law not found
Torture: Barbados criminal law not found
Ordinary crimes: Barbados criminal law not found

BELARUS

Sources

- Criminal Code (no date; selected articles in English) (http://www.icrc.org/ihl-nat.nsf/WebLAW!OpenView&Start=1&Count=300&Expand=16.3.1#16.3.1)
- Fourth Periodic Report, U.N. Doc. CAT/C/BLR/4, 18 August 2010 (http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.BLR.4_en.pdf) (Fourth Report 2010)

Definitions of crimes under international law

War crimes: Criminal Code, arts. 129 (Production, storage or proliferation of prohibited means of warfare); 132 (recruitment, training, financing and use of mercenaries); 133 (mercenary); 134 (the use of weapons of mass destruction); 135 (violation of the laws and customs of war)-

136 (criminal violations of the norms of international humanitarian law during armed conflict); 138 (abuse of signs protected by international treaties); 139 (abuse of the Red Cross and Red Crescent emblem)
Crimes against humanity: Criminal Code, art. 128 (Crimes against security of humanity)
Genocide: Criminal Code, art. 127 (Genocide)
Torture: Criminal Code, art. 154 (Torture); Fourth Report 2010, para. 11

Universal jurisdiction

War crimes: Criminal Code, art. 6
- (1) (The Criminal Code establishes the criminal responsibility of stateless persons who are permanently resident in Belarus, who have committed offences outside Belarus, if such acts are an offence in the state where committed, and they have not been prosecuted in that state.)
- (3) (The Criminal Code applies to the following crimes, regardless of the criminal law in force in the territory in which the offence was committed:
1) genocide (art. 127);
2) crimes against the security of mankind (art. 128);
3) the production, storage or proliferation of prohibited instruments of war (art. 129);
5) the use of weapons of mass destruction (art.134);
6) violation of the laws and customs of war (art.135);
7) criminal breaches of the standards of international humanitarian law in armed conflict (art. 136);
9) other offences committed outside Belarus which are liable for prosecution by virtue of an international treaty which is binding upon Belarus) (Belarus is a party to the Geneva Conventions)
Crimes against humanity: Criminal Code, art. 6
- (1) (see war crimes)
- (3) (The Criminal Code applies to the following crimes, regardless of the criminal law in force in the territory in which the offence was committed: (2) crimes against the security of mankind (art. 128);
Genocide: Criminal Code, art. 6
- (1) (see war crimes)
- (3) (The Criminal Code applies to the following crimes, regardless of the criminal law in force in the territory in which the offence was committed: (1) genocide (art. 127)
Torture: Criminal Code, art. 6
- (1) (see war crimes)
- (3) (The Criminal Code applies to the following crimes, regardless of the criminal law in force in the territory in which the offence was committed: (9) (other offences committed outside Belarus which are liable for prosecution by virtue of an international treaty which is binding upon Belarus) (Belarus is a party to the Convention against Torture)
Ordinary crimes: Criminal Code, art. 6 (1) (see war crimes)

BELGIUM

Sources

- Criminal Code 2003
- Code of Criminal Procedure 2006
- Observations by Belgium on the scope and application of the principle of universal jurisdiction (http://www.un.org/en/ga/sixth/65/ScopeAppUniJuri_StatesComments/Belgium_E.pdf)
- Note: In the light of the complexities of the Belgian law and numerous conditions and exceptions introduced in the past decade, no attempt has been made in this preliminary survey to describe the full range of crimes during peacetime and armed conflict subject to universal jurisdiction or all the conditions and exceptions applicable.

Definitions of crimes under international law

War crimes: Criminal Code 2003, art. 136quarter
Crimes against humanity: Criminal Code 2003, art. 136ter
Genocide: Criminal Code 2003, art. 136*bis*
Torture: Criminal Code 2003, art. 417*bis*

Universal jurisdiction

War crimes: Code of Criminal Procedure 2006,
- art.6 (Criminal proceedings may be brought against any person having their main residence in Belgium who is responsible, outside Belgium for a grave violation of international humanitarian law – genocide, crimes against humanity and war crimes)
- art. 7
-- (1) (any person having his or her principal residence in Belgium who, outside Belgium, is responsible for an act characterized as a serious crime (*crime*) or a minor crime (*délit*) in Belgian law can be prosecuted in Belgium if the act is punishable by the legislation of the country where it was committed)

- - (2) (if the crime (*infraction*) was committed against a foreigner, the prosecution can only take place if the public minister so requests and must, in addition, be preceded by a complaint by the injured foreigner or his or her family or an official request given to a Belgian authority by the authority of the country where the infraction was committed. During a war, if the foreigner is a national of a Belgian ally, the request can also be made by an official of that allied government.)
- art. 10 (In addition to the cases mentioned in Articles 6 and 7 (1), criminal proceedings may be brought in Belgium against any foreigner who is responsible outside Belgium for a grave violation of international humanitarian law - genocide, crimes against humanity and war crimes – against a person who, at the time the offence is committed, is a refugee recognised in Belgium and habitually resident in Belgium or a person who has been effectively habitually and legally residing in Belgium for at least three years. The proceedings, including any judicial investigation, can only be brought at the request of the federal prosecutor, who shall assess any complaints, and shall ask the investigating judge to investigate a complaint unless it is manifestly ill-founded, the facts described in the complaint do not correspond to a specified offence, the complaint cannot lead to an admissible criminal prosecution or it appears from the practical circumstances of the case that, in the interests of the proper administration of justice and in accordance with Belgium's international obligations, the case should be brought before either international courts, the courts where the offence was committed or the courts of the country of which the perpetrator is a national or of the country where he or she may be located, provided that these courts satisfy standards of independence, impartiality and fairness required under the international commitments linking Belgium to the state concerned.)
- art. 11 (a foreigner who is a co-author or accomplice in a crime committed abroad by a Belgian can be prosecuted in Belgium jointly with the accused Belgian or after the Belgian has been convicted)
1 art. 12 (this article indicates which instances in Articles 6 to 11 when presence of the suspect is required or not required)
- art. 12bis (Apart from the cases mentioned in Articles 6 to 11, Belgian courts also have jurisdiction to try offences committed outside Belgium that are specified in rules of international law established by convention or custom or rules of European Union secondary law binding Belgium, when such rules require it, by whatever means, to bring the relevant case before the competent authorities to launch proceedings. The proceedings, including any judicial investigation, can only be brought at the request of the federal prosecutor, who shall assess any complaints, subject to the same conditions and procedure outlined above in Article 10.) (Belgium is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Code of Criminal Procedure 2006, arts. 6, 7, 10, 11 and 12bis (see war crimes)
Genocide: Code of Criminal Procedure 2006, arts. 6, 7, 10, 11 and 12bis (see war crimes)
Torture: Code of Criminal Procedure 2006, art. 12bis (see war crimes); (Belgium is a party to the Convention against Torture)
Ordinary crimes: Code of Criminal Procedure 2006, art. 10 ter (anyone who commits one of a range of crimes outside Belgium) and 10 quarter (same)

BELIZE

Sources
- Constitution of Belize, art. 134-(1) (continuing existing laws at time of independence, 21 September 1981, in force) and art. 134-(6) (existing law includes orders in Council)
- United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council 1959 (Geneva Conventions Order 1959)
- Genocide Act, Cap. 110, Revised Edition 2000 (http://www.belizelaw.org/lawadmin/PDF%20files/cap110.pdf) (Genocide Act 2000)
- Criminal Code, Cap. 101, Revised Edition 2000 (http://www.belizelaw.org/lawadmin/PDF%20files/cap101.pdf) (Criminal Code 2000)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal Code 2000 (no provision)
Genocide: Genocide Act 2000, s. 2.
Torture: Criminal Code 2000, s. 287 (torture by prison officers)

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)

Crimes against humanity: Criminal Code 2000 (no provision)
Genocide: Criminal Code 2000 (no provision)
Torture: Criminal Code 2000 (no provision)
Ordinary crimes: Criminal Code 2000 (no provision)

BENIN

Sources

- Constitution of the People's Republic of Benin 1990 (http://www.unhcr.org/refworld/category,LEGAL,,,BEN,3ae6b57d4,0.html)
- *Code Pénal Loi décrétée le février 1810 (*hard copy in Amnesty International files) (Penal Code 1810)
- *Code de Procédure Pénale 1967 (*hard copy in Amnesty International files) (Criminal Procedure Code 1967)
- Second periodic reports due in 1997 – Addendum – Benin, U.N. Doc. CAT/C/BEN/2, 27 April 2007 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/413/91/PDF/G0741391.pdf?OpenElement) (CAT Second Report 2007)

Definitions of crimes under international law

War crimes: Penal Code 1810 (no definition)
Crimes against humanity: Penal Code 1810 (no definition)
Genocide: Penal Code 1810 (no definition)
Torture:
- Constitution 1990 arts. 18 and 19 (prohibition of torture, but no criminal sanctions)
- Penal Code 1810 (no definition of torture as an independent crime)

Universal jurisdiction

War crimes:
- Constitution 1990, art. 147 (treaties or agreements lawfully ratified have, upon publication, an authority superior to that of laws, without prejudice for each agreement or treaty in its application by the other party) (Benin is a party to the Geneva Conventions and Protocol I)
- Criminal Procedure Code 1967,
- - art. 553 (any person who outside Benin has committed an act that is characterized as a serious crime (*crime)* under Benin Law can be prosecuted and tried by Benin courts if that person subsequently becomes a Benin citizen; the same if the act is a minor crime (*délit)* and if the act is punishable in the country where it was committed)
- - art. 554 (anyone who is on Benin territory who is responsible as an accomplice for a serious crime (*crime)* or a minor crime committed abroad (*délit)* can be prosecuted and tried by Benin courts if the act is punishable by the law of the country where committed and by Benin law, provided that the act is recognized by a final decision of the foreign jurisdiction) (since war crimes are not included in the Penal Code 1810, prosecution would have to be for ordinary crimes)

Crimes against humanity: Criminal Procedure Code 1967, arts. 553 (see war crimes) and 554 (see war crimes) (since *apartheid* is not defined in the Penal Code 1810, prosecution would have to be for ordinary crimes) (Benin is party to the *Apartheid* Convention)
Genocide: Criminal Procedure Code 1967 (no provision)
Torture:
- Constitution 1990, art. 147 (see war crimes) (Benin is a party to the Convention against Torture)
- Criminal Procedure Code 1967, arts. 553 (see war crimes) and 554 (see war crimes) (since torture is not defined in the Penal Code 1810, prosecution would have to be for ordinary crimes)
- CAT Second Report 2007, para. 7 (Benin has not yet formally incorporated a specific definition of torture into its legislation.)
Ordinary crimes: Criminal Procedure Code 1967 arts. 553 (see war crimes) and 554 (see war crimes)

BHUTAN

Sources

- Penal Code 2004 (https://www.unodc.org/tldb/pdf/Bhutan_Penal_Code_2004_Eng.pdf)
- Civil and Criminal Procedure Code 2001 https://www.unodc.org/tldb/pdf/Bhutan_Civil_and_Criminal_Procedure_Code_2001_Full_text.pdf

Definitions of crimes under international law:

War crimes: Penal Code 2004 (no provision)
Crimes against humanity: Penal Code 2004 (no provision)
Genocide: Penal Code 2004 (no provision)
Torture: Penal Code 2004, art. 414 (A defendant shall be guilty of the offence of torture, if the defendant extorts confession or information from a person through the use of cruel, inhuman, or other degrading treatment)

Universal jurisdiction

War crimes: Penal Code 2004 (no provision)
Crimes against humanity: Penal Code 2004 (no provision)
Genocide: Penal Code 2004 (no provision)
Torture: Criminal Procedure Code 2001, **s.** 20 (The Supreme/High Court shall exercise jurisdiction outside Bhutan on the bases of the following principles: (a) territorial; (b) nationality; (c) passive personality; (d) protective; (e) universality; (f) flag jurisdiction; and (g) airspace.)
Ordinary crimes: Criminal Procedure Code 2001 (see torture)

BOLIVIA (Plurinational State of)

Sources
- Penal Code 1972 (*Código Penal*) (http://bolivia.infoleyes.com/shownorm.php?id=1401)
- Military Code of Justice (*Código Penal Militar*) (http://190.41.250.173/rij/bases/legisla/bolivia/ley19.HTM)

Definition of crimes under international law

War crimes:
- Penal Code 1972 (no provision)
- Military Code of Justice, art. 69 (*Violación de tratados*) (Violation of treaties) (violations of treaties and international conventions are punishable by five years' imprisonment)
Crimes against humanity: Penal Code 1972 (no provision)
Genocide:
- Penal Code 1972, art. 138 (Genocide)
- Military Code of Justice, art. 69 (see war crimes)
Torture:
- Penal Code, art. 295 (*Vejaciones y torturas*) (harassment and torture)
- Military Code of Justice, art. 69 (see war crimes)

Universal jurisdiction

War crimes:
- Penal Code 1972, art. 1 (7) (Bolivian courts can exercise jurisdiction over foreigners who commit crimes abroad in cases provided for in treaties and International conventions to which Bolivia is a party) (Bolivia is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
- Military Code of Justice, art. 1 (7) (Bolivian courts can exercise jurisdiction over foreigners who commit crimes abroad in cases provided for in treaties and international conventions to which Bolivia is a party)
Crimes against humanity:
- Penal Code 1972, art. 1 (7) (see war crimes) (Bolivia is a party to the *Apartheid* Convention)
- Military Code of Justice, art. 1 (7) (see war crimes)
Genocide: Penal Code 1972 (no provision)
Torture:
- Penal Code 1972, art. 1 (7) (see war crimes) (Bolivia is a party to the Convention against Torture)
- Military Code of Justice, art. 1 (7) (see war crimes)
Ordinary crimes: Penal Code 1972 (no provision)

BOSNIA AND HERZEGOVINA

Sources

There are three Criminal Codes applicable in the territory of the Bosnia and Herzegovina:
- State of Bosnia and Herzegovina: State Court (Court of Bosnia and Herzegovina), including the special Department for War crimes, and the Constitutional Court of Bosnia and Herzegovina apply Criminal Code of Bosnia and Herzegovina
-Federation of Bosnia and Herzegovina: Criminal Code of the Federation of BiH is applied before the Supreme, Cantonal Courts and Municipal Court of the Federation of BiH
- Republika Srpska: Criminal Code of the Republika Srpska is applied before the Supreme Court, District Courts and Municipal Courts of the Republika Srpska

The Criminal Code of the State of Bosnia and Herzegovina is considered as a "supreme" law vis-à-vis the Criminal Codes of the entities (Federation BiH and Republika Srpska); the Criminal Codes of the entities "shall not" contain any provisions which are in contravention with the provisions of the Criminal Code of BiH. The Criminal Code of BiH defines crimes under international law whereas the Criminal Codes of respective entities define ordinary crimes, so they are omitted from this preliminary survey.

Sources

Criminal Code of the State Bosnia and Herzegovina 2003
- (Bosnian version – updated version including the most recent amendments) (http://www.sudbih.gov.ba/files/docs/zakoni/ba/Krivicni_zakon_BiH_-_precisceni%2C_nezvanicni_tekst.pdf)

- (English version - not updated) (http://www.iccnow.org/documents/criminal-code-of-bih.pdf) (Criminal Code 2003)

Definitions of crimes under international law

War crimes: Criminal Code 2003 arts. 173 (War Crimes against Civilians); 174 (War Crimes against the Wounded and Sick);175 (War Crimes against Prisoners of War); 176 (Organising a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes); 177 (Unlawful Killing or Wounding of the Enemy); 178 (Marauding the Killed and Wounded at the Battlefield); 179 (Violating the Laws and Practices of Warfare); 181 (Violating the Protection Granted to Bearers of Flags of Truce); 182 (Unjustified Delay of the Repatriation of Prisoners of War); 183 (Destruction of Cultural, Historical and Religious Monuments); 184 (Misuse of International Emblems)
Crimes against humanity: Criminal Code 2003, arts. 172 (Crimes against Humanity); 176 (Organising a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes)
Genocide: Criminal Code 2003, arts. 171 (Genocide); 176 (Organising a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes)
Torture: Criminal Code 2003, art. 190 (Torture and Other Cruel, Inhuman or Degrading Treatment)

Universal jurisdiction

War crimes: Criminal Code 2003,
- art. 9 (1) (c) (criminal offences which Bosnia and Herzegovina is bound to punish according to the provisions of international law and international treaties or intergovernmental agreements) (this provision may include crimes under customary international law, but no jurisprudence has been located on this point; Bosnia and Herzegovina is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol);
- art. 9 (4) and (5) (any criminal offence for which, under the law in force in the place of perpetration of a criminal offence, a punishment of imprisonment for a term of five years or a more severe punishment may be imposed, provided that the perpetrator is found within the territory of BiH and is not extradited to another state)

Crimes against humanity: Criminal Code 2003, arts. 9 (1) (c) (see war crimes); 9 (4) and (5) (see war crimes)
Genocide: Criminal Code 2003, arts. 9 (1) (c) (see war crimes); 9 (4) and (5) (see war crimes)
Torture: Criminal Code 2003, arts. 9 (1) (c) (see war crimes; Bosnia and Herzegovina is a party to the Convention against Torture); 9 (4) and (5) (see war crimes)
Ordinary crimes: Criminal Code 2003, art. 9 (4) and (5) (see war crimes)

BOTSWANA

Sources

- Botswana Geneva Conventions Act 1970 (Amnesty International, *2001 memorandum*)
- Criminal Code 1964 (https://www.unodc.org/tldb/pdf/Botswana/PENAL_CODE.pdf)
- Code of Criminal Procedure (https://www.unodc.org/tldb/pdf/Botswana/BOT_Crim_Pro_EN.pdf)
- National Constitution (1966) (https://www.unodc.org/tldb/pdf/Botswana_const_1985.pdf)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1970, art. 3 (1) (grave breaches of the Geneva Conventions) Previously, the United Kingdom's Geneva Conventions Act 1957 applied to Botswana under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959
Crimes against humanity: Criminal Code 1964 (no provision)
Genocide: Criminal Code 1964 (no provision)
Torture: National Constitution, art. 7 (prohibits torture, but provides no criminal penalties); Criminal Code 1964 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1970, art. 3 (1) (universal jurisdiction over grave breaches of the Geneva Conventions); Previously, Botswana courts could exercise universal jurisdiction over such grave breaches pursuant to the United Kingdom's Geneva Conventions Act 1957 applied to Botswana under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959.)
Crimes against humanity: Criminal Code 1964 (no provision); Code of Criminal Procedure (no provision)

Genocide: Criminal Code 1964 (no provision); Code of Criminal Procedure (no provision)
Torture: Criminal Code 1964 (no provision); Code of Criminal Procedure (no provision)
Ordinary crimes: Criminal Code 1964 (no provision); Code of Criminal Procedure (no provision)

BRAZIL

Sources

- *Constituição Nacional* (http://www.servat.unibe.ch/icl/br00000_.html) (Constitution 1988)
- *Código Penal 1940*, Decree-Law 2,848 of 7 December 1940 (http://www.planalto.gov.br/ccivil_03/Decreto-Lei/Del2848compilado.htm) (Penal Code 1940)
- *Código de Processo Penal 1941*, amended 2011 (http://www.amperj.org.br/store/legislacao/codigos/cpp_L3689.pdf) (Criminal Procedure Code 1941)
- *Genocídio lei 2,889 1956*, Law 2.889 of 1 October 1956 – Genocide (unofficial translation**)** (http://www.icrc.org/IHL-NAT.NSF/0/36135f23cf6b0b13c1257044005c0b75/$FILE/Genocide%20law.Brazil.EN.pdf) **(**Genocide Law 1956)
- *Código Penal Militar* (https://www.planalto.gov.br/ccivil_03/decreto-lei/del1001.htm) (Military Penal Code 1969) (unofficial translations below)

- *Lei No. 8.072, de 25 de Julho de 1990. Dispõe sobre os crimes hediondos, nos termos do art. 5º, inciso XLIII, da Constituição Federal, e determina outras providência*, Law No. 8.072, 25 July 1990: Heinous crimes, amended by Law 8,930 of 6 September 1994 (http://www.planalto.gov.br/ccivil_03/leis/L8072.htm) (Law 8,072 of 1990)

- *Lei sobre os crimes de tortura e dá outras providências*, Law on the crimes of torture and other provisions of 1997 (Law No. 9.455 of 1997) (http://www.planalto.gov.br/ccivil_03/leis/L9455.htm)
- English translation (some articles pp. 6 to 7) (http://www.unhcr.org/refworld/pdfid/4bf3a0ec2.pdf)
- Initial report of Brazil to Committee against Torture, U.N. Doc. CAT/C/9/Add.16, 18 August 2000 (Initial CAT Report 2000)

Definitions of crimes under international law

War crimes: Penal Code, 1940 (no provision); Military Penal Code 1969 (Crimes in times of war), arts. 400 (homicide); 407 to 408 (rape and sexual violence); 403 (bodily harm)
Crimes against humanity: Penal Code 1940 (no definition); Law 8,072 of 1990, art. 1 (the crimes of rape, torture and homicide, when committed as a typical activity of a death squad even if it is committed by one person, are heinous crimes)
Genocide: Genocide Law 1956, art. 1 (genocide); Military Penal Code 1969, arts. 208 (Military Crimes in Peace time, genocide); 401 to 402 (Military Crimes in Wartime, genocide)
Torture: Constitution (1988), art. 5 (prohibition of torture, but no criminal sanctions); Law No. 9.455 of 1997, art. 1 (torture); Law 8,072 of 1990 (torture is a heinous crime)

Universal jurisdiction

War crimes:
- Penal Code 1940, art. 7 (Part II) (a) (jurisdiction over crimes which Brazil is obliged to repress under a treaty) (Brazil has ratified the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
- Military Penal Code 1969, art. 7 ("the military penal code is applicable, without prejudice to conventions, treaties and rules of international law, to crimes committed, in whole or in part, within national territory or outside it, even if, in this case, the perpetrator is being tried or has been judged by a foreign justice system") (it is not clear if this provision applies to extradite or try obligations under customary international law)
- Initial CAT Report 2000), para. 101 ("[c]rimes committed in foreign countries, which Brazil committed itself to suppress by means of Treaty or Convention, such as torture, are also subject to Brazilian law.")
Crimes against humanity: Penal Code 1940 (no provision)
Genocide: Penal Code 1940, art. 7 (Part I) (d) (permitting the exercise of universal jurisdiction over the crime of genocide, when committed by a person domiciled in Brazil); Military Code 1969 (see war crimes)
Torture: Penal Code 1940, art. 7 (Part II) (a) (see war crimes); Initial CAT Report 2000),

para. 101 (see war crimes) (Brazil is a party to the Convention against Torture and to the Inter-American Convention on Torture); Law 9,455 of 1997, art. 2 (Law 9,455 applies even if the crime had not been committed on Brazilian territory if the agent is in an area under Brazilian jurisdiction; this would probably include areas in which Brazilian peacekeepers operate)
Ordinary crimes: Penal Code 1940 (no provision)

BRUNEI DARUSSALAM

Sources

- Constitution (http://www.wipo.int/wipolex/en/text.jsp?file_id=198527)
- 2001 revised edition of Brunei Penal Code of 1951 with amendments (https://www.unodc.org/tldb/pdf/Brunei_Penal_Code_1951_Full_text.pdf) (Penal Code 2001)

Definitions of crimes under international law

War crimes: Penal Code 2001 (no provision)
Crimes against humanity: Penal Code 2001 (no provision)
Genocide: Penal Code 2001(no provision)
Torture: Penal Code 2001 (no provision)

Universal jurisdiction

War crimes: Penal Code 2001 (no provision)
Crimes against humanity: Penal Code 2001 (no provision)
Genocide: 2001 Penal Code (no provision)
Torture: Penal Code 2001 (no provision)
Ordinary crimes: Penal Code 2001 (no provision)

BULGARIA

Sources

- Criminal Code (selected provisions translated into English in Amnesty International, *Bulgaria: End impunity through universal jurisdiction*, Index: EUR 15/001/2009, March 2009 (http://www.amnesty.org/en/library/info/EUR15/001/2009/en)
- For an alternative translation, see: Penal Code (2005) (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256 73e00508143/0254e69910d7aae8c12573b5004cecf8/$FILE/Bulgaria-Penal-Code.pdf)

Definitions of crimes under international law

War crimes: Criminal Code, arts. 410 (certain grave breaches of the First and Second Geneva Conventions); 411 (grave breaches of the Third Geneva Convention); 412 (grave breaches of the Fourth Geneva Convention); 413 (misuse of the Red Cross emblem); 414 (destruction of cultural property); 415 (use of nuclear, chemical, bacteriological, biological or toxic weapons)
Crimes against humanity: Criminal Code, arts. 417 and 418 (the crime of *apartheid*)
Genocide: Criminal Code, art. 416 (genocide)
Torture: Criminal Code (no provision); see Amnesty International, *Bulgaria: End impunity through universal jurisdiction*, *supra*, pp. 56 to 58.

Universal jurisdiction

War crimes: Criminal Code, art. 6 (1) (universal jurisdiction over war crimes listed in Articles 410 to 415) and 6 (2) (universal jurisdiction over certain crimes listed in treaties permitting or requiring states parties to exercise such jurisdiction) (Bulgaria is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Criminal Code, art. 6 (1) (universal jurisdiction over the crime against humanity of *apartheid* in Articles 417 to 418); art. 6 (2) (universal jurisdiction over certain crimes listed in treaties permitting or requiring states parties to exercise such jurisdiction) (Bulgaria is a party to the *Apartheid* Convention)
Genocide: Criminal Code, art. 6 (1) (universal jurisdiction over genocide in Article 416); art. 6 (2) (universal jurisdiction over certain crimes listed in treaties permitting or requiring states parties to exercise such jurisdiction)
Torture: Criminal Code, art. 6 (2) (universal jurisdiction over certain crimes listed in treaties permitting or requiring states parties to exercise such jurisdiction, but Bulgaria has not defined torture as a crime in the Criminal Code) (Bulgaria is a party to the Convention against Torture)
Ordinary crimes: Although Bulgaria was one of the first states to authorize its courts to exercise universal jurisdiction over ordinary crimes (in 1896), there are no longer any provisions in its Criminal Code providing for such jurisdiction

BURKINA FASO

Sources

Loi n° 052-2009/AN portant détermination des compétences et de la procédure de mise en œuvre du Statut de Rome relatif à la CPI par les juridictions burkinabé (http://www.iccnow.org/documents/Decret_n2009-894-PRES_promulguant_la_loi_n052-2009-AN.pdf) (ICC implementation law 2009)
Code Pénal 1996 (https://www.unodc.org/tldb/pdf/Burkina_Faso_Penal_Code_Fr.pdf)

Definitions of crimes under international law

War crimes: ICC implementation law 2009, art. 19 (*crimes de guerre*)
Genocide: ICC implementation law 2009, art. 16
Crimes against Humanity: ICC implementation law 2009, art. 17
Torture: Penal Code 1996 (no provision)

Universal jurisdiction

War crimes: ICC implementation law 2009, art. 15 (provides for universal jurisdiction over crimes defined in the ICC implementation law)
Genocide: ICC implementation law 2009 (see war crimes)
Crimes against humanity: ICC implementation law 2009 (see war crimes)
Torture: Penal Code 1996, art. 670 (provides for universal jurisdiction over perpetrators who acquired the status of Upper Volta [Burkina Faso] nationals subsequently to the offence committed; since torture not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1996 (see torture)

BURUNDI

Sources

Code Pénal 2009, Loi N°1 / 05 du 22 Avril 2009 (http://defensewiki.ibj.org/index.php/Code_P%C3%A9nal_du_Burundi) (Penal Code 2009)

Definitions of crimes under international law

War crimes: Penal Code 2009, art. 198 (war crimes)
Crimes against humanity: Penal Code 2009, art. 196
Genocide: Penal Code 2009, art.195
Torture: Penal Code 2009, art. 204

Universal jurisdiction

War crimes: Penal Code 2009, art. 10 (every crime punishable by two months' or more imprisonment committed outside the national territory by a foreigner is, subject to extradition treaties, punishable under Burundi law if the perpetrator is found in Burundi and the act is punishable under the law of the country where the crime was committed)
Crimes against humanity: Penal Code 2009, art. 10 (see war crimes)
Genocide: Penal Code 2009, art. 10 (see war crimes)
Torture: Penal Code 2009, art. 10 (see war crimes)
Ordinary crimes: Penal Code 2009, art. 10 (see war crimes)

CAMBODIA

Sources

Penal Code 2010 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/882246d24e0790bbc12577a700438316!OpenDocument)

Definitions of crimes under international law

War crimes: Penal Code 2010, arts. 193 (War Crimes) and 194 (Other War Crimes)
Crimes against humanity: Penal Code 2010, art. 188 (Crimes against Humanity)
Genocide: Penal Code 2010, art.183 (Acts of genocide)
Torture: Penal Code 2010, art. 210 (Tortures and Barbarous Acts)

Universal jurisdiction

War crimes: Penal Code 2010,
- art. 19 (Felony or Misdemeanour Committed by a Cambodian Citizen) (In criminal cases, Cambodian penal law is applicable to any crime committed by a foreigner who subsequently obtains Cambodian citizenship outside Cambodia and it is also applicable to misdemeanours committed by a foreigner

who subsequently obtains Cambodian citizenship in a foreign country if the acts are also punishable by the law of such foreign country.)
Crimes against humanity: Penal Code 2010, art. 19 (see war crimes)
Genocide: Penal Code 2010 (see war crimes)
Torture: Penal Code 2010, art. 19 (see war crimes)
Ordinary crimes: Penal Code 2010, art. 19 (see war crimes)

CAMEROON

Sources

Penal Code (Law 65-LF of 12 November 1965 and Law 67-LF-1 of 12 June 1967**)** (as amended 2001) (hard copy in Amnesty International files) (Penal Code 2001)

Definitions of crimes under international law

War crimes: Penal Code 2001 (no provision)
Crimes against humanity: Penal Code 2001, s. 11 (slave trade)
Genocide: Penal Code 2001 (no provision)
Torture: Penal Code 2001, s. 132 (5)

Universal jurisdiction

War crimes:
Code of Criminal Procedure (no provision)
Penal Code 2001,
- s. 10 (Offence Abroad by Citizen or Resident)
- - (1) (the criminal law of Cameroon applies to any act or omission abroad by a resident – defined in the official commentary to this section - which is punishable by the law of the place of commission and is defined as a felony or as a misdemeanour in Cameroon law) (war crimes not included, so prosecutions would have to be for ordinary crimes)
- - (2) (General and special application) (this Code and every provision of criminal law is subject to the rules of international law and to all treaties duly promulgated and published. Therefore, all criminal law in Cameroon is subject to customary international law and to treaties, such as the Geneva Conventions and Protocol I, to which Cameroon is a party, which provide for universal jurisdiction) (war crimes not included, so prosecutions would have to be for ordinary crimes)
- s. 11 (International Offences) (official commentary) ("Section 11 applies Cameroon law to the acts listed [piracy, traffic in persons, slave trade and narcotics trafficking] even if committed abroad and by a foreigner because of their international gravity. This is the expression of the cooperation of the courts of all countries against infractions interesting the human race as a whole. . . . It must not be forgotten that the list may be added to bilaterally or even multilaterally by treaty - section 2 (1)." This rationale may apply to the Geneva Conventions and Protocols I and II, but, since war crimes not included, prosecutions would have to be for ordinary crimes.)
Crimes against humanity: Penal Code, s. 11 (official commentary) ("Section 11 applies Cameroon law to the acts listed [including the slave trade] even if committed abroad and by a foreigner because of their international gravity") (Cameroon is a party to the *Apartheid* Convention) (*apartheid* is not included, so prosecutions would have to be for ordinary crimes)
Genocide Penal Code 2010 no provision; prosecutions would have to be for ordinary crimes)
Torture: Penal Code, s. 10 (1) and (2) (see war crimes) and 11 (see war crimes) (Cameroon is a party to the Convention against Torture)
Ordinary crimes: Penal Code, s. 10 (1) (see war crimes)

CANADA

Sources

- Crimes Against Humanity and War Crimes Act 2000 (http://laws-lois.justice.gc.ca/eng/acts/C-45.9/page-1.html)
- Geneva Conventions Act of 1985 (consolidates version available at http://laws-lois.justice.gc.ca/PDF/G-3.pdf) (Crimes Against Humanity and War Crimes Act 2000)
Criminal Code of 1985 (http://laws-lois.justice.gc.ca/PDF/C-46.pdf) (Criminal Code 1985)

Definitions of crimes under international law

War crimes:
Crimes Against Humanity and War Crimes Act 2000, ss. 4, 5, 6 and 7 (war crimes according to customary international law or conventional international law applicable to armed conflicts whether or not it constituted a contravention of the law in force at the time and in the place of its commission; war crimes described in Article 8 of the Rome Statute are considered, as of July 17, 1998, crimes according to customary international

law); Geneva Conventions Act of 1985 (implementing the four Geneva Convention and the two Additional Protocols)
Crimes against humanity: Crimes Against Humanity and War Crimes Act 2000, ss. 4, 5, 6 and 7 (crimes against humanity)
Genocide: Crimes Against Humanity and War Crimes Act 2000, ss. 4, 5, 6 and 7 (genocide)
Torture: Criminal Code 1985, s. 269.1 (torture)

Universal jurisdiction

War crimes:
Crimes Against Humanity and War Crimes Act 2000, ss. 6, 7 and 8
(every person who commits a war crime, crime against humanity or genocide outside Canada is guilty of an indictable offence and may be prosecuted for the offence if at the time the offence is allegedly committed (1) the person was a citizen of a state that was engaged in an armed conflict against Canada, or was employed in a civilian or military capacity by such a state (s. 8 (a) (ii) of the Crimes Against Humanity and War Crimes Act 2000); or (II) the victim of the alleged offence was a citizen of the state that was allied with Canada in an armed conflict (s. 8 (a) (iv) of the Crimes Against Humanity and War Crimes Act 2000) and provided that after the time the offences is alleged to have been committed, the person is present in Canada (s. 8 (b) of the Crimes Against Humanity and War Crimes Act 2000);
- Geneva Conventions Act of 1985, s. 3 (gives courts universal jurisdiction over grave breaches of the Geneva Convention or of the First Protocol to the Geneva Conventions)
Crimes against humanity: Crimes Against Humanity and War Crimes Act 2000, s. 6, s. 7 and s. 8 (see war crimes)
Genocide: Crimes Against Humanity and War Crimes Act 2000, s. 6, s. 7 and s. 8 (see war crimes)
Torture: Criminal Code 1985, s. 7(3.7) (universal jurisdiction over torture)
Ordinary crimes: Criminal Code 1985 (no provision)

CAPE VERDE

Sources

Código Penal de Cabo Verde (http://www.mj.gov.cv/index2.php?option=com_docman&task=doc_view&gid=38&Itemid=66) (Penal Code 2003)

Definitions of crimes under international law

War crimes: Penal Code 2003, arts. 269 to 277 (Mercenaries, crimes against protected persons in armed conflict, use of prohibited weapons, etc.)
Crimes against humanity: Penal Code 2003 (no provision)
Genocide: Penal Code 2003, art. 268 (*genocídio*)
Torture: Penal Code 2003, art. 162 (*Tortura e tratamentos cruéis, degradantes ou desumanos*)

Universal jurisdiction

War crimes: Penal Code 2003, art.4 (The law of Cape Verde applies to acts committed outside the territory of Cape Verde when they constitutes crimes defined in articles 267 to 278)
Crimes against humanity: Penal Code 2003 (no provision)
Genocide: Penal Code 2003, art. 4 (see war crimes)
Torture: Penal Code 2003, art. 4 (jurisdiction provided for by international treaties) (Cape Verde is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2003 (no provision)

CENTRAL AFRICAN REPUBLIC

Sources

- Penal Code, Law No. 10,001 of 6 January 2010 (http://www.wipo.int/wipolex/en/text.jsp?file_id=195086) (Penal Code 2010)
- Criminal Procedural Code No 10,002 of 6 January 2010 (http://www.glin.gov/view.action?searchDetails.searchAll=true&search=&searchDetails.queryString=subterm%3Aequals(%22en+Aliens%22)&searchDetails.sortOrder=rank&searchDetails.queryType=BOOLEAN&searchDetails.showSummary=true&glinID=246551&summaryLang=fr&fromSearch=true)
(Criminal Procedure Code 2010)

Definition of crimes under international law

War crimes: Penal Code 2010, arts. 154-157
Crimes against humanity: Penal Code 2010, art. 153
Genocide: Penal Code 2010, art. 152
Torture: Penal Code 2010, arts. 118, 119 and 120

Universal jurisdiction

War crimes: Penal Code 2010 and Criminal Procedural Code, 2010 (no provision)
Crimes against humanity: Penal Code 2010 and Criminal Procedural Code, 2010 (no provision)
Genocide: Penal Code 2010 and Criminal Procedural Code, 2010 (no provision)
Torture: Penal Code 2010 and Criminal Procedural Code, 2010 (no provision)
Ordinary Crimes: Penal Code 2010 and Criminal Procedural Code, 2010 (no provision)

CHAD

Sources

- *Code de procedure pénale* (Code of criminal procedure) (https://www.unodc.org/tldb/pdf/Legis_Database_Chad_CPP.pdf)
- *Code Pénal 1967* (https://www.unodc.org/tldb/showDocument.do?documentUid=2162) (Penal Code 1967)

Definitions of crimes under international law

War crimes: Penal Code 1967 (no provision)
Crimes against humanity: Penal Code 1967 (no provision)
Genocide: Penal Code 1967 (no provision)
Torture: Penal Code 1967 (no provision)

Universal jurisdiction

War crimes: Penal Code 1967 (no provision)
Crimes against humanity: Penal Code 1967 (no provision)
Genocide: Penal Code 1967 (no provision)
Torture: Penal Code 1967 (no provision)
Ordinary crimes: Penal Code 1967 (no provision)

CHILE

Sources
- National Constitution 1980 (*Constitución Política de la República de Chile*) (http://www.leychile.cl/Navegar?idNorma=242302)
- Penal Code 1874 – as amended (*Código Penal*) (http://www.bcn.cl/lc/lmsolicitadas/cr) (Penal Code 1874)
- Criminal Procedural Code 1906 (*Código de Procedimiento Penal*) (http://www.leychile.cl/Navegar?idNorma=22960)
- Law 20.357, 2009, which makes crimes against humanity, genocide and war crimes criminal under national law (*Ley 20.357, que tipifica crímenes de lesa humanidad y genocidio y crímenes y delitos de guerra*) (http://www.bcn.cl/histley/lfs/hdl-20357/HL20357.pdf) (Law 20.357 2009)
Code on Organization of the Courts (*Código Orgánico de Tribunales)* (http://www.leychile.cl/Navegar?idNorma=25563)

Definitions of crimes under international law

War crimes: Law 20.357 2009, arts. 16-34
Crimes against humanity: Law 20.357 2009, arts. 1-10
Genocide: Law 20.357 2009, arts. 11-15
Torture: Penal Code 1874, arts. 150 A and 150 B

Universal jurisdiction

War crimes: Chile may exercise universal jurisdiction over war crimes.
- Constitution, art. 5 (recognizes as limits on sovereignty the respect for law which are inherent in the person and provides that the authorities have the duty to promote and respect rights guaranteed by treaties ratified by Chile which are in force)
- *Código Orgánico de Tribunales* (Code on Organization of the Courts), art. 6 (courts required to exercise jurisdiction over crimes and offences committed outside the national territory which are included in treaties signed by Chile) (Chile is a party to Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
- Supreme Court of Justice in the *Pedro Enrique Poblete Cordoba* (Constitution, art. 5 provides that courts may directly apply provisions of treaties in force to which Chile is a party)
- Criminal Procedural Code, art.1 (Chilean courts have jurisdiction for crimes committed on its territory, unless otherwise provided in treaties or international conventions to which Chile is a party or general principles of international law)
Crimes against humanity: Criminal Procedural Code 1906, art.1 (see war crimes)
Genocide: Criminal Procedural Code 1906, art.1 (see war crimes)
Torture: Criminal Procedural Code 1906, art.1 (see war crimes)
Ordinary crimes: Penal Code 1972 and Criminal Procedure Code (no provisions)

CHINA (NOT INCLUDING HONG KONG OR MACAU)

Sources

- Penal Code 1997 (http://www.china.org.cn/english/government/207319.htm)
- Code of Criminal Procedure
- Committee against Torture, Fourth periodic report of States Parties due in 2004 – China, U.N. Doc. CAT/C/CHN/4, 27 June 2007 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/426/56/PDF/G0742656.pdf?OpenElement) (CAT Report 2007)

Definitions of crimes under international law

War crimes: Penal Code 1997 (no provision)
Crimes against humanity: Penal Code 1997 (no provision)
Genocide: Penal Code 1997 (no provision)
Torture: Penal Code 1997, art. 247 (torture)

Universal jurisdiction

War crimes: Penal Code 1997, art. 9 (this law applies to crimes which are stipulated in international treaties concluded or acceded to by China and over which China exercises criminal jurisdiction within the scope of obligations, prescribed in treaties, it agrees to perform) (China is a party to the Geneva Conventions and Protocol I) (since no definition, prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 1997, art. 9 (see war crimes) (China is a party to the *Apartheid* Convention) (since no definition, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1997, art. 9 (see war crimes)
Torture: Penal Code 1997, art. 9 (see war crimes); Code of Criminal Procedure, art. 16 ("Provisions of this Law shall apply to foreigners who commit crimes for which criminal responsibility should be investigated") (CAT Report 2007, para. 70)
Ordinary crimes: Penal Code 1997 (no provision)

COLOMBIA

Sources

Código Penal Ley 599 de 2000 as amended ,http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20101107_03.pdf (Penal Code 2000)

Definitions of crimes under international law

War crimes: Penal Code 2000, arts. 135-164
Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code 2000, arts. 101-102
Torture: Penal Code 2000, art. 178

Universal jurisdiction

War crimes: Penal Code, art. 16 (6) (*aut dedere aut judicare*) (Colombian law will apply to foreigners who commit a crime against another foreigner abroad if: (a) he or she is found on Colombian soil; (b) the crime is punished under Colombian law with no less than 3 years of imprisonment; (c) the crime is not a political one; and (d) an extradition request has not been granted with regard to that person; in those cases Colombia is obliged to investigate.)
Crimes against humanity: Penal Code 2000 (no provision)
Genocide: Penal Code 2000, art. 16 (6) (see war crimes)
Torture: Penal Code 2000, art. 16 (6) (see war crimes)
Ordinary crimes: Penal Code 2000, art. 16 (6) (see war crimes)

COMOROS

Sources

- *Président de l'Union, Décret No. 12-022 PR, 4 février 2012, Portant promulgation de la loi 11-022/au du 13 décembre 2011, portent du Mise en oeuvre du Statut de Rome* (http://www.iccnow.org/documents/0025_001.pdf) (2012 ICC Act)

- *Code Pénal 1995 (Loi N°- 082 P/A.F - Loi 95-012/AF portant Code pénal (Crimes et délits)* (http://www.comores-droit.com/code/penal) (Penal Code 1995)
- *Code de procédure pénale* (https://www.unodc.org/tldb/pdf/Comores_code_procdure_pnale.pdf) (Criminal Procedure Code)

Definitions of crimes under international law

War crimes:
- 2012 ICC Act, art. 20
- Penal Code 1995 (no provision)

Crimes against humanity:
- 2012 ICC Act, arts. 18 and 19
- Penal Code 1995 (no provision)

Genocide:
- 2012 ICC Act, art. 17
- Penal Code 1995 (no provision)
Torture: Penal Code 1995, arts. 287 and 336

Universal jurisdiction

War crimes:
- 2012 ICC Act, art. 15
- Criminal Procedure Code,
- - art. 689 (any person who outside Comoros has committed an act that is characterized as a serious crime (*crime*) under Comoros law can be prosecuted and tried by Comoros courts if that person subsequently becomes a Comoros citizen; the same is the case if the act is a minor crime (*délit*) if the act is punishable in the country where it was committed);
- - art. 690 (anyone who is on Comoros territory who is responsible as an accomplice for a serious crime (*crime*) or a minor crime committed abroad (*délit*) can be prosecuted and tried by Comoros courts if the act is punishable by the law of the country where committed and by Comoros law, provided that the act is recognized by a final decision of the foreign jurisdiction) (since war crimes are not included, prosecutions would have to be for ordinary crimes)
Crimes against humanity:
- 2012 ICC Act, art. 15
- Penal Code 1995 (no provision); Criminal Procedure Code, arts. 689 and 690 (see war crimes) (since crimes against humanity are not included, prosecutions would have to be for ordinary crimes)
Genocide:
- 2012 ICC Act, art. 15
- Penal Code 1995 (no provision)
- Criminal Procedure Code, arts. 689 and 690 (see war crimes) (since genocide is not included, prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1995 (no provision); Criminal Procedure Code, arts. 689 and 690 (see war crimes) (since genocide is not included, prosecutions would have to be for ordinary crimes)
Ordinary Crimes Penal Code 1995 (no provision); Criminal Procedure Code, arts. 689 and 690 (see war crimes)

CONGO

Sources

- National Constitution (2002) (http://www.droitsdelhomme-france.org/IMG/Constitution_de_la_Republique_du_Congo_du_20_janvier_2002.pdf) (2002 Constitution)
- Penal Code (1963) (https://www.unodc.org/tldb/showDocument.do?documentUid=792) (1963 Penal Code)
- Code of Criminal Procedure (1967) (https://www.unodc.org/tldb/showDocument.do?documentUid=792) (1967 Code of Criminal Procedure)
- Law No. 8-98 of 31 October 1998, on Defining and Repressing Genocide, War Crimes, and Crimes against Humanity (http://www.cesbc.org/congo/Lois/Loi%208-98.pdf) and (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256 73e00508143/f6e4ccb25a888709c125707e0040da0c/$FILE/Genocide%20-%20Congo%20-%20FR.pdf) (Law No. 8-98 of 31 October 1998)

Definitions of crimes under international law

War crimes: Law No. 8-98 of 31 October 31, 1998, art. 4
Crimes against humanity: Law No. 8-98 of 31 October, 1998, art. 6
Genocide: Law No. 8-98 of 31 October 1998, art. 1
Torture: The 2002 National Constitution (art 9) prohibits torture, but it provides for no criminal penalties. Torture is not defined as a crime in Law 8-98, except when it is a crime against humanity (arts. 6 (f) and 7)

Universal jurisdiction

War crimes: 1963 Code of Criminal Procedure, art. 611 (anyone who is in the Congo responsible as an accomplice for a felony (*crime*) or misdemeanour (*délit*) committed abroad can be prosecuted and convicted if the conduct is punishable under Congolese law, provided that the conduct is also qualified as a felony or misdemeanour in a definitive decision by the foreign state regarding jurisdiction)
Crimes against humanity; 1963 Code of Criminal Procedure, art. 611 (see war crimes)
Genocide: 1963 Code of Criminal Procedure, art. 611 (see war crimes)
Torture: Code of Criminal Procedure, art. 611 (torture not defined as a crime in the Penal Code, so prosecutions would have to be for ordinary crimes)
Ordinary crimes: The Code of Criminal Procedure, art. 611 (see war crimes)

COSTA RICA

Sources

Penal Code 1970 - as amended by Law 8272 (2003) (Código Penal, según la enmienda de la Ley 8272) (http://www.pgr.go.cr/scij/busqueda/normativa/normas/nrm_repartidor.asp?param1=NRTC&nValor1=1&nValor2=5027&nValor3=68813&strTipM=TC) (Penal Code 2003)

Definitions of crimes under international law
War crimes: Penal Code 2003, art. 378
Crimes against humanity: Penal Code 2003, art. 379
Genocide: Penal Code 2003, art. 375
Torture: Penal Code 2003, art. 123 bis

Universal jurisdiction

War crimes: Penal Code 2003, art. 7 (universal jurisdiction over crimes against human rights and international humanitarian law, as defined in treaties ratified by Costa Rica) (Costa Rica is a party to the Geneva Conventions and Protocols I and II, 1954 Hague Convention Second Protocol and the Rome Statute)
Crimes against humanity: Penal Code 2003, art. 7 (see war crimes) (Costa Rica is a party to the *Apartheid* Convention)
Genocide: Penal Code 2003, art. 7 (see war crimes)
Torture: Penal Code 2003, art. 7 (see war crimes) (Costa Rica is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2003 (no provision)

COTE D'IVOIRE

Sources

- National Constitution 2000 (http://www.constitutionnet.org/files/Cote%20D'Ivoire%20Constitution.pdf)
- *Code Pénal du 1981-08-31, Loi n° 1981-640 du 31 juillet 1981, instituant le Code pénal (modifiée par la Loi n° 1995-522 du 6 juillet 1995)* (https://www.unodc.org/tldb/pdf/Cote_dIvoire/IVC_Crim_Code_Amend_1995_FR.pdf) (Penal Code 1995)
- *Loi N 60-366 du 14 Novembre 1960 Portant Code de Procédure Pénale* (https://www.unodc.org/tldb/pdf/Cote_dIvoire/Ivory_Coast_-_CPC.pdf) (Criminal Procedure Code 1961)
- *Code de procédure militaire (Loi No. 74-350)* of 26 November 1974 (hard copy in Amnesty International files) (Military Penal Procedural Code 1974)

Definitions of crimes under international law

War crimes: Penal Code 1995, arts. 138 (Crimes against civilian population); 139 (Crimes against prisoners of war)
Crimes against humanity: Constitution 2000, art. 3 (prohibition of slavery, but no penal sanction); Penal Code 1995 (no definition)
Genocide: Penal Code 1995 art. 137 (Genocide)
Torture: Constitution 2000, art. 3 (prohibition torture, no criminal sanction); Penal Code 1995 (no definition of torture as an independent crime, only as a war crime or as an aggravating circumstance in determining punishment)
Universal jurisdiction

War crimes:
- Constitution 2000, art. 87 ("[t]reaties or Agreements regularly ratified have, on their publication, an authority superior to that of the laws, provided, for each Treaty or Agreement, that it is applied by the other party) (Côte d'Ivoire is a party to the Geneva Conventions and Protocol I)
- Criminal Procedure Code 1961, arts. 658 (any person who outside Côte d'Ivoire had committed an act that is characterized as a serious crime (*crime)* under Côte d'Ivoire Law can be prosecuted and tried by Côte d'Ivoire courts if that person subsequently becomes a Côte d'Ivoire citizen; the same applies if the act is a minor crime (*délit)* and if the act is punishable in the country where it was committed*)*; 659 (anyone who is on Côte d'Ivoire territory who is responsible as an accomplice for a serious crime (*crime)* or a minor crime (*délit)* committed abroad can be prosecuted and tried by Côte d'Ivoire courts if the act is punishable by the law of the country where committed and by Côte d'Ivoire law, provided that the act is recognized by a final decision of the foreign jurisdiction).
- Military Criminal Procedure Code 1974, art. 11 (extending the jurisdiction of military courts over offences committed anywhere by enemy nationals or their agents against Ivoirians nationals, soldiers serving under the national flag and stateless persons and refugees on the territory of the Republic or in any zone of military operations over crimes and offences not justified by the laws and customs of war, committed in any location since the opening of hostilities by nationals of an enemy country or their agents)
Crimes against humanity: Criminal Procedure Code 1961, arts. 658 (see war crimes); 659

(see war crimes) (since crimes against humanity are not defined in Penal Code 1995, prosecution would have to be for ordinary crimes)
Genocide: Criminal Procedure Code 1961, arts. 658 (see war crimes); 659 (see war crimes)
Torture: Constitution 2000 art. 87(see war crimes) (since torture is not defined in Penal Code 1995, prosecutions would have to be for ordinary crimes) (Côte d'Ivoire is a party to the Convention against Torture); Criminal Procedure Code 1961 arts. 658 (see war crimes); 659 (see war crimes)
Ordinary crimes: Criminal Procedure Code 1961 arts. 658 (see war crimes); 659 (see war crimes)

CROATIA

Sources

- Criminal Code, as amended 2003 (https://www.unodc.org/tldb/pdf/Croatia_Criminal_Code_Full_text.pdf) (2003 Criminal Code) (English) (this version does not include the changes and amendments to the Criminal Code which were published in Official Gazette, no. 105/2004, 84/2005 and 71/2006, but which are not relevant to this paper)
- *Kazneni zakon Republike Hrvatske i dopune* (http://www.vsrh.hr/EasyWeb.asp?pcpid=366)

Definitions of crimes under international law

War crimes: 2003 Criminal Code, arts 158 (War Crimes against the Civilian Population Article); 159 (War Crimes Against the Wounded and Sick); 160 (War Crime Against Prisoners of War); 161 (Unlawful Killing and Wounding the Enemy); 162 (Unlawful Taking of the Belongings of those Killed or Wounded on the Battlefield); 163 (Forbidden Means of Combat); 164 (Injury of an Intermediary); 165 (Brutal Treatment of the Wounded, Sick and Prisoners of War); 166 (Unjustified Delay of the Repatriation of Prisoners of War); 167 (Destruction of Cultural Objects or of Facilities Containing Cultural Objects); 168 (Misuse of International Symbols)
Crimes against humanity: 2003 Criminal Code, art. 157a (Crimes against Humanity)
Genocide: 2003 Criminal Code, art. 156 (Genocide)
Torture: 2003 Criminal Code, art. 178 (Torture and Other Cruel, Inhuman or Degrading Treatment)

Universal jurisdiction

War crimes: 2003 Criminal Code, art. 14 (4) and (5) (any criminal offence against values protected by international law (Chapter xiii), provided that the suspect has been apprehended in Croatia and has not been extradited)
Crimes against humanity: Criminal Code, art. 14 (4) and (5) (see war crimes)
Genocide: Criminal Code, art. 14 (4) and (5) (see war crimes)
Ordinary crimes: Criminal Code, art. 14 (4) and (5) (see war crimes)

CUBA

Sources

Código Penal (http://www.gacetaoficial.cu/html/codigo_penal.html) (Penal Code 1987)

Definitions of crimes under international law

War crimes: Penal Code 1987, art. 116 (2) (bombarding, attacking or imposing a cruel treatment on civilian population)
Crimes against humanity: Penal Code 1987, art. 120 (*apartheid*)
Genocide: Penal Code 1987, art. 116 (1)
Torture: Penal Code 1987 (no provision)

Universal jurisdiction

War crimes: Penal Code 1987, art. 5
- (1) (Cuban criminal law applies to persons who are not citizens who are resident in Cuba who commit a crime abroad if found in Cuba and not extradited)
- (3) (Cuban criminal law applies to foreigners and persons without citizenship not resident in Cuba who commit a crime abroad, if found in Cuba and not extradited, provided that they are resident in the territory of a state where the acts committed were punishable, but the latter condition is not required when the act constitutes a crime against the fundamental interests, political or economic, of Cuba, or against humanity, human dignity or collective safety, or can be prosecuted under international treaties)
Crimes against humanity: Penal Code 1987, art. 5 (1) (see war crimes) and (3) (see war crimes) (this provision may include conduct amounting to crimes against humanity other than apartheid, as long as the conduct is an ordinary crime in the Penal Code, but there is

no authoritative interpretation; Cuba has included *apartheid* in the Penal Code and is a party to the *Apartheid* Convention)
Genocide: Penal Code 1987, art. 5 (1) (see war crimes) and (3) (see war crimes)
Torture: Penal Code 1987, art. 5 (1) (see war crimes) and (3) (see war crimes) (torture not included so prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1987, art. 5 (1) (see war crimes)

CYPRUS

Sources

- Criminal Code 1962 (no complete English text could be located)
- Republic of Cyprus Law 130(I) of 2006 (amending Criminal Code, 1962, s. 5) (http://docs.google.com/viewer?a=v&q=cache:I6E3sXaT4JAJ:news.pseka.net/uploads/img/documents/PSEKA_Non_Paper_On_Criminal_Code_30_11_2006.doc+cyprus+criminal+code&hl=en&gl=uk&pid=bl&srcid=ADGEESiQncuB3aga8j_qj_OC2LGPUAtxDmWtWYITThYoy_OVXGTQokSmakTvij5AOFcV2aVXp4tpCI4UOZW7VcyG5RKIWvosKwsHjYzxbPSmimlZFr_vdzIWTzaa4IX886KNtCiO1b2b&sig=AHIEtbR5-DIM4QFEMnO5ZoG-zj27A9gHVw)
- Rome Statute of the International Criminal Court (Ratification) Law of 2002 (Law 8(III)/2002, as amended by Law 23(III)/2006) (English translation in Redress, *Extraterritorial Jurisdiction*) (Rome Statute Ratification Law 2002)
- Law No. 235 of 1990
- Initial report of Cyprus to the Committee against Torture, U.N. Doc. CAT/C/16/Add.2, 5 July 1993, para. 41 (Initial CAT report, 1993)

Definitions of crimes under international law

War crimes: Rome Statute Ratification Law 2002, ss. 2 to 5 (war crimes as defined in Article 8 (2) of the Rome Statute)
Crimes against humanity: Rome Statute Ratification Law 2002, ss. 2 to 5 (crimes against humanity as defined in Article 7 of the Rome Statute)
Genocide: Rome Statute Ratification Law 2002, ss. 2 to 5 (genocide as defined in Article 6 of the Rome Statute)
Torture: Law No. 235 of 1990 (defines torture as a crime with the same definition as in Article 1 of the Convention against Torture) (Initial CAT report, 1993, para. 41)

Universal jurisdiction

War crimes:
- Criminal Code, s. 5 (1) (e) (v) (Criminal Code and any other law creating an offence apply to all offences committed in any foreign country by any person if the offence is one to which, under any binding treaty Cypriot law applies) (this provision includes grave breaches of the Geneva Conventions and Protocol I, as well as other war crimes in international humanitarian law treaties with *aut dedere aut judicare* obligations)
-Rome Statute Ratification Law 2002, s. 6 (irrespective of Article 5 of the Criminal Code, courts have jurisdiction to determine any offence contrary to this Law whether committed within or outside the territory of the Cyprus and whether committed by a Cyprus citizen or by some other person)
Crimes against humanity: Rome Statute Ratification Law 2002, s. 6 (see war crimes)
Genocide: Rome Statute Ratification Law 2002, s. 6 (see war crimes)
Torture: Criminal Code, s. 5 (1) (e) (v) (see war crimes) (this provision includes torture as defined in the Convention against Torture) (Initial CAT report, 1993, para. 41)
Ordinary crimes: Criminal Code (no provision)

CZECH REPUBLIC

Sources

- Act No. 40/2009 of the Collection of Laws, the Criminal Code, as amended by the Act No. 306/2009 of the Collection of Laws (English translation in Redress, *Extraterritorial Jurisdiction*) (2009 Criminal Code)
- Criminal Code 2009 (original Czech) (https://www.unodc.org/tldb/pdf/Czech_Republic/CZE_Penal_Code_CZ.pdf)

Definitions of crimes under international law

War crimes: Criminal Code 2009, ss. 411 (Use of Forbidden Means of Combat and Leading Illicit Warfare); 412 (War Cruelty); 413 (Persecution of Population); 414 (Plunder in a Combat Area); 415 (Misuse of Internationally Recognized and State Emblems); 416 (Misuse of a Flag and of Truce); 417 (Assaulting a Negotiator under Flag of Truce); 418 (Responsibility of a Superior)

Crimes against humanity: Criminal Code 2009, ss. 401 (Attack against Humanity); 402 (Apartheid and Discrimination of a Group of Persons); 418 (Responsibility of a Superior)
Genocide: Criminal Code 2009, s. 400 (Genocide); 418 (Responsibility of a Superior)
Torture: Criminal Code 2009, s.149 (Torture and Other Inhumane and Cruel Treatment)

Universal jurisdiction

War crimes: Criminal Code 2009,
- s. 6 (Personality Principle) (universal jurisdiction over stateless persons with a permanent residence permit in the Czech Republic)
- s. 7 (Principle of Protection and Principle of Universality) (1) (war crimes defined in Sections 411 to 417 when committed in a foreign country by a foreign citizen or a stateless person who has not been granted permanent residence) and (2) (crimes covered in s. 7 (1) must be a crime in the place committed or place where committed is not subject to any criminal jurisdiction)
- s. 8 (Subsidiary Principle of Universality) (1) (universal jurisdiction over a foreign citizen or a stateless person, who has not been granted permanent residence in the territory of the Czech Republic (a) if a crime under the law in force in the territory where it has been committed and (b) if the perpetrator has been caught in the territory of the Czech Republic and has not been extradited or surrendered for prosecution to a foreign country or another subject authorized to prosecute) and (2) (universal jurisdiction over crimes committed in a foreign country by a foreign citizen or a stateless person, who has not been granted permanent residence if done for the benefit of a legal entity that has its corporate domicile or that has a branch in the territory of the Czech Republic or for the benefit of a natural person, who is an entrepreneur and has an enterprise, its branch or place of business in the territory of the Czech Republic)
- s. 9 (Applicability Stipulated by an International Treaty)
- - (1) (universal jurisdiction when so provided by an international treaty, which is a part of the legal order)
- - (2) (Sections 6 to 8 do not apply if prohibited by a treaty)
Crimes against humanity: Criminal Code 2009, ss. 6 (see war crimes); 7 (same as for war crimes, but including crimes against humanity); and 8 (see war crimes); 8 and 9 (1) (see war crimes)
Genocide: Criminal Code 2009, ss. 6 (see war crimes); 7 (same as for war crimes, but including genocide); and 8 (see war crimes) and 9 (1) (see war crimes)
Torture: Criminal Code 2009, ss. 6 (see war crimes); 7 (same as for war crimes, but including torture and other inhumane and cruel treatment); 8 (see war crimes) and 9 (1) (see war crimes)
Ordinary crimes: Criminal Code 2009, ss. 6 (see war crimes) and 8 (see war crimes)

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Sources

Penal Code 2005 (Korean only) (https://www.unodc.org/tldb/pdf/Dem_Rep_Korea/DRK_Penal_Code_KR.pdf)

Definition of crimes under international law

War crimes: Penal Code 2005 (no provision)
Crimes against humanity: Penal Code 2005 (no provision)
Genocide: Penal Code 2005 (no provision)
Torture: Penal Code 2005 (no provision)

Universal jurisdiction

War crimes: Penal Code 2005 (no provision)
Crimes against humanity: Penal Code 2005 (no provision)
Genocide: Penal Code 2005 (no provision)
Torture: Penal Code 2005 (no provision)
Ordinary Crimes: Penal Code 2005 (no provision)

DEMOCRATIC REPUBLIC OF CONGO

Sources
- *Code Pénal Congolaise* (http://www.unhcr.org/refworld/country,,NATLEGBOD,,COD,456d621e2,47303b9e2,0.html) (Penal Code 2004)
- *Loi n°024/2002 du 18 novembre 2002 portant Code pénal militaire* (http://www.icrc.org/ihl-nat.nsf/0/48290DB575C39D78C125765F003B4032) (Military Code 2002)

Definitions of crimes under international law

War crimes: Military Code 2002, arts. 172 to 175 (*Des crimes de guerre*)
Crimes against humanity: Military Code 2002, arts. 165 to 172 (*Des crimes contre l'humanité*)
Genocide: Military Code 2002, art. 164 (*Du crime de génocide*)
Torture: Penal Code 2004, art. 67

Universal jurisdiction

War crimes: Penal Code 2004, art. 3 (*Toute personne qui, hors du territoire de la République Démocratique du Congo, s'est rendue coupable d'une infraction pour laquelle la loi Congolaise prévoit une peine de servitude pénale de plus de deux mois, peut être poursuivie et jugée en République Démocratique du Congo, sauf application des dispositions légales sur l'extradition.*)
Military Code 2002, art. 1 *(Sous réserve du présent Code, les dispositions du Livre Premier du Code Pénal ordinaire sont applicables devant es juridictions militaires.)*
Crimes against humanity: Penal Code 2004, art. 3 (see war crimes)
Genocide: Penal Code 2004, art. 3 (see war crimes)
Torture: Penal Code 2004, art. 3 (see war crimes)
Ordinary crimes: Penal Code 2004, art. 3 (see war crimes)

DENMARK

Sources

- Act No. 132 of 29 of April 1955 concerning the punishment of genocide (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256735e00508143/ab84978bf4658dc7c1256b5700330986!OpenDocument) (1955 Genocide Act)
- Act No. 342 of 16 May 2001 on the International Criminal Court (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256735e00508143/925f7026c0219aa9c1256ba60041073e!OpenDocument)
- Criminal Code, Order No. 909 of September 27, 2005, as amended by Act Nos. 1389 and 1400 of December 21, 2005 (https://www.unodc.org/tldb/pdf/Denmark_Criminal_Code_2005.pdf) (Note: Section 8 of this version of the Criminal Code was amended in 2009 in (Consolidation) Act No. 1034 of 29 October 2009 – see below – but there does not appear to be an English translation, so this report of that section is based on the description of the amended provisions in the Ministry of Foreign Affairs report to the Secretary General cited below) (Criminal Code 2005)
- Criminal Code 2009 (*Straffeloven*), Section 8, § 1, nos. 5 and 6 (Danish) (https://www.retsinformation.dk/Forms/R0710.aspx?id=121398#Kap1)
- Act no. 530 of 24/06/2005 Military Penal Code (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256735e00508143/444eda6d5d5d4063c1257754002abf6f!OpenDocument) (Military Penal Code 2005)
- Ministry of Foreign Affairs of Denmark, The Scope and Application of the Principle of Universal Jurisdiction (no date, submitted to the UN Secretary-General in 2010) (Denmark report 2010)
Conclusions and recommendations of the Committee against Torture: Denmark, U.N. Doc. CAT/C/DNK/CO/5
16 July 2007 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/431/54/PDF/G0743154.pdf?OpenElement) (CAT conclusions 2007)

Definition of crimes under international law

War crimes:
- Criminal Code, s. 8a (acts committed outside the territory of the Danish state where the act is covered by the Statute of the International Criminal Court, provided that the act has been committed by a person who has his or her abode or residence in Denmark, or who is present in Denmark at the time when charges are raised)
- Military Penal Code 2005, ss. 36 (abuses of wounded and sick), 37 (plundering) and 38 (theft)
Crimes against humanity: Criminal Code s. 8a (see war crimes)
Genocide:
- Genocide Act, ss. 1 and 2
- Criminal Code s. 8a (see war crimes)
Torture: Criminal Code (no provision); CAT conclusions 2007, para. 10)

Universal jurisdiction

War crimes:
- Criminal Code 2005, s. 7
- - § (1) (acts committed outside Denmark by a person resident in Denmark (1) where the act was committed outside the territory recognized by international law as belonging to any state, if punishable by than four months' imprisonment; or (2) where the act was committed within the territory of a foreign state, provided that it is also punishable under the law in force in that territory)

- - § (2) (provisions in § (1) apply to acts committed by a person who is a national of, or who is resident in Finland, Iceland, Norway or Sweden, and who is present in Denmark)
- -§ (3) (in the circumstances referred to in § (1) (2), an act committed by a person who at the time of the act was a resident in Denmark, even if not punishable under the law of the foreign state, when the act falls within Section 245 a [certain sexual assault] or Section 246 [aggravated sexual assault] in relation to Section 245 a of this Act.)
- Criminal Code 2009 (2010 Denmark report),
- -s. 8, § 1, no. 5 (jurisdiction over act covered by an international provision under which Denmark is obliged to have criminal jurisdiction, including Denmark's treaty obligations regarding war crimes and other serious crimes under international law, where Denmark may be obliged to have criminal jurisdiction under UN Security Council resolutions and where Denmark is required to do so in decisions and directives adopted by the Council of the European Union)
- s. 8, § 1, no. 6 (jurisdiction over acts committed in a foreign state where extradition is rejected and the acts are punishable according to the Danish law and the law of the state where committed, carrying a sentence longer than one year's imprisonment)
- s. 8a (acts committed outside the territory of the Danish state where the act is covered by the Statute of the International Criminal court, provided that the act has been committed by a person who has his or her abode or residence in Denmark, or who is present in Denmark at the time when charges are raised)
- s. 12 (exercise of jurisdiction is limited by applicable international law)

Crimes against humanity: Criminal Code 2005, ss, 7 and 12 and 2009 Criminal Code (2010 Denmark report), ss. 8, § 1, no. 5 and 8a (see war crimes)
Genocide: Criminal Code 2005, ss, 7 and 12 and 2009 Criminal Code (2010 Denmark report), ss. 8, § 1, no. 5 and 8a (see war crimes)
Torture: Criminal Code 2005, ss. 7 and 12 and 2009 Criminal Code (2010 Denmark report), s. 8, § 1, no. 5 (see war crimes) (however, torture is not defined as a crime in the Criminal Code)
Ordinary crimes: Criminal Code 2005, s. 7

DJIBOUTI

Sources

- *Code pénal, 1996* (https://www.unodc.org/tldb/pdf/Djibouti/DJI_Crim_Code_1995_FR.pdf) (Penal Code 1996)
- *Loi No. 141/AN/06/5ème L portent mise en oeuvre de la Convention d'Ottawa sur l'interdiction de l'emploi, du stockage, de la production et du transfert de des mines anti-personnel et sur leur destruction, 11 mars 2006* (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9930456c36f46e62c12575b300262d4c/$FILE/Djibouti%20Ottawa%20law.pdf) (Anti-personnel Mines Law, 2006)

Definitions of crimes under international law

War crimes: Penal Code 2006 (no provision); Anti-personnel Mines Law 1996, arts. 9 to 11
Crimes against humanity: Penal Code 1996 (no provision)
Genocide: Penal Code 1996 (no provision)
Torture: Penal Code 1996, arts. 324 (torture) and 325 to 327 (aggravated forms of torture)

Universal jurisdiction

War crimes: Penal Code 1996, art. 15 (Djibouti law applies to a non-national who committed a crime in the Penal Code abroad and subsequently acquires Djibouti nationality) (war crimes not included, so prosecutions would be for ordinary crimes)
Crimes against humanity: Penal Code 1996, art. 15 (see war crimes)
Genocide: Penal Code 1996 (no provision)
Torture: Penal Code 1996, art. 15 (see war crimes)
Ordinary crimes: Penal Code, art. 15 (see war crimes)

DOMINICA

Sources

- Commonwealth of Dominica Constitution Order 1978, Statutory Instruments, No. 1027, Schedule 2 (http://www.georgetown.edu/pdba/Constitutions/Dominica/sch2.html), s. 2 (continues in force existing laws, which include the United Kingdom's Geneva Conventions Act (Colonial Territories) (Order in Council 1959) (Geneva Conventions Order 1959)
- Laws of Dominica, Genocide Act, An act to give effect to the convention for the prevention and punishment of the crime of genocide, 18 December 1969, Cap. 10:04,

Act 20 of 1969, as amended by Act 19 of 1974 (http://www.dominica.gov.dm/laws/chapters/chap10-04.pdf) (Genocide Act 1974)
- Criminal Code (not found)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal Code not found
Genocide: Genocide Act, s. 2
Torture: Criminal Code not found

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal Code not found
Genocide: Criminal Code not found
Torture: Criminal Code not found
Ordinary crimes: Criminal Code not found

DOMINICAN REPUBLIC

Sources

- *Código Penal de la República Dominicana* (http://www.oas.org/juridico/MLa/sp/dom/sp_dom-int-text-cp.pdf) (Penal Code 1998)
- *Código Procesal Penal de la República Dominicana* (http://www.suprema.gov.do/PDF_2/codigos/Codigo_Procesal_Penal.pdf) (Criminal Procedure Code 2002)

Definitions of crimes under international law

War crimes: Penal Code 1998 (no provision); Criminal Procedural Code 2002, art. 49 (permits Dominican courts to investigate and prosecute war crimes defined in a treaty or convention to which the Dominican Republic is a party on the basis of an analogous ordinary crime in the Penal Code) (Dominican Republic is a party to the Geneva Conventions, Protocol I, 1954 Hague Convention Second Protocol and Rome Statute)
Crimes against humanity: Penal Code 1998 (no provision); Criminal Procedural Code 2002, art. 49 (see war crimes) (Dominican Republic is a party to the Rome Statute)
Genocide: Penal Code 1998 (no provision); Criminal Procedural Code 2002, art. 49 (see war crimes) (Dominican Republic is a party to the Rome Statute)
Torture: Penal Code 1998, art. 303

Universal jurisdiction

War crimes: Criminal Procedural Code 2007, art. 56 (Criminal jurisdiction extends to foreigners in cases provided for in treaties or international conventions ratified by the Dominican Republic and under recognized principles of general international law and regional American law; national courts have jurisdiction, independent of the place of commission, to judge cases that constitute genocide, war crimes and crimes against humanity, provided that the suspect resides, even temporarily, in Dominican Republic)
Crimes against humanity: Criminal Procedural Code 2007, art. 56 (see war crimes)
Genocide: Criminal Procedural Code, 2007, art. 56 (see war crimes)
Torture: Criminal Procedural Code, 2007, art. 56 (see war crimes)
Ordinary crimes: Penal Code 1998 and Criminal Procedure Code 2007 (no provision)

ECUADOR

Sources

- *Constitución Política del Ecuador* (http://www.eueomecuador.org/ES/PDF/NUEVA_CONSTITUCION_DEL_ECUADOR.pdf) (National Constitution 2008)
- *Código Penal* (http://www.oas.org/juridico/MLA/sp/ecu/sp_ecu-int-text-cp.pdf) (Penal Code 1971)
- *Código de Procedimiento Penal* (http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_28.pdf) (Criminal Procedure Code 2000)

Definitions of crimes under international law

War crimes: Penal Code 1971 (no provision)
Crimes against humanity: Penal Code 1971 (no provision)
Genocide: Penal Code 1971 (no provision)
Torture: Penal Code 1971, arts. 187 and 205

Universal jurisdiction

War crimes:
- Penal Code 1971, art. 5
- (5a) (punishment in accordance with Ecuadorian law of foreigners who commit abroad crimes under international law, if found in Ecuador or they are extradited to Ecuador; no war crimes definition in Penal

Code 1971, so prosecution would have to be for ordinary crimes)
- (6a) (punishment in accordance with Ecuadorian law of foreigners who commit abroad any crime required by a special Ecuadorian law or in an international convention providing for application of Ecuadorian law, if found in Ecuador or they are extradited to Ecuador; no war crimes definition in Penal Code 1971, so prosecution would have to be for ordinary crimes) (Ecuador is a party to the Geneva Conventions, Protocol I and Hague Convention 1954 Second Protocol)
- Criminal Procedural Code 2000, art. 18
- (6) (courts may exercise universal jurisdiction over crimes under international law or in the circumstances envisaged in treaties, provided that the suspect has not been tried in another state; no war crimes definition in Penal Code 1971, so prosecution would have to be for ordinary crimes) (Ecuador is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
- - (7) (courts may exercise jurisdiction over foreigners in other cases envisaged in the Penal Code) (none found)

Crimes against humanity:
- Penal Code 1971, art. 5 (5a) and (6a) (see war crimes; crimes against humanity not included, so prosecution would have to be for ordinary crimes) (Ecuador is a party to the *Apartheid* Convention)
- Criminal Procedure Code 2000, art. 18 (6) (see war crimes; crimes against not included in Penal Code 1971, so prosecution would have to be for ordinary crimes) (Ecuador is a party to the *Apartheid* Convention) and (7) (see war crimes) (no relevant provisions found)

Genocide:
- Penal Code 1971, art. 5 (5a) and (6a) (see war crimes; genocide not included, so prosecution would have to be for ordinary crimes)
- Criminal Procedure Code 2000, art. 18 (6) (see war crimes; no genocide definition in Penal Code 1971, so prosecution would have to be for ordinary crimes) and (7) (see war crimes; no relevant provisions found)

Torture:
- Penal Code, art. 5 (5a) and (6a) (see war crimes) (Ecuador is a party to the Convention against Torture)
- Criminal Procedure Code 2000, art. 18 (6) (see war crimes) (Ecuador is a party to the Convention against Torture) and (7) (see war crimes; no relevant provisions found)

Ordinary crimes: Penal Code 1971 (no provision)

EGYPT

Sources
- Constitution 1971
- Provisional Constitution 2011 (http://www.cabinet.gov.eg/AboutEgypt/ConstitutionalDeclaration_e.pdf) (Provisional Constitution, 2011)
- Penal Code, Law No. 58 01 of 1937 (https://www.unodc.org/tldb/showDocument.do?documentUid=6605) (Penal Code 1937)
- Code of Criminal Procedure (Arabic)
- Fourth periodic reports due in 2000: Egypt, U.N. Doc. CAT/C/55/Add.6,18 October 2001 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G01/453/17/PDF/G0145317.pdf?OpenElement) (Egypt Fourth CAT Report 2001)

Definitions of crimes under international law

War crimes: Penal Code 1937 (no provision)
Crimes against humanity: Penal Code 1937 (no provision)
Genocide: Penal Code 1937 (no provision)
Torture: Penal Code 1937, art. 126 (Coercion and Ill-treatment by Public Officials to Individuals of the People)

Universal jurisdiction

War crimes: Penal Code 1937 (no provision) (Egypt is a party to the Geneva Conventions and Protocols I and II); Constitution 1971 (abrogated), art. 151 (provided that treaties "shall have the force of law after their conclusion, ratification and publication according to the established procedure"); government stated that under this Constitution "international treaties including their jurisdictional provisions, were directly enforceable by Egyptian Courts" (Amnesty International, 2001 *Memorandum*, Chapter 4 Part A, p. 68); Provisional Constitution, 2011 has no similar provisions
Crimes against humanity: Penal Code 1937 (no provision) (see war crimes) (Egypt is a party to the *Apartheid* Convention)
Genocide: Penal Code 1937 (no provision)
Torture: Penal Code, 1937 (no provision) (Egypt government stated in Fourth CAT Report, 2001 that Convention against Torture was directly enforceable in Egyptian courts; does not appear to be still true under the Provisional Constitution 2011) (see war crimes)
Ordinary crimes: Penal Code 1937 (no provision)

EL SALVADOR

Sources

- *Código Penal, según enmienda del Decreto Legislativo No.310 de fecha 24 de marzo de 2010* (http://www.csj.gob.sv/leyes.nsf/ed400a03431a688906256a84005aec75/29961fcd8682863406256d02005a3cd4) (Penal Code 2010)
- *Código de Justicia Militar* (http://www.csj.gob.sv/leyes.nsf/efe7469ed58799b286256d480070874f/f841e184afed9d8406256d02005a3f1e?OpenDocument) (Military Code of Justice 1964)

Definitions of crimes under international law

War crimes:
- Penal Code 2010, arts. 362-363 (violation of the laws and customs applicable in armed conflict of international or non-international character)
- Military Code of Justice 1964, arts. 163 and 185

Crimes against humanity: Penal Code 2010, art. 363 (any inhuman act against civilian population)
Genocide: Penal Code 2010, art. 361
Torture: Penal Code 2010, art. 297

Universal jurisdiction

War crimes: Penal Code 2010, art. 10 ("Criminal legislation shall also apply to offences committed by anyone whosoever in a place not subject to Salvadoran jurisdiction, provided that they affect property internationally protected by specific agreements or rules of international law or seriously undermine universally recognized human rights.") (El Salvador is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Penal Code 2010, art. 10 (see war crimes) (El Salvador is a party to the *Apartheid* Convention)
Genocide: Penal Code 2010, art. 10 (see war crimes)
Torture: Penal Code 2010, art. 10 (see war crimes) (El Salvador is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2010 (no provision)

EQUATORIAL GUINEA

Sources

- Constitution 1991 (http://www.constitutionnet.org/files/Equatorial%20Guinea%20Constitution.pdf)
- Penal Code, Decree 691 of 28 March 1963 and modified by Law 3 of 1967 (Spanish Penal Code 1967) (http://www.boe.es/boe/dias/1963/04/08/pdfs/A05871-05907.pdf) (Penal Code 1967)
- Criminal Procedure Code 1967 (could not be located)
- *Ley No. 6/2006 sobre la Prevención y Sanción de la Tortura (2 de noviembre de 2006)* (http://www.apt.ch/index.php?option=com_k2&view=item&layout=item&id=819&Itemid=266&lang=en) (Prevention of torture law 2006)
- Equatorial Guinea Organic Law on the Organization of the Judiciary 2009 (https://www.unodc.org/tldb/pdf/Equatorial_Guinea_Organic_Law_on_the_Organization_of_the_Judiciary_2009.pdf) (Organic Law 2009)

Definitions of crimes under international law

War crimes: Penal Code 1967 (no definition)
Crimes against humanity: Penal Code 1967 (no definition)
Genocide: Penal Code 1967 (no definition)
Torture: Prevention of torture law 2006, art. 3 (torture)

Universal jurisdiction

War crimes:
Organic Law 2009, art. 17 (permitting national courts to exercise jurisdiction over foreigners who commit crimes outside the national territory when this is provided for by law; however, it has not been possible to establish whether the term "law" means national and/or international law); Penal Code 1967 (no provision); Criminal Procedure Code 1967 could not be located
Crimes against humanity: Organic Law 2009, art. 17 (see war crimes); Penal Code 1967 (no provision); Criminal Procedure Code 1967 could not be located
Genocide: Organic Law 2009, art. 17 (see war crimes); Penal Code 1967 (no provision); Criminal Procedure Code 1967 could not be located
Torture: Organic Law 2009, art. 17 (see war crimes); Criminal Procedure Code 1967 could not be located
Ordinary crimes: Organic Law 2009 art. 17 (see war crimes); Penal Code 1967 (no provision); Criminal Procedure Code 1967 could not be located

ERITREA

Sources

- The Constitution of Eritrea 1997 (http://www.chr.up.ac.za/undp/domestic/docs/c_Eritrea.pdf)
- Eritrean Transitional Penal Code (http://www.unhcr.org/refworld/pdfid/49216a0a2.pdf) (The Penal Code of Ethiopia was published in 1957 and came into force on 5 May 1958. It remained has remained in force after independence as the Eritrean Transitional Penal Code; it is not known if there have been amendments since 1957) (information based on Universal Periodic Review Eritrea 2009 (http://www.eclj.org/Releases/Read.aspx?GUID=cbfa8174-3e75-44b3-9065-c47680931533&s=un) (Eritrean Transitional Penal Code 1957)
- Eritrean Transitional Criminal Procedure Code (1961) (apparently same text as 1961 Ethiopian Criminal Procedure Code) (http://www.unhcr.org/refworld/pdfid/492163ac2.pdf)

Definitions of crimes under international law

War crimes: Eritrean Transitional Penal Code 1957, arts. 282 (War crimes against the Civilian Population); 283 (War Crimes against wounded, sick or shipwrecked persons); 284 (War Crimes against prisoners and interned persons); 288 (Use of illegal means of combat); 291(Maltreatment of, or dereliction of duty towards, wounded, sick or prisoners); 293 (Hostile Acts against International Humanitarian Organizations); 294 (Abuse of International Emblems and Insignia)
Crimes against humanity: Eritrean Transitional Penal Code 1957, art. 565 (Enslavement)
Genocide: Eritrean Transitional Penal Code, 1957, art. 281 (Genocide; Crimes against Humanity) (despite its title, this article does not include crimes against humanity)
Torture:
- Eritrean Transitional Code 1957, art. 417 (Use of Improper Methods)
- Constitution, 1997,art 16(2) (prohibition of torture or to cruel, inhuman or degrading treatment or punishment); (no criminal sanction)

Universal jurisdiction

War crimes: Eritrean Transitional Penal Code 1957, art. 17 (1) (a) (permitting exercise of universal jurisdiction over crimes under international law or an international offence specified in Eritrean legislation or an international treaty or a convention to which Eritrea has adhered) (Eritrea is a party to the Geneva Conventions)
Crimes against humanity: Eritrean Transitional Penal Code 1957, art 17 (1) (a) (see war crimes) and (b) (permitting exercise of universal jurisdiction over a crime against public health or morals, which includes slave trade in Article 565 of this code)
Genocide: Eritrean Transitional Penal Code 1957, art. 17 (1) (a) (see war crimes)
Torture: Eritrean Transitional Penal Code 1957, art 17 (1) (a) (see war crimes) (would include torture as a crime under customary international law)
Ordinary crimes: Eritrean Transitional Penal Code 1957, art. 18 (2) (permitting exercise of universal jurisdiction over ordinary crimes, if the crime is punishable under Eritrean law with death or with rigorous imprisonment for not less than ten years)

ESTONIA

Sources

- Penal Code 2001 (as amended 2007) (http://www.legislationline.org/documents/section/criminal-codes) (Criminal Code 2007)
- Fourth periodic reports of States parties due in 2004 – Estonia, U.N. Doc. CAT/C/80/Add.1, 18 July 2005 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/428/80/PDF/G0542880.pdf?OpenElement)
- Conclusions and recommendations of the Committee against Torture – Estonia, U.N. Doc. CAT/C/EST/CO/4, 19 February 2008 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/405/46/PDF/G0840546.pdf?OpenElement)
- Report of Estonia submitted to the UN Secretary-General, 26 April 2010 (http://www.un.org/en/ga/sixth/65/ScopeAppUniJuri_StatesComments/Estonia.pdf) (Estonia report 2010)

Definitions of crimes under international law

War crimes: Penal Code 2007, ss. 94 (Punishment for offences not provided for in this Division); 95 (Acts of war against civilian population); 96 (Illegal use of means of warfare against civilians); 97 (Attacks against civilians); 98 (Unlawful treatment of prisoners of war or interned civilians); 99 (Attacks against prisoners of war or interned civilians); 100 (Refusal to provide assistance to sick, wounded or shipwrecked persons); 101 (Attack against combatant hors de combat); 102 (Attacks against protected

persons); 103 (Use of prohibited weapons); 104 (Environmental damage as method of warfare); 105 (Exploitative abuse of emblems and marks designating international protection); 106 (Attacks against non-military objects); 107 (Attacks against cultural property); 108 (Destruction or illegal appropriation of property in war zone or occupied territory); 109 (Marauding)
Crimes against humanity: Penal Code 2007, s. 89 (Crimes against humanity)
Genocide: Penal Code 2007, s. 90 (Genocide)
Torture: Penal Code 2007 (no provision); CAT conclusion 2008.

Universal jurisdiction

War crimes: Penal Code 2007,
- s. 7 (Applicability of penal law by reason of person concerned)
- - (1) (penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if the offender becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited) (covers war crimes listed in Penal Code, ss. 94 to 109)
- - (2) (penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant that law and the offender is a member of the Defence Forces performing his or her duties) (is universal jurisdiction if the person is a foreigner serving in the Defence Forces)
- s. 8 (Applicability of penal law to acts against internationally protected legal rights) (Regardless of the law of the place of commission of an act, the penal law of Estonia applies to an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia) (applies to grave breaches of the Geneva Convention and Protocol I; according to 2010 Estonia report it may apply to war crimes listed in the Rome Statute, but there is no jurisprudence on this point)
Crimes against humanity:
Penal Code 2007,
- s. 7 (see war crimes; would include crimes against humanity in Section 89)
- s. 8 (see war crimes; would probably include crimes against humanity in Section 89)
Genocide:
- s. 7 (see war crimes; would include genocide in Section 89)
- s. 8 (see war crimes; would probably include genocide in Section 89)
Torture: Penal Code 2007, ss. 7 and 8 (see war crimes) (since torture not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: s. 7 (see war crimes)

ETHIOPIA

Sources
- National Constitution 1995 (http://www.wipo.int/wipolex/en/text.jsp?file_id=193667)
- Penal Code, Proclamation 414 2004, entered into force 2005 (http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf) (Penal Code 2005)
- Criminal Procedure Code 1961, Proclamation No. 185, 2 November 1961 (http://www.ethiopian-law.com/federal-laws/procedural-law/criminal-procedure-law.html)
- Committee against Torture (2009) Consideration on report submitted by states, Ethiopia, paras. 16-19 (http://www.bayefsky.com/reports/ethiopia_cat_c_eth_1_2009.pdf) (CAT report 2009)

Definitions of crimes under international law

War crimes: Penal Code 2005, arts. 270 (War crimes against the civilian population); 271 (War crimes against wounded, sick shipwrecked persons or medical services); 272 (War crimes against prisoners and interned persons); 279 (Maltreatment of or dereliction of duty towards wounded, sick or prisoners); 281 (Crimes against humanitarian organizations); 282 (Abuse of Emblems and Insignia of International Humanitarian Organizations); 283 (Hostile Acts against the Bearer of a Flag of Truce).
Crimes against humanity: Penal Code 2005, art. 596 (Enslavement)
Genocide: Penal Code 2005, art. 269 (Genocide)

Torture: Penal Code 2005, art. 424 (Use of Improper Methods)

Universal jurisdiction

War crimes: Penal Code 2005, art. 17 (1) (a) (any person who has committed outside Ethiopia a crime against international law or an international crime specified in Ethiopian legislation, or an international treaty or a convention to which Ethiopia has adhered is liable to trial in Ethiopia in accordance with the provisions of the Penal Code) (Ethiopia is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Penal Code 2005, art. 17 (1) (a) (see war crimes) and (b) (see war crimes) (any person who has committed outside Ethiopia a crime against public health or, morals specified in art 599 – involvement in enslavement and the slave trade is liable to trial in Ethiopia). (Ethiopia is a party to the *Apartheid* Convention)
Genocide: Penal Code 2005, art. 17 (1) (a) (see war crimes)
Torture: Penal Code 2005, art. 17 (1) (a) (see war crimes) (Ethiopia is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2005, art. 18 (2) (crime is punishable under Ethiopian law with death or with rigorous imprisonment for not less than ten years)

FIJI

Sources

- Geneva Convention Promulgation 2007: Breaches of the Geneva Convention (http://www.icrc.org/ihl-nat.nsf/0/947ACE338D0D29F1C125754C005D3CDB)
- Crimes Decree 2009 (http://www.icrc.org/ihl-nat.nsf/0/F06E3B35E68C27CEC12576BA0050D040)

Definitions of crimes under international law

War crimes: Geneva Convention Promulgation 2007, art. 3 (grave breaches of the Geneva Conventions and Protocol I)
Crimes against humanity: Crimes Decree 2009, Division 3 — Crimes Against Humanity, ss. 82 (Crime against humanity – murder); 83 (Crime against humanity – extermination); 84 (Crime against humanity – enslavement); 85 (Crime against humanity – deportation or forcible transfer of population); 86 (Crime against humanity – imprisonment or other severe deprivation of physical liberty) 87 (Crime against humanity – torture) 88 (Crime against humanity – rape) 89 (Crime against humanity – sexual slavery); 90 (Crime against humanity – enforced prostitution); 91 (Crime against humanity – forced pregnancy); 92 (Crime against humanity – enforced sterilisation); 93 (Crime against humanity – sexual violence) 94 (Crime against humanity – persecution); 95 (Crime against humanity – enforced disappearance of persons); 96 (Crime against humanity – apartheid); 97 (Crime against humanity – other inhumane act)
Genocide: Crimes Decree 2009, Division 2 — Genocide, ss. 77 (Genocide by killing); 78 (Genocide by causing serious bodily or mental harm); 79 (Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction); 80 (Genocide by imposing measures intended to prevent births); 81 (Genocide by forcibly transferring children)
Torture: Crimes decree 2009 (no provision)

Universal jurisdiction

War crimes: Geneva Convention Promulgation 2007, art. 3 (3) (grave breaches of the Geneva Conventions and Protocol I)
Crimes against Humanity: Crimes Decree 2009, s. 99
Genocide: Crimes Decree 2009, s. 99
Torture: Crimes Decree 2009 (since torture not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Crimes Decree 2009, s. 8 (1) (c) (any resident)

FINLAND

Sources
- Criminal Code, including decrees implementing the Code (http://www.legislationline.org/documents/section/criminal-codes) (unofficial English translation by Ministry of Justice, Finland)
- Verbal Note submitted to UN Secretary-General, 17 May 2010 (http://www.un.org/en/ga/sixth/65/ScopeAppUniJuri.shtml)
- Fifth and sixth periodic reports submitted to the Committee against Torture – Finland, U.N. Doc. CAT/C/FIN/5-6, 29 November 2010
- Act No. 990/2009, 1 January 2010, Government Bill No. HE 76/2009 vp (defining torture by adding a new Section 9a to Chapter 11 of the Criminal Code) (Torture Act, 2010)

Definitions of crimes under international law

War crimes: Criminal Code, Ch. 11 (War crimes and crimes against humanity - 212/2008), ss. 5 (War crime); 6 (Aggravated war crime); 7 (Petty war crime); 8 (Breach of the prohibition of chemical weapons); 9 (Breach of the prohibition of biological weapons)
Crimes against humanity: Criminal Code, Ch. 11 (War crimes and crimes against humanity - 212/2008), ss. 3 (Crime against humanity) and 4 (Aggravated crime against humanity)
Genocide: Criminal Code, Ch. 11 (War crimes and crimes against humanity - 212/2008), ss. 1 (Genocide) and 2 (Preparation of genocide)
Torture: Criminal Code, Ch. 11, s. 9 (such torture for the purpose of obtaining a confession, assault, aggravated assault or other punishable act that is to be deemed torture referred to in the Convention against Torture - Treaties of Finland 60/1989)

Universal jurisdiction

War crimes:
Criminal Code, Ch. 1,
- s. 7 (International offence)
- - (1) (Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (*international offence*), and further provisions on the application of this section are issued by Decrees listed below identifying other international offences) (see Decree on the Application of chapter 1, section 7 of the Criminal Code – 627/1996 – Section1)
Decrees:
- - (2) (war crime and aggravated war crime defined in the Charter of Rome of the International Criminal Court (Treaties of Finland 56/2002) or other corresponding punishable criminal act that is a grave breach of the Geneva Conventions (Treaties of Finland 8/1955) and Protocol I (Treaties of Finland 82/1980) (Decree 286/2008)
- -(12) (violation of the prohibition of chemical weapons referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaties of Finland 19/1997) (Decree 118/1999)
- - (13a) (violation of the prohibition of biological weapons referred to in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (Treaties of Finland 23/1929) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Treaties of Finland 15/1975), (Decree 286/2008)
- -(18) such wilful killing or causing of serious injury to civilians as is referred to in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and other Devices as amended on 3 May 1996 (Treaties of Finland 91/1998). (Decree 859/2003)
- s. 8 (Other offence committed outside of Finland) (Finnish law applies to an offence committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the state in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted)
Crimes against humanity: Criminal Code, Ch. 1, s. 7 (1) (2) (Decree - 286/2008) (crime against humanity and aggravated crime against humanity)
Genocide: Criminal Code, Ch. 1, s. 7 (3) (Decree - 286/2008) (genocide and the preparation of genocide referred to in the Convention on the Prevention and Punishment of the Crime of Genocide) (Treaties of Finland 5/1960)
Torture: Criminal Code, Ch. 1, s. 8 (see war crimes)
Ordinary crimes: Criminal Code, Ch. 1, s. 8 (see war crimes)

FRANCE

Sources

- *Code pénal* (as amended 1 September 2011) (http://perlpot.net/cod/penal.pdf) (Penal Code 2011)
- *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, modifié par Loi n°96-432 du 22 mai 1996, NOR: JUSX9500141L, version consolidée au 13 juillet 2001* (http://legifrance.gouv.fr/affichTexte.do?cidTe

xte=JORFTEXT000000742868) (ICTY/ICTR legislation 2001)
- *Code de procédure pénale, version consolidée au 3 septembre 2011* (http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154) (Criminal Procedure Code 2011)

Definitions of crimes under international law:

War crimes: Penal Code 2011, arts. 461-1 to 461-31 (war crimes); ICTY/ICTR legislation, 2001
Crimes against humanity: Penal Code 2011, art. 212-1 (Other crimes against humanity); ICTY/ICTR legislation, 2001
Genocide: Penal Code, 2011, art. 211-1 (Genocide); ICTY/ICTR legislation, 2001
Torture: Penal Code 2011, art. 222-1 (Torture)

Universal jurisdiction

War crimes: Code of Criminal Procedure 2011
- Art. 689 (perpetrators of or accomplices to offences committed outside French territory may be prosecuted and tried by French courts either when French law is applicable under the provisions of Book I of the Penal Code or any other statute, or when an international convention gives jurisdiction to French courts to deal with the offence)
- Art. 689-1 (in accordance with treaties listed below, a person responsible for committing or attempting to commit any of the offences listed in this treaty outside French territory and who happens to be in France may be prosecuted)
- Art. 689-2 (listing the Convention against Torture)
- art. 689-3 (listing the European Convention on the Suppression of Terrorism, which prohibits torture in certain circumstances)
- art. 689-11 (anyone may be prosecuted by French courts who habitually resides on French territory and is responsible for one of the crimes within the jurisdiction of the International Criminal Court - genocide, crimes against humanity and war crimes – committed abroad, if the acts are punishable in the state where committed or if that state or the state of the person's nationality is a party to the Rome Statute, provided that the prosecution was requested by the relevant minister, and that this official has verified that the International Criminal Court has expressly declined jurisdiction and that no international criminal court has requested surrender and no state has requested extradition)
- ICTY/ICTR legislation, 2001
Crimes against humanity: Code of Criminal Procedure 2011, art. 689-11 (see war crimes); ICTY/ICTR legislation 2001
Torture: Code of Criminal Procedure, 2011, art. 689-2 (see war crimes)
Ordinary crimes: Code of Criminal Procedure (no provision)

GABON

Sources

- Constitution of Gabon 1991 (http://democratie.francophonie.org/IMG/pdf/Gabon.pdf)
- Law No. 21-63 of 31 May 1963, updated November 1994 (https://www.unodc.org/tldb/showDocument.do?documentUid=927&country=GAB&language=FRE) (Penal Code 1994)
- Law 35 of 5 June 1965 (https://www.unodc.org/tldb/showDocument.do?documentUid=8248&country=GAB&language=FRE) (Code of Criminal Procedure 1965)

Definitions of crimes under international law

War crimes: Penal Code 1994 (no provision).
Crimes against humanity: Penal Code 1994 (no provision)
Genocide: Penal Code 1963 (no provision)
Torture: Penal Code 1963 (no provision). Constitution of Gabon 1991, art. 1 (1) (prohibition of torture; no criminal sanction)

Universal jurisdiction

War crimes: Penal Code 1963 (no provision); Code of Criminal Procedure 1965 (no provision)
Crimes against humanity: Penal Code 1963 (no provision); Code of Criminal Procedure 1965 (no provision)
Genocide: Penal Code 1963 (no provision); Code of Criminal Procedure 1965 (no provision)
Torture: Penal Code 1963 (no provision); Code of Criminal Procedure 1965 (no provision)
Ordinary crimes: Penal Code 1963 (no provision); Code of Criminal Procedure 1965 (no provision)

GAMBIA

Sources

- The Constitution of the Republic of The Gambia 1997, amended 2002. (Constitution 1997)

(http://www.ncce.gm/files/constitution.pdf)
Ordinance No. 25 of 1933, consolidated version amended up to Act No. 11 of 1986
- Criminal Code 1933 (could not be located)
- Ordinance no. 26 of 1933, Criminal Procedure Code (could not be located)
- United Kingdom's Geneva Conventions Act 1957 was extended to Gambia by Act of 1 September 1959 (http://www.legislation.gov.uk/ukpga/Eliz2/5-6/52?view=extent) (applies to the state under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959, at least before Gambia became independent on 18 February 1965; appears to be still in force) (Gambia Geneva Conventions Act 1959) (hard copy in Amnesty International files)

Definitions of crimes under international law

War crimes: Geneva Convention Order 1959, s. 2 (grave breaches of the Geneva Convention). Criminal Code 1933 (could not be located)
Crimes against humanity: Constitution 1997, art. 20 (Protection from slavery and forced labour) (prohibition of slavery, but no penal sanction). Criminal Code 1933 (could not be located)
Genocide: Criminal Code 1933 (could not be located
Torture: Constitution 1997, art. 21 Protection from inhuman treatment) (prohibition of torture, it contains no criminal sanction); Criminal Code 1933 (could not be located)

Universal jurisdiction

War crimes: Gambia Geneva Conventions Act 1959, s. 1 (including universal jurisdiction provisions of UK Geneva Conventions Act 1957 over grave breaches of the Geneva Conventions); Criminal Code 1933 (could not be located)
Crimes against humanity: Criminal Code 1933 (could not be located)
Genocide: Criminal Code 1933 (could not be located)
Torture: Criminal Code 1933 (could not be located)
Ordinary crimes: Criminal Code 1933 (could not be located)

GEORGIA

Sources
- Criminal Code (1999) (https://www.unodc.org/tldb/pdf/Georgia_Criminal_Code_1999.pdf) (English translation)

Definitions of crimes under international law

War crimes: Criminal Code, arts. 410 (Participation of Mercenary into Armed Conflict or Hostilities); 411(Deliberate Violation of the Norms of International Humanitarian Law); 412 (Intentional Violation of the Norms of International Humanitarian Law); 413 (Violation of Other Norms of International Humanitarian Law)
Crimes against humanity: Criminal Code, art. 408 (Humanity Crime)
Genocide: Criminal Code, art. 407 (Genocide)
Torture: Criminal Code, art. 126 (Torture)

Universal jurisdiction

War crimes: Criminal Code, art. 5 (Criminal Liability for Crime Perpetrated Abroad)
- (1) (courts may exercise universal jurisdiction over stateless permanent residents who have committed crimes under the Criminal Code)
- (2) (courts may exercise universal jurisdiction over stateless permanent residents who have committed a crime under the Criminal Code if the criminal liability for this offense is provided by an international treaty ratified by Georgia)
- (3) (courts may exercise universal jurisdiction over foreign nationals and stateless persons not permanently residing in Georgia who have committed a crime if the criminal liability for this offense is provided by an international treaty ratified by Georgia) (Georgia is a party to the Geneva Conventions Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Criminal Code, art. 5 (3) (see war crimes) (Georgia is a party to the *Apartheid* Convention)
Genocide: Criminal Code, art. 5 (1) (stateless permanent residents) (possibly also art. 5 (2) and (3) because they provide for jurisdiction for crimes under the Criminal Code if the criminal liability for these crimes is provided by an international treaty ratified by Georgia; Georgia is a party to the Genocide Convention; however, the wording of art. 5 (2) and (3) is ambiguous and it is not clear whether it was meant to give jurisdiction over crimes regulated by international conventions which do not provide universal jurisdiction)
Torture: Criminal Code, art. 5 (see war crimes) (Georgia is a party to the Convention against Torture)
Ordinary crimes: Criminal Code, art. 5 (1) (see war crimes)

GERMANY

Sources

- Criminal Code 1998 (*Strafgesetzbuch, StGB*) (http://www.iuscomp.org/gla/statutes/StGB.htm) (crimes under international law committed before 30 June 2002)
- Code of Criminal Procedure (*Strafprozeßordnung, StPO*) (http://www.iuscomp.org/gla/statutes/StPO.htm) (for jurisdictional amendments, see An Act to Introduce the Code of Crimes against International Law of 26 June 2002) (http://www.iuscomp.org/gla/statutes/VoeStGB.pdf) (Act 2002)
- Code of Crimes against International Law 2002 (*Voelkkerstrafgesetzbuch, VStGB*) (http://www.iuscomp.org/gla/statutes/VoeStGB.pdf) (crimes under international law committed since 30 June 2002)
- Third periodic reports of States parties due in 1999 - Addendum – Germany, U.N. Doc. CAT/C/49/Add.4, 8 July 2003 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/428/58/PDF/G0342858.pdf?OpenElement) (CAT Fifth Report 2003)

Definitions of crimes under international law

War crimes: Code of Crime against International Law 2002, ss. 8 (War crime against persons); 9 (War crimes against property and other rights); 10 (War crimes against humanitarian operations and emblems); 11 (War crimes consisting of the use of prohibited methods of warfare); 12 (War crimes consisting of employment of prohibited means of warfare)
Crimes against humanity: Code of Crime against International Law 2002, s. 7 (Crimes against humanity); Criminal Code 1998 (no provision)
Genocide: Code of Crime against International Law 2002, s. 6; Criminal Code, s. 220a (genocide)
Torture: Criminal Code (no provision); CAT Fifth Report 2003, para. 17 (no separate offence of torture in German law)

Universal jurisdiction

War crimes:
- Code of Crime against International Law 2002, s. 1 (applies to war crimes committed abroad since 30 June 2002)
- Act 2002, art. 3 (Amendment to the Code of Criminal Procedure) (amendment provides that the public prosecution office may dispense with prosecuting an offence (or drop a prosecution at any stage) punishable under the Code of Crimes against International Law, if a foreign accused is not present in Germany and such presence is not to be anticipated and, in certain circumstances, the foreign accused is a resident.)

Criminal Code 1998,
- s. 6 (Acts Abroad Against Internationally Protected Legal Interests) (9) (courts can exercise jurisdiction over acts which, on the basis of an international agreement binding on the Federal Republic of Germany, must also be prosecuted if they are committed abroad; this provision applies to grave breaches of the Geneva Conventions committed before 30 June 2002)
- s. 7 (Applicability to Acts Abroad in Other Cases) (2) (2) (German criminal law applies to other acts, which were committed abroad before 30 June 2002 if the act is punishable at the place of its commission or the place of its commission is subject to no criminal law enforcement and if the perpetrator was a foreigner at the time of the act, was found to be in Germany and, although extradition was permitted under the Extradition, was not extradited) (this provision applies to conduct that amounts to a war crime and is defined as a crime under German law)

Crimes against humanity: Code of Crime against International Law 2002, s. 1 (applies to crimes against humanity committed abroad since 2002);
- Criminal Code 1998, s. 7 (2) (2) (see war crimes; this provision would permit German courts to exercise universal jurisdiction over conduct amounting to crimes against humanity committed before 30 June 2002, provided it was also a crime under German law)

Genocide: Code of Crime against International Law 2002, s. 1 (applies to genocide committed abroad since 2002); Criminal Code 1998, s. 6 (1) (German courts can exercise universal jurisdiction over genocide committed abroad before 30 June 2002)
Torture: Criminal Code 1998, s. 7 (2) (2) (see war crimes) (this provision would permit German courts to exercise universal jurisdiction over conduct amounting to torture committed before 30 June 2002, provided it was also a crime under German law)
Ordinary crimes: Criminal Code 1998, ss. 5 (Acts Abroad against Domestic Legal Interests) and 7 (2) (2) (see war crimes)

GHANA

- Constitution 1992, art. 15 (2) (a)
- Geneva Conventions Act 2009 (http://www.icrc.org/ihl-nat.nsf/0/FB478C1F36D0FD25C125763B0043DE8D)
- Criminal Code 2003 (https://www.unodc.org/tldb/pdf/Ghana_Criminal_Code_1960_as_amended_2003.pdf)
- Courts Act 1993 (no link available)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 2009, s. 1 (1) (a person of whatever nationality commits an indictable offence, if that person, whether within or outside Ghana commits, aids, abets or procures any other person to commit a grave breach specified in the Geneva Conventions or Protocol I, art. 85 (2) to (4)) and (4) (courts have jurisdiction over anyone who commits an offence outside the country under the Geneva Conventions or Protocols that is not a grave breach)

Crimes against humanity: Criminal Code 2003, s. 314 (slave dealing)

Genocide: Criminal Code 2003, s. 49A (genocide)

Torture: Criminal Code 2003 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act, 2009, s. 1 (1) and (4) (see war crimes); Courts Act 1993, s. 56 (4) (n) (any person, whether a citizen of Ghana or not, is liable to be tried and punished in Ghana if he or she does an act which if done within the jurisdiction of Ghana courts would have constituted an offence which is authorized or required by a convention or treaty which Ghana has signed to be prosecuted and punished in Ghana wherever the offence was committed) (Ghana is a party to the Geneva Conventions, Protocol I)
Crimes against humanity: Courts Act 1993, s. 56 (4) (a) (slave trade or traffic in slaves) and s. 56 (4) (n) (see war crimes) (Ghana is a party to the *Apartheid* Convention; since *apartheid* is not included, prosecutions would have to be for ordinary crimes)
Genocide: Courts Act 1993, s. 56 (4) (e) (genocide)
Torture: Criminal Code 2003 (no provision); Courts Act 1993, s. 56 (4) (n) (see war crimes) (Ghana is a party to the Convention against Torture) (since torture is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Criminal Code 2003 (no provision)

GREECE

Sources

- Constitution (2008) (http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf)
- Criminal Code, as amended 20 February 2004 (Greek only) (English translation in Redress, *Extraterritorial Jurisdiction*)(https://www.unodc.org/tldb/showDocument.do?documentUid=10261) (Criminal Code, 2004)

Definitions of crimes under international law

War crimes: Criminal Code, 2004 (no provision)
Crimes against humanity: Criminal Code, 2004, art. 8 (only the slave trade)
Genocide: Criminal Code, 2004 (no provision)
Torture: Criminal Code, 2004, arts. 137A (Torture and other attacks on human dignity), 137B (penalties), 137C (deprivation of political rights) and 137D (reparations)

Universal jurisdiction

War crimes: Criminal Code, 2004, art. 8 (Crimes committed in a foreign country, always punished under Greek laws) (Greek penal laws apply to foreign nationals, irrespective of the applicable laws of the country where the act was committed, for punishable acts, perpetrated by persons in their capacity as civil servants of the Greek state (only universal jurisdiction if non-Greek national civil servants) and any other crime to which Greek penal laws apply, by virtue of special provisions or international conventions, signed and ratified by Greece) (Greece is a party to the Geneva Conventions, Protocol I and II, the 1954 Hague Convention Second Protocol)
Crimes against humanity: Criminal Code, 2004, art. 8 (see war crimes) (only slave trade)
Genocide: Criminal Code 2004 (no provision)
Torture: Criminal Code, 2004, art. 8 (see war crimes) (Greece is a party to Convention against Torture); Law No. 1782/1988, art. 2 (Redress, *Extraterritorial Jurisdiction*, p. 147)
Ordinary crimes: Criminal Code 2004, art. 8 (see war crimes) (only if non-Greek nationals can be civil servants)

GRENADA

Sources

United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (Geneva Conventions Order 1959)

Definitions of crimes under international law

War crimes: Geneva Conventions Order, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: No provision found
Genocide: No provision found
Torture: No provision found

Universal jurisdiction

War crimes: Geneva Conventions Order, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: No provision found
Genocide: No provision found
Torture: No provision found
Ordinary crimes: No provision found

GUATEMALA

Sources

- *Código Penal de Guatemala* – as amended (http://www.oas.org/juridico/mla/sp/gtm/sp_gtm-int-text-cp.pdf) (Penal Code 1973)

- *Código de Procedimiento Penal* – as amended (http://www.oas.org/juridico/MLA/sp/gtm/sp_gtm-int-text-cpp.pdf) (Criminal Procedure Code 1992)

Definitions of crimes under international law

War crimes: Penal Code 1973, art. 378 ("violations of humanitarian duties, laws or conventions with regard to prisoners, hostages or those wounded or any inhuman treatment of civilian population")
Crimes against humanity: Penal Code 1973, arts. 201ter (enforced disappearance) and 202 (enslavement)
Genocide: Penal Code 1973, arts. 376 (genocide) and 377 (instigation of genocide)
Torture: Penal Code, art. 201 bis (torture)

Universal jurisdiction

War crimes:
Penal Code 1973,
- art. 4 (Except as provided in international treaties, this Code shall apply to any person committing a crime or misdemeanor within El Salvador or in places or vehicles subject to its jurisdiction)
- art. 5 (5) (this Code applies to an offence, which by treaty or convention must be punished in Guatemala, even though it was not committed in its territory) (Guatemala is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
- Criminal Procedure Code 1992, art. 16 (courts and other authorities responsible for trials must fulfill the obligations imposed on them by international treaties in the matter of respect for human rights)
Crimes against humanity: Penal Code 1973 (no provision)
Genocide: Penal Code 1973 (no provision)
Torture: Penal Code, arts. 4 (see war crimes) and 5 (5) (see war crimes) (Guatemala is a party to the Convention against Torture); Criminal Procedure Code, art. 16 (see war crimes)
Ordinary crimes: Penal Code (no provision)

GUINEA

Sources

- *Loi N ° 98/036 du 31 Décembre 1988 portant Code pénal* (http://iccdb.webfactional.com/documents/implementations/pdf/GunieaCodePenal.pdf) (Penal Code 1988)
- *Loi N° 037 du 31 Décembre 1998 Portant Code de procédure pénale* (http://iccdb.webfactional.com/documents/implementations/pdf/GunieaProceduralCode.pdf) (Criminal Procedure Code 1988)

Definitions of crimes under international law

War crimes: Penal Code 1988, art. 93 (devastation, massacres and pillage in a civil war)
Crimes against humanity: Penal Code 1988 (no provision)
Genocide: Penal Code 1988 (no provision)
Torture: Penal Code 1988 (no provision)

Universal jurisdiction

War crimes:
- Penal Code 1988 (no provision)
- Code of Criminal Procedure 1988, arts. 625 (any person who acquires Guinean nationality after the act who is responsible for an act committed outside Guinea that is considered a serious crime (*crime*) punishable by Guinean law can be prosecuted and tried by Guinean courts); 626 (whoever is, on the territory of Guinea, responsible as an accomplice for a serious crime (*crime*) committed abroad can be prosecuted and tried by Guinean courts, provided that the act is punishable by the foreign law and Guinean

law, if the act has been recognized by a final decision of the foreign jurisdiction)
Crimes against humanity: Penal Code 1988 (no provision) (since crimes against humanity are not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1988 (no provision) (since genocide is not included, prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1988 (no provision) (since torture is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Code of Criminal Procedure 1988, arts. 625 and 626 (see war crimes)

GUINEA-BISSAU

Sources

Penal Code 1993 (http://www.icrc.org/ihl-nat.nsf/0/3C244D5AE06A79D9C12577A5003621B7)

Definitions of crimes under international law

War crimes: Penal Code 1993 (no provision)
Crimes against humanity: Penal Code 1993, art. 106 (Enslavement)
Genocide: Penal Code 1993, art. 101 (Genocide)
Torture: Penal Code 1993, art. 103 (Acts against human liberty) (includes torture)

Universal jurisdiction

War crimes: Penal Code 1993 (no provision)
Crimes against humanity Penal Code 1993 (no provision)
Genocide: Penal Code 1993 (no provision)
Torture: Penal Code 1993, art. 7 (as provided by International conventions or treaties - Guinea-Bissau is not a party to the Convention against Torture) (Article 7 does not require ratification of treaties) (no jurisprudence has been located)
Ordinary crimes: Penal code 1993, arts. 7 (1) (b) and 195 (failure to pay child support) and 196 (abduction of minors)

GUYANA

Source

- United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (Geneva Conventions Order)
- Criminal law not found
- Initial reports of States parties due in 1989: Guyana, U.N. Doc. CAT/C/GUY/1
14 July 2006 (Initial Report2006) (http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT_C_GUY_1.doc)
- Conclusions and recommendations of the Committee against Torture: GUYANA, U.N. Doc. CAT/C/GUY/CO/1, 7 December 2006 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/403/15/PDF/G0740315.pdf?OpenElement) (CAT conclusions 2006)

Definitions of crimes under international law

War crimes: Geneva Conventions Order, s. 2
Crimes against humanity: Criminal law not found
Genocide: Criminal law not found
Torture: Initial Report 2006, paras. 46 to 51 (no crime of torture mentioned); Committee against Torture conclusions 2006, para. 6 (failure to define all acts of torture as crimes)

Universal jurisdiction

War crimes: Criminal law not found
Crimes against humanity: Criminal law not found
Genocide: Criminal law not found
Torture: Criminal law not found
Ordinary crimes: Criminal law not found

HAITI

Sources

- *Constitution de la République d'Haïti* (http://www.unifr.ch/ddp1/derechopenal/legislacion/I_20100205_06.pdf) (National Constitution 1987)
- *Code pénal* (www.oas.org/juridico/mla/fr/hti/fr_hti_penal.html) Penal Code 1836
- Code d'instruction criminelle (http://www.unifr.ch/ddp1/derechopenal/legislacion/I_20100205_05.pdf) (Criminal Procedure Code 1835)

Definitions of crimes under international law

War crimes: Penal Code 1836 (no provision)
Crimes against humanity: Penal Code 1836 (no provision)
Genocide: Penal Code 1836 (no provision)
Torture: Penal Code 1836, art. 293

Universal jurisdiction

War crimes: National Constitution 1987, art. 276.2 (once a treaty is ratified by Haiti, it is considered as part of Haitian law and abrogates all provisions to the contrary) (Haiti is a party to the Geneva Conventions and Protocol I) (since war crimes are not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1836 (no provision)
Crimes against humanity: Penal Code 1836 (no provision) (Haiti is a party to the *Apartheid* Convention; since *apartheid* is not included, prosecutions would have to be for ordinary crimes)
Torture: National Constitution, art. 276.2 (Haiti is a party to the Convention against Torture)
Ordinary crimes: Penal Code 1836 (no provision)

HONDURAS

Sources

- *Código Penal 1983* - as amended 1997 (http://www.poderjudicial.gob.hn/juris/Codigos/C%C3%B3digo%20Penal%20%2809%29.pdf) (Penal Code 1997)
- Military Code of Justice 1906 (extracts) (http://www.icrc.org/ihl-nat.nsf/WebLAW!OpenView&Start=1&Count=300&Expand=74.4.1#74.4.1)

Definitions of crimes under international law

War crimes: Military Code of Justice 1906, ss. 110 (act of hostilities or violation of truce); 112 (Offences against hospitals, cultural property, prisoners of war and parlementaires); 113 (offences against property); 114 (spoliation of wounded or prisoners)
Crimes against humanity: Penal Code 1997 (no provision)
Genocide: Penal Code 1997, art. 319 (genocide)
Torture: Penal Code 1997, art. 209 A (torture)

Universal jurisdiction

War crimes: Penal Code 1997, art. 5 (5) (Honduran courts shall have jurisdiction over crimes committed abroad when so provided in a treaty to which Honduras is a party or the crime seriously violates human rights universally recognized. However, the state where the crime has been committed shall have preference with regard to Honduras, as long as the criminal complaint has been initiated before the one in Honduras.) (Honduras is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Penal Code 1997, art. 5 (5) (see war crimes; since crimes against humanity are not in Penal Code 1997, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1997, art. 5 (5) (see war crimes)
Torture: Penal Code 1997, art. 5 (5) (see war crimes)
Ordinary crimes: Penal Code 1997 (no provision)

HUNGARY

Sources

Act IV of 1978 on the Criminal Code (English translation, 18 August 2005) (http://www.scribd.com/doc/29048832/Criminal-Code-of-the-Republic-of-Hungary) (Criminal Code 2005)
Conclusions and recommendations of the Committee against Torture - HUNGARY, U.N. Doc. CAT/C/HUN/CO/4, 6 February 2007 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/403/45/PDF/G0740345.pdf?OpenElement) (CAT conclusions 2007)

Definitions of crimes under international law

War crimes: Criminal Code 2005, arts. 158 (Violence Against the Civilian Population); 159 (War-time Looting); 160 (Commission of War Crimes); 160/A (Use of Weapons Prohibited by International Convention); 160/B (Violation of the International Protection of Cultural Property); 161 (Battlefield Looting); 162 (Infringement of Armistice); 163 (Violence Against a War Emissary); 164 (Misuse of the Red Cross); 165 (Other War Crimes))
Crimes against humanity: Criminal Code 2005, art. 157 (*Apartheid* Convention)
Genocide: Criminal Code 2005, art. 155 (Genocide)
Torture: Criminal Code 2005 (no provision) (CAT conclusions 2007, para. 6)

Universal jurisdiction

War crimes: Criminal Code 2005, s. 4 (1) (a) (Hungarian law applies to any act committed by non-Hungarian citizens in a foreign country if a felony in Hungarian law and punishable in the country where committed) and (c) (act is a crime against humanity – apparently any crime in Chapter XI, arts. 153 to 165 – or any other crime to be prosecuted

based on an international treaty – not clear if treaty has to be ratified by Hungary)
Crimes against humanity: Criminal Code 2005, s. 4 (1) (a) and (c) (see war crimes)
Genocide: Criminal Code 2005, s. 4 (1) (a) and (c) (see war crimes)
Torture: Criminal Code 2005 (no definition) (Hungary is a party to the Convention against Torture, but it appears that prosecutions could only be for ordinary crimes)
Ordinary crimes: Criminal Code 2005, s. 4 (1) (a) (see war crimes)

ICELAND

Source

Criminal Code 2004 (http://www.oecd.org/dataoecd/63/0/2377825.pdf)

Definitions of crimes under international law

War crimes: Criminal Code 2004 (no provision)
Crimes against humanity: Criminal Code 2004 (no provision)
Genocide: Criminal Code 2004 (no provision)
Torture: Criminal Code 2004 (no provision); Constitution, art. 68 (prohibits torture, but provides no criminal penalty)

Universal jurisdiction

War crimes: Criminal Code 2004, art. 5 - (1) (jurisdiction over residents of Iceland who committed an offence under the Criminal Code in a place outside the jurisdiction of other states under international law, provided that the offence was also punishable under the offender's home state) - (2) (jurisdiction over residents of Iceland who committed an offence under the Criminal Code in a place under the criminal jurisdiction of another state under international law, provided that the offence was also punishable under the law of that state) (since war crimes are not included, Iceland can only try persons for ordinary crimes)
Crimes against humanity: Criminal Code 2004, arts. 5 (1) and (2) (see war crimes)(since crimes against humanity as such are not included, Iceland can only try persons for ordinary crimes)
Genocide: Criminal Code 2004, arts. 5 (1) and (2) (see war crimes) (since genocide is not included, Iceland can only try persons for ordinary crimes)
Torture: Criminal Code 2004, art. 6 (9) (added by Act 142/1995, art. 1) (jurisdiction over conduct outside Iceland regardless of the nationality of the perpetrator to which the Convention against Torture applies, but only be taken if ordered by the Minister of Justice) (since torture as such is not a crime under national law, Iceland can only try persons for ordinary crimes.
Ordinary crimes: Criminal Code 2004, art. 5 (1) and (2) (see war crimes)

INDIA

Source

Penal Code 1860 (as amended in 1964) (https://www.unodc.org/tldb/pdf/India_Penal_Code_Full_text.pdf) (Penal Code 1964)

Definition of crimes under international law

War crimes: Geneva Convention Act, 1960, art 3 (grave breaches of Geneva Conventions)
Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code 1964 (no provision)
Torture: Penal Code 1964 (no provision)

Universal jurisdiction

War crimes: Geneva Convention Act, 1960, art . 4 (grave breaches of Geneva Conventions)
Crimes against humanity: Penal Code 1964 (no provision)
Genocide: Penal Code 1964 (no provision)
Torture: Penal Code (no provision)
Ordinary crimes: Penal Code 1964 (no provision)

INDONESIA

Sources
- Penal Code 1999 (https://www.unodc.org/tldb/showDocument.do?documentUid=6843)
- Law No. 26 Year 2000 - Establishing the Ad Hoc Human Rights Court (http://hrli.alrc.net/mainfile.php/indonleg/132/)

Definitions of crimes under international law

War crimes: Penal Code 1999 (no provision)
Crimes against humanity: Human Rights Court law 2000, art. 9
Genocide: Human Rights Court law 2000, art. 8
Torture: Penal Code 1999 (no provision)

Universal jurisdiction

War crimes: Penal Code 1999 (no provision) (prosecutions would have to be for ordinary crimes)
Crimes against humanity: Human Rights Court law 2000 (no provision) (prosecutions would have to be for ordinary crimes)
Genocide: Human Rights Court law 2000 (no provision) (prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1999 (no provision) (prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1995, art. 5 (2) (any person who subsequently becomes an Indonesian citizen who commits a crime under the law of the country where it was committed)

IRAN

Sources
- Islamic Penal Code of Iran (unofficial English translation in Amnesty International, *2001 Memorandum*, Chapter Four B)

Definitions of crimes under international law

War crimes: Islamic Penal Code Islamic Penal Code (no provision)
Crimes against humanity: Islamic Penal Code Islamic Penal Code (no provision)
Genocide: Islamic Penal Code Islamic Penal Code (no provision)
Torture: Islamic Penal Code Islamic Penal Code (no provision)

Universal jurisdiction

War crimes: Islamic Penal Code,
art. 6 (providing jurisdiction over crimes committed by government employees abroad – only universal jurisdiction if foreigners can be such employees)
art. 8 (**"**Regarding the offences which are the subject of a special law or international conventions according to which the offender will be prosecuted in the country where he or she is found, if the offender is found in Iran he or she will be prosecuted in accordance with the laws of the Islamic Republic of Iran.") (Iran is a party to the Geneva Conventions and 1954 Hague Convention Second Protocol) (war crimes are not included, so prosecutions would have to be for ordinary crimes)
Crimes against humanity: Islamic Penal Code, arts. 6 and 8 (see war crimes) (Iran is a party to the *Apartheid* Convention) (since *apartheid* is not included, prosecutions would have to be for ordinary crimes)
Genocide: Islamic Penal Code (no provision)
Torture: Islamic Penal Code (no provision)
Ordinary crimes: Islamic Penal Code (no provision)

IRAQ

Source
- Penal Code No 111 of 1969 (amended to 14 May 2010) (http://www.gipi.org/wp-content/uploads/gipi-pc-1969-v1-eng.doc) (Penal Code 2010)
- The statute of the Iraqi special tribunal 2005 (http://law.case.edu/saddamtrial/documents/ist_statute_official_english.pdf) (The statute 2005)

Definitions of crimes under international law

War crimes:
-Penal Code 1969 (no provision)
- The statute 2005, art. 13 (War crimes)
Crimes against humanity:
- Penal Code 2010, art. 13 (slave trading)
- The statute 2005, art. 12 (Crimes against humanity)
Genocide:
- Penal Code 2010 (no provision).
- The statute 2005, art. 11 (The crime of genocide)
Torture: Penal Code 2010, art. 333

Universal jurisdiction

War crimes:
- Penal Code 2010 (no provision)
- The statute 2005, art. 1 Second (The Court shall have jurisdiction over every natural person whether Iraqi or non-Iraqi resident of Iraq and accused of one of the crimes listed in Articles 11 to 14 below, committed during the period from July 17, 1968 and until May 1, 2003, in the Republic of Iraq or elsewhere, including the following crimes: A. The crime of genocide; B. Crimes against humanity; C. War crimes D**.** Violations of certain Iraqi laws listed in Article 14 below)
Crimes against humanity:
- Penal Code 2010, art. 10 (any person who acquires Iraqi nationality after the crime)
- The statute 2005 (see war crimes)
Genocide:
-Penal Code 2010 (no provision)
- The statute 2005 (see war crimes)

Torture: Penal Code 2010, art. 10 (any person who acquires Iraqi nationality after the crime)
Ordinary Crimes: Penal Code 1969, art. 10 (any person who acquires Iraqi nationality after the crime)

IRELAND

Sources

- Geneva Conventions Act, 1962, as amended by the Geneva Conventions (Amendment) Act 1998 (http://www.icrc.org/ihl-nat.nsf/a24d1cf3344e99934125673e00508142/b112ec6c2390c08fc1256bb90053be27!OpenDocument) (Geneva Conventions Act 1998)
- International Criminal Court Act 2006 (http://www.irishstatutebook.ie/pdf/2006/en.act.2006.0030.pdf)
- Criminal Justice (United Nations Convention against Torture) Act, 2000 (http://www.irishstatutebook.ie/2000/en/act/pub/0011/print.html) (Torture Act 2000)

Definitions of crimes under international law

War crimes: International Criminal Court Act 1998, s. 3 (grave breaches of the Geneva Conventions and Protocol I); International Criminal Court Act 2006, s. 7 (1) (other war crimes)
Crimes against humanity: International Criminal Court Act 2006, s. 7 (1)
Genocide: International Criminal Court Act 2006, s. 7 (1)
Torture: Torture Act 2000, ss. 2 and 3

Universal jurisdiction

War crimes: International Criminal Court Act 2006, s. 12
Crimes against humanity: International Criminal Court Act 2006 (no provision)
Genocide: International Criminal Court Act 2006 (no provision)
Torture: Torture Act 2000, ss. 2 and 3
Ordinary crimes: No provision found in Irish law

ISRAEL

Sources

- Laws of the State of Israel, Special Volume, 5737-1977, Penal Law (http://www.icrc.org/ihl-nat.nsf/0/0856c487b21c4624c12575ae00429052/$FILE/Penal%20Law%20of%20Israel,%201977.PDF) (Penal Law 1977)
- Nazis and Nazi Collaborators (Punishment) Law, 5710-1950 (http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Nazis+and+Nazi+Collaborators+-Punishment-+Law-+571.htm)
- The Crime of genocide (prevention and punishment) law, 5710 -1950* (http://www.preventgenocide.org/il/law1950.htm)
- Committee against Torture, Third periodic reports due in 2000: Israel, U.N. Doc. CAT/C/54/Add.1, 4 July 2001, paras. 33 to 39 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G01/430/43/PDF/G0143043.pdf?OpenElement) Committee against Torture, U.N. Doc. A/57/44 (2001) (CAT report 2001 para. 6 (b))
- Committee against Torture, Concluding observations of the Committee against Torture: Israel, U.N. Doc. CAT/C/ISR/CO/4, 23 June 2009, para. 13 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/431/65/PDF/G0943165.pdf?OpenElement) (CAT conclusions 2009)

Definitions of crimes under international law

War crimes: Israeli Nazi and Nazi Collaborators (Punishment) Law, 5710/1950, s. 1 (a) (3) and (b) (certain war crimes by any person in an enemy country during the Second World War)
Crimes against Humanity: Nazis and Nazi Collaborators (Punishment) Law, 5710-1950, s. 1 (a) (2) and (b) (crimes against humanity by any person in an enemy country during the Second World War)
Genocide: Nazis and Nazi Collaborators (Punishment) Law, 5710-1950, s. 1 (a) (1) and (b) (genocide committed against the Jewish people by any person in an enemy country during the Second World War); The Crime of Genocide (Prevention and Punishment) Law, 5710 -1950, s. 1 (a)
Torture: Penal Code 1977 (no provision)

Universal jurisdiction

War crimes:
- Israeli Nazi and Nazi Collaborators (Punishment) Law, 5710/1950, s. 1 (a) (3) (universal jurisdiction over certain war crimes by any person in an enemy country during the Second World War); Penal Law, s. 13 (b) (1) (penal laws apply to foreign offenses against the life, body, health, freedom or property of, an Israel resident) and (2) (Israel penal laws apply to foreign offenses against the life,

body, health, freedom or property of a Jew, as a Jew, or the property of a Jewish institution, because it is such);
- Penal Law, s. 14 (a) (penal laws apply to foreign offenses against the life, body, health or freedom of an Israel resident for which the maximum penalty is one year imprisonment or more); Penal Code, s. 15 (a) (penal laws apply to foreign felonies or misdemeanors committed by a person who – when the offense was committed or thereafter – was an Israel resident); Penal Code, s. 16 (a) (penal laws apply to foreign offenses, which the State of Israel undertook – under multilateral international conventions that are open to accession – to punish, and that even if they were committed by a person who is not an Israel citizen or an Israel resident and no matter where they were committed) (This provision would give Israeli courts geographic jurisdiction over crimes listed in treaties that it was obliged to punish, such as grave breaches of the Geneva Conventions, but it does not necessarily give them subject matter jurisdiction over them if they are not defined as crimes in Israeli law. No jurisprudence has been found resolving this question.)
Crimes against humanity: Nazis and Nazi Collaborators (Punishment) Law, 5710-1950, s. 1 (a) (2) (universal jurisdiction over crimes against humanity by any person in an enemy country during the Second World War)
Genocide: Nazis and Nazi Collaborators (Punishment) Law, 5710-1950, s. 1 (a) (1) (universal jurisdiction over genocide against the Jewish people by any person in an enemy country during the Second World War)
Torture: Penal code 1977 (no provision) (Prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code, s. 13 (b) (1) (see war crimes); Penal Code, 14 (a) (see war crimes); Penal Code, s. 15 (a) (penal laws apply to foreign felonies or misdemeanors committed by a person who – when the offense was committed or thereafter – was an Israel resident).

ITALY

Sources
- *Codice Penale Militare de Guerra,* as amended by Law no. 6 of 31 January 2002 and Law no. 15 of 27 February 2002 (1941 Military Penal Code of War) (Military Penal Code of War 1941)
- *Codice Pena* 1930 (as amended in 2011) (https://www.unodc.org/tldb/showDocument.do?documentUid=3080) (Penal Code 2011)
- Law No. 962 of 9 October 1967 (*Legge 9 ottobre 1967, n.962*) (1967 genocide law) (http://www.preventgenocide.org/it/legge.htm) (unofficial English translation)
- Amnesty International, *Italy: Law reform needed to implement the Rome Statute of the International Criminal Court* (AI Index: EUR 30/009/2005) (http://www.amnesty.org/en/library/asset/EUR30/009/2005/en/6561a2eb-d4cb-11dd-8a23-d58a49c0d652/eur300092005en.pdf)
- Fourth periodic reports of States parties due in 2002, Addendum* **, Italy, U.N. Doc. CAT/C/67/Add.3, 11 May 2005 [submitted 4 May 2004] (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/416/74/PDF/G0541674.pdf?OpenElement) (Italy Fourth Report 2004)
- Amnesty International, Annual Report 2011 (http://www.amnesty.org/en/region/italy/report-2011)

Definitions of crimes under international law

War crimes: 1941 Military Penal Code of War
Crimes against humanity: Penal Code, arts. 600, 601 and 602 (as amended by Law No. 228 of 11 August 2003) **(**enslavement**);** 606 and 607 (enforced disappearance)
Genocide: 1967 genocide law
Torture: Penal Code (no provision); Italy Fourth Report 2004, paras. 12 to 18

Universal jurisdiction

War crimes:
- Penal Code, art. 7 (Offences committed abroad) (an alien who commits any of the following offences in foreign territory shall be punished according to Italian law:
- - (4) crimes committed by public officers in the service of the state by abusing the powers or violating the duties pertaining to their office – only universal jurisdiction if person is an alien)
-- (5) (any other offense for which specific provisions of law or international conventions prescribe the applicability of Italian penal law)
- art. 8 (Political Crimes Committed Abroad) (an alien who commits in foreign territory a political crime not among those specified in Article 7 (1) – a crime against the state - shall be punished according to Italian law on demand of the Minister of Justice and, if required by the crime, the victim's complaint; a political crime includes a common crime inspired, in whole or in part, by political motives)
- art. 10 (Common Crimes by Aliens Abroad) (an alien who, apart from the cases specified in Articles 7 and 8, commits in foreign

territory, to the detriment of an alien, the offender shall be punished according to Italian law, on demand of the Minister of Justice, provided that the alien is present in Italy, the crime is punishable by at least three years' imprisonment and the alien is not extradited)
Crimes against humanity: Penal Code, arts. 7 to 10 (see war crimes)
Torture: Penal Code, arts. 7 to 10 (see war crimes) (since no definition, prosecution would be for ordinary crimes)
Ordinary crimes: Penal Code, arts. 7 to 10 (see war crimes)

JAMAICA

Sources

- Jamaica (Constitution) Order in Council 1962, para. 4 (1) (existing laws to continue in force after independence, which included the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959) (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256 73e00508143/8208eceba104ce51c1256b6c002e544d!OpenDocument) (Geneva Conventions Order 1959))
- Offenses against the person (amendment) 1968 (http://www.moj.gov.jm/laws/statutes/Offences%20Against%20the%20Person%20Act.pdf)

Definitions of crimes under international law

War crimes: Geneva Conventions Order, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Offences against the person (amendment) 1968 (No provision)
Genocide: Offenses against the person (amendment) 1968, s. 33
Torture: Offences against the person (amendment) 1968 (No provision)

Universal jurisdiction

War crimes: Geneva Conventions Order, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Offences against the person (amendment) 1968 (No provision)
Genocide: Offences against the person (amendment) 1968 (No provision)
Torture: Offences against the person (amendment) 1968 (No provision)
Ordinary crimes: Offences against the person (amendment) 1968 (No provision)

JAPAN

Sources

- Penal Code of 1907, as revised 28 May 2006 (http://www.cas.go.jp/jp/seisaku/hourei/data/PC.pdf) (Penal Code 2006)
- UN Committee Against Torture, Consideration of reports submitted by states parties under Article 19 of the Convention, conclusions and recommendations of the Committee against Torture, Japan UN Doc. CAT/C/JPN/CO/1, 3 August 2007 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/433/72/PDF/G0743372.pdf?OpenElement) (CAT conclusions 2007)

Definitions of crimes under international law

War crimes: Penal Code 2006 (no provision)
Crimes against humanity: Penal Code 2006 (no provision).
Genocide: Penal Code 2006 (no provision)
Torture: Penal Code 2006 (no provision)

Universal jurisdiction

War crimes: Penal Code 2006, art. 4-2 (Crimes Committed outside Japan Governed by a Treaty)(Penal Code applies to anyone who commits outside Japan crimes in Part II that are governed by a treaty even if committed outside Japan; such crimes include such crimes as rape of a minor and certain other crimes of sexual violence (arts. 177, 178 and 178-2), homicide (art. 199) and crimes of injury (arts. 204 to 208)) (Japan is a party to the Geneva Conventions, Protocol I and the 1954 Hague Convention Second Protocol)
Crimes against humanity: Penal Code 2006 (no provision)
Genocide: Penal Code 2006 (no provision)
Torture: Penal Code 2006, art. 4-2 (see war crimes (Japan is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2006 (no provision)

JORDAN

Sources:
- Constitution of Jordan 1952 http://www.law.yale.edu/RCW/rcw/jurisdictions/asw/jordan/jordan_const_eng.pdf
- Penal Code 2009 (Arabic version) (translated by Amnesty International) (hard copy in Amnesty International files)
- Committee against Torture, *Initial reports of States Parties due in 1992: Jordan.* 03/03/95. CAT/C/16/Add.5 (CAT report

1995)
(http://www.bayefsky.com/reports/jordan_cat_c_16_add.5_1994.php)

Definitions of crimes under international law

War crimes: Penal Code 2009 (no provision)
Crimes against humanity: Penal Code 2009 (no provision)
Genocide: Penal Code 2009 (no provision)
Torture: Penal Code 2009, art. 208 (2) (torture)

Universal jurisdiction

War crimes: Penal Code,
- art. 10 (1) (any person who outside Jordan has committed an act that is characterized as a felony or misdemeanour punishable by Jordanian law can be tried by Jordan courts if that person subsequently becomes a Jordanian citizen) (war crimes not included, so prosecutions would have to be for ordinary crimes)
- art 10 (4) (every foreign national residing in Jordan, who committed outside the Kingdom a felony or misdemeanour punishable by Jordanian law,–whether the person committed it, was an accomplice, or incited it or was involved in it - if extradition has not been requested or accepted) (war crimes are not defined under the Penal Code, so prosecutions would have to be for ordinary crimes)
- CAT report 1995, paras. 109 to 110 (Jordan explained
that under this provision its criminal law applied to any offence constituting a felony or a misdemeanour the perpetrator of which is arrested in Jordanian territory, regardless of the territory in which the offence is committed and regardless of the nationality of its perpetrator)
Crimes against humanity: Penal Code, arts. 10 (1) (see war crimes) and art. 10 (4) (see war crimes); CAT report 1995, paras. 109 to 110 (see war crimes) (crimes against humanity are not defined under the Penal Code, so prosecutions would have to be for ordinary crimes)
Genocide: Penal Code, arts. 10 (1) (see war crimes) and 10 (4) (see war crimes); CAT report 1995, para. 110 (see war crimes) (genocide is not defined under the Penal Code, so prosecutions would have to be for ordinary crimes)
Torture: Penal Code, arts. 10 (1) (see war crimes) and art 10 (4) (see war crimes); CAT report 1995, paras. 109 to 110 (see war crimes)
Ordinary crimes: Penal Code art 10 (1) (see war crimes); art 10 (4) (see war crimes). CAT report 1995 paras. 109 to 110 (see war crimes)

KAZAKHSTAN

Sources Criminal Code 1997 (http://www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview) (the code is from 1997 and it has been amended since; however, there is no updated English version available on the Internet; there is a Russian version from 2006 (https://www.unodc.org/tldb/pdf/Kazakh_Criminal%20Procedure%20Code_RUS.pdf) (Criminal Code, 1997)

Definitions of crimes under international law

War crimes: Criminal Code, 1997, arts. 159 (Application of Prohibited Means and Methods of Conducting a War) and 162 **(**Employment of Mercenaries**)**
Crimes against humanity: Criminal Code, 1997 (no provision) (there is no definition of crimes against humanity as such although Kazakhstan is a successor state to the USSR, which was a party to the *Apartheid* Convention; however, it seems that it has not submitted a notification of succession of the convention as it does not appear among states parties to that convention- for status of the conventions see http://treaties.un.org/Pages/ViewDetails.aspx?src=UNTSONLINE&tabid=2&mtdsg_no=IV-7&chapter=4&lang=en#Participants)
Genocide: Criminal Code, 1997, art. 160 (Genocide)
Torture: Criminal Code, 1997, art. 347-I (Torture)

Universal jurisdiction

War crimes: Criminal Code, 1997, art. 7 (The Effect of Criminal Law with Regard to Persons Who Committed a Crime Outside of the Boundaries of the Republic of Kazakhstan)
- (3) (courts may exercise jurisdiction over military servicemen of military units of the Republic of Kazakhstan – only universal jurisdiction if non-nationals can be members of the armed forces - located outside its boundaries in accordance with the present Code for crimes committed on the territory of

another state, unless it is otherwise stipulated by an international treaty of Kazakhstan.)
- (4) (courts may exercise jurisdiction over foreigners who committed crimes outside of Kazakhstan in accordance with the Criminal Code in cases stipulated by an international treaty of Kazakhstan, if those foreigners were not convicted in that other state, and are brought to criminal liability on the territory of the Kazakhstan) (Kazakhstan is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Criminal Code 1997 (no provision)
Genocide: Criminal Code 1997, art. 7 (3) (see war crimes)
Torture: Criminal Code 1997, art. 7
- (3) (see war crimes)
- (4) (see war crimes) (Kazakhstan is a party to the Convention against Torture)
Ordinary crimes: Criminal Code, art. 7 (3) (only universal jurisdiction if non-nationals can be members of the armed forces - see war crimes)

KENYA

Sources

- International Crimes Act 2008 (http://www.kenyalaw.org/kenyalaw/klr_app/frames.php)
- Penal Code 2009 (http://www.kenyalaw.org/Downloads/Acts/Penal%20Code%20Cap%2063%28%202009Final%20Final%29.pdf)
- Geneva Conventions Act 1968
- Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (Geneva Conventions Order 1959)
- Committee against Torture, Initial reports of States parties due in 1998: Kenya, U.N. Doc. CAT/C/KEN/1, 16 August 2007 (Initial CATReport 2007)

Definitions of crimes under international law

War crimes:
- International Crimes Act 2008, s. 6 (4) (war crimes as defined in Rome Statute, art. 8 (2))
- Geneva Conventions Act 1968 (grave breaches of the Geneva Conventions on or after 22 November 1968), s. 3 (1)
- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions between 1959 and 1968)
Crimes against humanity: International Crimes Act 2008, s. 6 (4) (crimes against humanity as defined in Rome Statute, art. 7 and in conventional international law or customary international law that is not otherwise dealt with in the Rome Statute or in this Act)
Genocide: International Crimes Act 2008, s. 6 (4) (genocide as defined in Rome Statute, art. 6)
Torture: Initial CAT Report2007, para. 62 (no definition)

Universal jurisdiction

War crimes:
- Geneva Conventions Act 1968 (grave breaches of the Geneva Conventions on or after 22 November 1968), s. 3 (1)
- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions between 1959 and 1968)
- International Crimes Act 2008, s. 8 (war crimes in International Crimes Act, s. 6 if the person is, after commission of the offence, present in Kenya)
Crimes against humanity: International Crimes Act 2008, s. 8 (crimes against humanity in International Crimes Act 2008, s. 6 if the person is, after commission of the offence, present in Kenya)
Genocide: International Crimes Act 2008, s. 8 (genocide in International Crimes Act 1959, s. 6 if the person is, after commission of the offence, present in Kenya)
Torture: Initial CAT Report 2007, paras. 65 to 68 and 71 (no provision)
Ordinary crimes: Penal Code 2009 (no provision)

KIRIBATI

Sources

- Penal Code 1977 (http://www.paclii.org/ki/legis/consol_act/pc66/)
- Geneva Conventions Act 1993 (No. 2 of 1993) (http://www.icrc.org/ihl-nat.nsf/0/54D892E42DE45562C1257264003D4C40)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1993, Article 3 (Grave breaches of Geneva Conventions)
Crimes against humanity: Penal Code 1977 (no provision)
Genocide: Penal Code 1907, art. 62 (genocide)
Torture: Penal Code 1977 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1993, art. 4 (in the case of grave breaches committed outside Kiribati – (a) a person may be proceeded against, tried and punished therefor in any place in Kiribati as if the offence had been committed in that place; and (b) the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that place)
Crimes against humanity: Penal Code 1977 (no provision);
Genocide: Penal Code 1977 (no provision)
Torture: Penal Code 1977 (no provision)
Ordinary crimes: Penal Code 1977 (no provision)

KUWAIT

Sources

- Kuwait Constitution 1962 (http://www.servat.unibe.ch/icl/ku00000_.html)
- Penal Code 1960 (Arabic only) (https://www.unodc.org/tldb/browse_country.html?cmd=add&node=KUW1970233&&country=KUW#folders) (http://www.pogar.org/publications/ac/compendium/kuwait/criminalization-lawenforcement/criminal-60-ar.pdf)
- Code of Criminal Procedure and Trials 1960 (Arabic only) (https://www.unodc.org/tldb/browse_country.html?cmd=add&node=KUW1970233&&country=KUW#folders)
- Letter dated 17 July 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, Report containing the replies of the State of Kuwait to the questions asked by the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, U.N. Doc. S/2002/886 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/519/89/PDF/N0251989.pdf?OpenElement) (CTC Report 2002)
- Replies of the Government of Kuwait to the list of issues (CAT/C/KWT/Q/2) to be taken up in connection with the second periodic report of Kuwait, U.N. Doc. CAT/C/KWT/2, 16 June 2010 (http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.KWT.2_en.pdf) (Replies 2010)

Definitions of crimes under international law

War crimes: Penal Code 1960 (no provision)
Crimes against humanity: Penal Code 1960 (no provision)
Genocide: Penal Code 1960 (no provision)
Torture: Penal Code 1960 (no provision); Replies 2010, para. 19 (no provision)

Universal jurisdiction

War crimes:
- Constitution, art. 70 (ratified treaties have force of law when published in the official gazette)
- Penal Code (no provision)
- CTC Report 2002, p. 11 ("Where acts that occur outside Kuwait are committed by an alien resident in Kuwait, the Kuwaiti Penal Code does not apply, in accordance with the principle of the territoriality of the law . . .")
- Replies 2010, para. 28 ("Kuwaiti criminal jurisdiction does not extend beyond the Kuwaiti territory, with the exception of cases in which the crime is committed completely or in part on Kuwaiti territory") (thus, Constitution, art. 70 does not appear to make universal jurisdiction provisions of *aut dedere aut judicare* treaties directly enforceable in Kuwait) (Kuwait is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)

Crimes against humanity: Penal Code (no provision); CTC Report 2002, p. 11 (see war crimes); Replies 2010, para. 28 (see war crimes) (Kuwait is a party to the *Apartheid* Convention)
Genocide: Penal Code (no provision); CTC Report 2002, p. 11 (see war crimes); Replies 2010, para. 28 (see war crimes)
Torture: Penal Code (no provision); CTC Report 2002, p. 11 (see war crimes); Replies 2010, para. 28 (see war crimes) (Kuwait is a party to the Convention against Torture)
Ordinary crimes: Penal Code (no provision); CTC Report 2002, p. 11 (see war crimes); Replies 2010, para. 28 (see war crimes)

KYRGYZSTAN

Sources

- Constitution (https://www.unodc.org/tldb/pdf/Kyrgyzstan_const_1993.pdf)
- Criminal Code 1997 (as of 2007) (https://www.unodc.org/tldb/pdf/KyrgyzCrimin

al_Code_(Eng)_07-14-08.pdf) (Criminal Code 2007)

Definitions of crimes under international law:

War crimes:
- Constitution 1993, art. 12 (3) (international treaties ratified by Kyrgyzstan and other norms of international law constitute an integral and a directly applicable part of Kyrgyz law; however, no jurisprudence has been located)
- Criminal Code 2007,
- - art. 1 (1) (Criminal laws Kyrgyzstan includes this Code based on the Constitution and provisions contained in international agreements and other acts ratified by Kyrgyzstan *Jogorku Kenesh*)
- - art. 375 (Mercenarism) (Kyrgyzstan succeeded to the Geneva Conventions and Protocol I)

Crimes against humanity: Criminal Code 2007 (no provision)
Genocide: Criminal Code, art. 373 (Kyrgyzstan is a party to the Genocide Convention. Therefore, independently of Article 373 of the Criminal Code, the criminal provisions of the Genocide Convention are directly applicable under Article 1(1) of the Criminal Code, read together with Article 12 (3) of the 1993 Constitution – see war crimes above)
Torture: Criminal Code, art. 111 (Torture)

Universal jurisdiction

War crimes:
- Constitution, art. 12 (3) (see war crimes)
- Criminal Code,
- art. 1 (1) (see war crimes)
- art. 6 (1) (Kyrgyz courts can exercise jurisdiction over stateless residents committing crimes outside the Kyrgyz Republic under the Criminal Code unless they have been sentenced by a foreign court) (Kyrgzstan is a party to the Geneva Conventions and Protocol I)

Crimes against humanity: Constitution, art. 12 (3) (see war crimes); Criminal Code, arts. 1 (1) (see war crimes) and 6 (1) (see war crimes) (Kyrgyzstan is a party to the *Apartheid* Convention)
Genocide: Constitution, art. 12 (3) (see war crimes); Criminal Code, arts. 1 (1) (see war crimes) and 6 (1) (see war crimes)
Torture:
Constitution 1993, art. 12 (3) (see war crimes)
Criminal Code, arts. 1 (1) and 6 (1) (see war crimes)
Ordinary crimes: Criminal Code, art. 6 (1) (see war crimes)

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Sources

Penal Code (as amended November 2005) (http://www.na.gov.la/index.php?option=com_content&view=article&id=74%3Alaws-on-administrative-and-governing-area&catid=36%3Alegislation-list&Itemid=139&lang=en) (Penal Code 2005)

Definition of crimes under international law

War crimes: Penal Code 2005, arts. 76 (Unlawful Production, Possession and Use of Weapons or Explosives); 80 (Offence Relating to Chemical Weapons)
Crimes against Humanity: Penal Code 2005 (no provision)
Genocide: Penal Code 2005 (no provision)
Torture: Penal Code 2005, art. 171 (Physical Violence and Torture of Suspects or Prisoners)

Universal jurisdiction

War crimes: Penal Code 2005, art. 4 (Application of Penal Law outside the Territory of the Lao People's Democratic Republic),
- 2nd unnumbered paragraph (jurisdiction over resident aliens and stateless residents who commit crimes outside Laos)
- 3rd unnumbered paragraph (jurisdiction over foreigners who enter Laos to fulfil certain tasks and who after completion of those tasks may return to their own country, if this is provided for in international conventions) (there is no express requirement that Laos have ratified the convention; no jurisprudence on this point) (Laos is a party to the Geneva Conventions and Protocol I; since grave breaches of these treaties are not included, prosecutions would have to be for ordinary crimes)

Genocide: Penal Code 2005, art. 4, 2nd unnumbered paragraph (see war crimes) (since genocide is not included, prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 2005, art. 4, 2nd and 3rd unnumbered paragraphs (see war crimes) (Laos is a party to the *Apartheid Convention;* since *apartheid* is not included, prosecutions would have to be for ordinary crimes)

Torture: Penal Code 2005, art. 4, 2nd unnumbered paragraph (see war crimes) (since torture not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 2005, art. 4 2nd unnumbered paragraph (see war crimes)

LATVIA

Sources

- Criminal Law of the Republic of Latvia, as amended 16 June 2009 (English) (http://www.legislationline.org/documents/section/criminal-codes/country/19) (Criminal Law 2009)
- Conclusions and recommendations of the Committee against Torture: Latvia, U.N. Doc. CAT/C/LVA/CO/2, 19 February 2008 (CAT conclusions 2007)

Definitions of crimes under international law

War crimes: Criminal Law 2009, ss. 74 (War Crimes); 75 (Force against Residents in the Area of Hostilities); 76 (Pillaging); 79 (Destruction of Cultural and National Heritage)
Crimes against humanity: Criminal Law 2009, s. 71 (Crimes against Humanity) (added 21 May 2009; with same number as for genocide and incitement to genocide)
Genocide: Criminal Law 2009, ss. 71 (Genocide) and 71 (Incitement to Genocide) (added 28 April 2005) (both with the same numbers and with the same number as for crimes against humanity)
Torture: CAT conclusions 2007, para. 5 (no definition)

Universal jurisdiction

War crimes: Criminal Law 2009, s. 4 (Applicability of The Criminal Law Outside the Territory of Latvia)
- (1) (jurisdiction over non-citizens and third-country nationals who have a permanent residence permit in accordance with this Law for a criminal offence committed in the territory of another state or outside the territory of any state)
- (2) (jurisdiction over members of armed forces who are located outside the territory of Latvia in accordance with this Law, unless it is provided otherwise in international agreements binding upon Latvia – universal jurisdiction only if persons are non-nationals)
- (4) (jurisdiction over third–country nationals who do not have a permanent residence permit who have committed a criminal offence in the territory of another state, in the cases provided for in international agreements binding upon Latvia, irrespective of the laws of the state in which the offence has been committed, in accordance with this Law if they have not been held criminally liable for such offence or committed to stand trial in the territory of another state) (Latvia is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Criminal Law 2009, s. 4 (1), (2) and (4) (see war crimes) (Latvia is a party to the Apartheid Convention and apartheid is included in Criminal Law, 2009, s. 71)
Genocide: Criminal Law, 2009, s. 4 (1), (2) and (4) (see war crimes)
Torture: Criminal Law, 2009 (since there is no definition of torture, universal jurisdiction prosecutions would have to be for ordinary crimes under Criminal Law, 2009, s. 4 – see war crimes)
Ordinary crimes: Criminal Law, 2009, s. 4 (1) and (2) (see war crimes)

LEBANON

Sources

- Lebanese Penal Code 1956, as amended 1999 (Selected articles in English, Special Tribunal for Lebanon website) (http://www.stl-tsl.org/x/file/TheRegistry/Library/BackgroundDocuments/ApplicableLaw/CHA_09_0048_6July2010_EN.pdf) (Penal Code 1999)

Definition of crimes under international law

War crimes: Penal Code 1999(no provision)
Crimes against humanity: Penal Code 1999 (no provision)
Genocide: Penal Code 1999(no provision)
Torture: Penal Code 1999 (no provision)

Universal jurisdiction

War crimes: Penal Code 1999 (no provision, so prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 1999 (no provision, so prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1999 (no provision, so prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1999 (no provision, so prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1999, arts.

- 20 (foreigners that acquire Lebanese nationality after committing the felony or misdemeanour)
- 21 (offences committed by Lebanese officials [if not Lebanese nationals] during or in connection with the performance of their duties)
- 23 (Lebanese law is also applicable to any foreigner or stateless person who is resident or present in Lebanon and who, acting abroad as a perpetrator, co-perpetrator, instigator or accomplice, committed a felony or misdemeanour other than those cited in Articles 19, 20 and 21, if his or her extradition has not been requested or granted.)

LESOTHO

Sources

- National Constitution 1993 (http://library2.parliament.go.th/giventake/content_cons/lesotho.pdf)
- Penal Code (could not be located)
- The Criminal Procedure and Evidence Act 1981 (could not be located), amended in 1998 by Act No 10 (http://www.adh-geneve.ch/RULAC/pdf_state/CRIMINAL-PROCEDURE-AND-EVIDENCE-AMENDMENT-ACT-1998-.pdf)
- United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (Geneva Conventions Order 1959) (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/8208eceba104ce51c1256b6c002e544d!OpenDocument)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions) (United Kingdom's Geneva Conventions Act 1957 applied to Basutoland under the Geneva Conventions Order 1959, at least before independence on 4 October 1966; Section 156 of Chapter XV (on transitional provisions) of the Constitution of Lesotho provided that the existing laws were to continue in effect and, as far as is known, the 1959 Order in Council has not been repealed either before or after independence.)
Crimes against humanity: Criminal Code could not be located
Genocide: Criminal Code could not be located
Torture: Constitution 1993, art. 8 (prohibition of torture, no criminal sanction); Criminal Code could not be located

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (see war crimes)
Crimes against humanity: Criminal Code could not be located
Genocide: Criminal Code could not be located
Torture: Criminal Code could not be located
Ordinary crimes: Criminal Code could not be located

LIBERIA

Sources

- Penal Law (hard copy in Amnesty International files)
- National Defence Act 2008 (there are proposals, not yet adopted, to implement this act by applying the US UCMJ) in Liberia; the US UCMJ provides universal jurisdiction directly over war crimes in international law – see discussion of USA below)

Definitions of crimes under international law

War crimes: Penal Law (no provision)
Crimes against humanity: Penal Law (no provision)
Genocide: Penal Law (no provision)
Torture: Penal Law (no provision)

Universal jurisdiction

War crimes: Penal Law, s. 1.4.1 (f) ("Except as otherwise expressly provided, extraterritorial jurisdiction over an offense exists when . . . (f) Jurisdiction is conferred upon Liberia by treaty.") (Liberia is a party to the Geneva Conventions and Protocol I) (war crimes are not included in the Penal Law, so prosecutions would have to be for ordinary crimes)

Crimes against humanity: Penal Law, s. 1.4.1 (f) (see war crimes) (*apartheid* not included, so prosecutions would have to be for ordinary crimes) (Liberia is a party to the *Apartheid* Convention)

Genocide: Penal Law (no provision)
Torture: Penal Law, s. 1.4.1 (f) (see war crimes) (torture not included, so prosecutions would have to be for ordinary crimes) (Liberia is a party to the Convention against Torture)
Ordinary crimes: Penal Law (no provision)

LIBYAN ARAB JAMAHIRIYA

Sources

- Great Green Charter of Human Rights of the Jamahiriyan Era (http://www.unhcr.org/refworld/docid/3dda540f4.html) (Green Charter)
- Penal Code 1953 (Arabic only, 2005 edition, hard copy only) (Penal Code, 1953)
- Criminal Procedure Code 1953 (Arabic only, 1995 edition, hard copy only in Amnesty International files)
- Law No. 20 of 1991 on the Promotion of Freedom (Arabic only) (1991 Promotion of Freedom law)
- Mlitary Penal Code, Law number 37 of 1974 (Arabic hard copy only in Amnesty International files) (Military Penal Code 1974)
-.Military Criminal Procedure Code, Law number 1 of 1429 (Arabic hard copy only in Amnesty International files) (Military Criminal Procedure Code)

Definitions of crimes under international law

War crimes:
- Penal Code 1953 (no provision located)
- Military Penal Code, art. 55 (prescribes the death penalty for harming or killings the wounded)

Crimes against humanity: Penal Code 1953 (no provision located)
Genocide: Penal Code 1953 (no provision located)
Torture:
- Green Charter, art. 2 (prohibition of torture, no criminal sanction)
- Penal Code 1953, art. 435 (Any public official who orders the torture of the accused or tortures them himself is punished by a prison term of three to 10 years)
- 1991 Promotion of Freedom law, art. 17 (It is prohibited to inflict any form of corporal or psychological punishment on the accused, or to treat him with severity or degradation, or in any manner which is damaging to his dignity as a human being)

Universal jurisdiction

War crimes: Penal Code 1953 (no provision located); Military Penal Code 1974 (no provision); Military Criminal Procedure Code (no provision)
Crimes against humanity: Penal Code 1953 (no provision located); Military Penal Code 1974 (no provision); Military Criminal Procedure Code (no provision)
Genocide: Penal Code 1953 (no provision located); Military Penal Code 1974 (no provision); Military Criminal Procedure Code (no provision)
Torture: Penal Code 1953 (no provision located); Military Penal Code 1974 (no provision); Military Criminal Procedure Code (no provision)
Ordinary crimes: Penal Code 1953 (no provision located)

LIECHTENSTEIN

Sources

- Constitution of 2003 (http://www.llv.li/verfassung-e-01-02-09.doc.pdf)
- Criminal Code, adopted in 1987, entered into force in 1988 (German only) (http://legislationline.org/documents/section/criminal-codes/country/18; https://www.unodc.org/tldb/browse_country.html?cmd=add&node=LIE1970239&&country=LIE#folders)
- Third periodic reports of States parties due in 1999 – Liechtenstein, U.N. Doc. CAT/C/LIE/3, 16 March 2009 (http://www.adh-geneva.ch/RULAC/pdf_state/CAT-3rd-periodic-repor.pdf) (CAT Report 2009)
- Concluding observations of the Committee against Torture - Liechtenstein, U.N. Doc. CAT/C/LIE/CO/3, 25 May 2010 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/37/PDF/G1042637.pdf?OpenElement) (CAT Concluding observations 2010)

Definitions of crimes under international law

War crimes: Criminal Code 1988 (no provision) (Liechtenstein is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Criminal Code of 1988, art. 104 (slavery only)
Genocide: Criminal Code 1988, art. 321 (genocide)
Torture:
- Constitution of 2003, art. 27 bis (2) (prohibits inhuman or degrading treatment or punishment, but not torture and contains no penal sanctions)
- Criminal Code 1988 (no provision)
- CAT report 2009, paras. 14 (the definition in the CAT has been considered authoritative for Liechtenstein since entry into force of the

Convention against Torture Convention) and 37 (stating that torture is a crime)
- CAT Concluding observations 2010, para. 7 (recommending that a distinct crime of torture based on the definition of Article 1 be included in Criminal Code 1988)

Universal jurisdiction

War crimes: Criminal Code 1988, art. 64 (1) (6) (national courts have universal jurisdiction over acts which Liechtenstein is obliged to prosecute even when such acts are not criminal in the territorial state; war crimes not in Criminal Code 1988, so prosecutions would have to be for ordinary crimes)
Crimes against humanity: Criminal Code 1988 (no provision)
Genocide: Criminal Code of 1988 (no provision)
Torture: Criminal Code 1988, art. 64 (1) (6) (see war crimes) (in the light of CAT Concluding observations 2010, it appears that prosecutions would have to be for ordinary crimes)
Ordinary crimes: Criminal Code 1988, art. 64 (1) (4) (kidnapping for ransom under Criminal Code 1988, art. 102 and 64 (1) (8) (criminal acts related to abortion under Criminal Code 1988, arts. 96 to 98)

LITHUANIA

Source

- Criminal Code 2000, as amended 2010 (English translation) (http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=366707) (Criminal Code 2010)

Definitions of crimes under international law

War crimes: Criminal Code 2010, arts. 101 (Killing of Persons Protected under International Law); 102 (Deportation of Civilians of an Occupied State or Transfer of the Civilian Population of an Occupying State); 103 (Causing Bodily Harm to, Torture or Other Inhuman Treatment of Persons Protected under International Humanitarian Law); 104 (Violation of Norms of International Humanitarian Law Concerning Protection of Civilians and Their Property in Time of War); 105 (Forcible Use of Civilians or Prisoners of War in the Armed Forces of the Enemy); 106 (Destruction of Protected Objects or Plunder of National Valuable Properties); 107 (Delay in Repatriation of Prisoners of War); 108 (Delay in Release of Interned Civilians or Impeding Repatriation of Other Civilians); 109 (Unlawful Use of the Emblem of the Red Cross, Red Crescent, Red Crystal and the United Nations Organization or Another Universally Recognised Emblem (Sign) or Designation); 111 (Prohibited Military Attack), art. 112 (Use of Prohibited Means of Warfare); 113 (Marauding)
Crimes against humanity: Criminal Code 2010, art. 100 (Treatment of Persons Prohibited under International Law)
Genocide: Criminal Code 2010, art. 99 (Genocide)
Torture: Criminal Code (2010) (no provision)

Universal jurisdiction

War crimes: Criminal Code (2010),
- art. 5 (Criminal Liability of Citizens of the Republic of Lithuania and Other Permanent Residents of Lithuania for the Crimes Committed Abroad) (jurisdiction over permanent residents of Lithuania who have committed crimes abroad under the Code)
- art. 7 (Criminal liability for the crimes provided for in Treaties) (jurisdiction over persons regardless of their citizenship and place of residence over the following crimes subject to liability under treaties: war crimes - arts. 101 – 109; 111 -113)
Crimes against humanity: Criminal Code 2010, arts. 5 (see war crimes) and 7 (see war crimes: applicable to crimes against humanity - art. 100)
Genocide: Criminal Code 2010, arts. 5 (see war crimes) and 7 (see war crimes: categorizes genocide as a crime against humanity for purposes of jurisdiction)
Torture: Criminal Code 2010, art. 5 (torture is not included, so prosecutions would have to be for ordinary crimes)
Ordinary crimes: Criminal Code, art. 5 (see war crimes)

LUXEMBOURG

Sources:

- Loi du 27 février 2012 portant adaptation du droit interne aux dispositions du Statut de Rome de la Cour pénale internationale, approuvé par une loi du 14 août 2000 portant approbation du Statut de Rome de la Cour pénale internationale, fait à Rome, le 17 juillet 1998, art. 1 (modifying, in particular, articles 136bis to 136quater of the Criminal Code) (http://iccdb.webfactional.com/documents/implementations/pdf/Luxembourg_Law_modifying_CC_Jan2012.pdf) (2012 ICC Act)
- *Code d'Instruction Criminelle* (Code of Criminal Investigation) (English translation in

Amnesty International, 2001 Memorandum, Chapter Four – Part B)
- Code Pénal (Penal Code)
- *Loi du 2 août 1947 sur la repression des crimes de guerre*) (*Mém.1947. 755 - Pas. 1947. 500*) (Law of 2 August 1947 Concerning the Repression of War Crimes) (1947 War Crimes Law)
- *Loi du 9 janvier 1985 relative à la repression des infractions graves aux Conventions internationals de Genève du 12 août 1949* (Law of 9 January 1985 Concerning the Repression of Grave Breaches of the Geneva Conventions of 12 August 1949) (*Mém. A Nº 2 du 25 janvier 1985, p. 24*) (1985 Grave Breaches Law)
- *Loi du 18 mai 1999 introduisant certaines mesures visant à faciliter la coopération avec: 1) le Tribunal international créé par le Conseil de Sécurité des Nations Unies dans sa Résolution 827 du 25 mai 1993 pour le jugement des personnes présumées responsables de violations graves du droit international humanitaire commises sur le territoire de l'ancienne République fédérative socialiste de Yougoslavie depuis 1991 2) le Tribunal international créé par le Conseil de Sécurité des Nations Unies dans sa Résolution 955 du 8 novembre 1994 pour le jugement des personnes présumées responsables d'actes de génocide ou d'autres violations graves du droit international humanitaire commises sur le territoire du Rwanda et les citoyens rwandais présumées responsables de tels actes ou violations commis sur le territoire d'Etats voisins, entre le 1er janvier et le 31 décembre 1994* (1999 International Tribunal Law)
- *8 août 1985 – Loi portant répression du genocide* (Law of 8 August 1985 Concerning the Repression of Genocide) (1985 Genocide Law)

Definitions of crimes under international law

War crimes:
- 2012 ICC Act, art. 1 (modifying Criminal Code, art. 136quater)
- Code of Criminal Investigation, art. 7 (certain war crimes, including crimes against minors and crimes of sexual violence committed against foreign nationals of states allied to Luxembourg); 1947 War Crimes Law, art. 1 (certain offences committed in war time that are not justified by the laws and customs of war);1985 Grave Breaches Law, arts. 1 to 7; 1999 International Tribunal Law, art. 2 (war crimes in former Yugoslavia and Rwanda)
Crimes against humanity:
- 2012 ICC Act, art. 1 (modifying Criminal Code, art. 136ter)
- 1999 International Tribunal Law, art. 2 (crimes against humanity in former Yugoslavia and Rwanda) (see war crimes above)
Genocide:
- 2012 ICC Act, art. 1 (modifying Criminal Code, art. 136ter)
- 1985 Genocide Law, art. 6; 1999 International Tribunal Law, art. 2 (genocide in former Yugoslavia and Rwanda).
Torture: Penal Code, arts. 260-1 to 260-4

Universal jurisdiction

War crimes:
- 2012 ICC Act, art. 5
- Code of Criminal Investigation, art. 7 (certain war crimes, including crimes against minors and crimes of sexual violence committed against foreign nationals of states allied to Luxembourg)
- 1947 War Crimes Law, art. 1
- 1985 Grave Breaches Law, arts. 1 to 7
- 1999 International Tribunal Law, art. 2 (war crimes committed in the former Yugoslavia and Rwanda)
Crimes against humanity:
- 2012 ICC Act, art. 5
-1999 International Tribunal Law, art. 2 (crimes against humanity committed in the former Yugoslavia and Rwanda)
Genocide:
- 2012 ICC Act, art. 5
- 1999 International Tribunal Law, art. 2.
Torture: Code of Criminal Investigation, art. 7-3, in conjunction with Penal Code, arts. 260-1 to 260-4 (only against foreign residents of Luxembourg) and art. 7-4, in conjunction with Penal Code, arts. 260-1 to 260-4 (universal jurisdiction)
Ordinary crimes: Code of Criminal Investigation, art. 5 (crimes committed abroad by a foreign accomplice of a Luxembourg national)

MADAGASCAR

Sources

- Constitution (1992) http://www.servat.unibe.ch/icl/ma00000_.html
- *Code Pénal* (adopted 17 June 1972, amended 30 June 1998)

(https://www.unodc.org/tldb/showDocument.do?documentUid=367&country=MAG&language=FRE) (Penal Code 1998)
- *Code de procédure pénale du 20 septembre 1962* (https://www.unodc.org/tldb/showDocument.do?documentUid=2204&country=MAG&language=FRE) (Code of Criminal Procedure 1962)
- Law against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law No. 2008 - 008 of 25 June 2008 (http://www.apt.ch/index.php?option=com_k2&view=item&layout=item&id=819&Itemid=266&lang=en)

Definitions of crimes under international law

War crimes: Penal Code 1998, art. 91 (covering some war crimes in non-international armed conflict)
Crimes against humanity: Penal Code 1998 (no definition).
Genocide: Penal Code 1998 (no definition)
Torture: Law No 2008- 008 2008, art. 2 (definition of torture)

Universal jurisdiction

War crimes: Penal Code 1998 (no provision); Code of Criminal Procedure 1962, art. 507 (Any person who, outside Madagascar is responsible for conduct that is a crime under Madagascar law and subsequently becomes a national of Madagascar can be prosecuted and tried in Madagascar)
Crimes against humanity: Penal Code 1998 (no provision); Code of Criminal Procedure 1962, art. 507 (see war crimes; since crimes against humanity are not in Penal Code 1998, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1998 (no provision); Code of Criminal Procedure 1962, art. 507 (see war crimes) (since genocide is not in Penal Code 1998, prosecutions would have to be for ordinary crimes)
Torture: Law No 8 of 2008, art. 18 (6) (permitting the exercise of universal jurisdiction over torture if the perpetrator is found in Madagascar after the commission of it); Code of Criminal Procedure 1962, art. 507 (see war crimes)
Ordinary crimes: Penal Code 1998 (no provision); Code of Criminal Procedure 1962, art. 507 (see war crimes)

MALAWI

Sources

- Constitution of Malawi 1994 (http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN004840.pdf)
- Penal Code 1930, amended in 1974 (corruption provisions) (https://www.unodc.org/tldb/pdf/Malawi_Penal_Code_Amendment_1974.pdf) and in 2011 (media provisions) (https://www.unodc.org/tldb/pdf/Malawi_Penal_Code.pdf) (Penal Code 2011)
- Criminal Procedure and Evidence Code 1968 (https://www.unodc.org/tldb/pdf/Malawi_Criminal_Procedure_and_Evidence_Code.pdf)
- Malawi Geneva Conventions Act 1967 (hard copy in Amnesty International files)

Definitions of crimes under international law

War crimes: Geneva Conventions Act, 1967, s. 4(1) (grave breaches of the Geneva Conventions)
Crimes against humanity: Penal Code 2011 (no definition).
Genocide: Constitution 1994, s. 17 (prohibition of genocide; no criminal sanction); Penal Code 2011 (no definition)
Torture: Constitution 1994, art. 19 (prohibition of torture, no criminal sanction); Penal Code 2011 (no definition)

Universal jurisdiction

War crimes: Malawi Geneva Conventions Act, 1967, ss. 4 (1) (permitting the exercise of universal jurisdiction for grave breaches of the Geneva Conventions)
Crimes against humanity: Penal Code 2011 (no provision); Criminal Procedure and Evidence Code 1968 (no provision)
Genocide: Penal Code 2011 (no provision); Criminal Procedure and Evidence Code 1968 (no provision)
Torture: Penal Code 2011 (no provision); Criminal Procedure and Evidence Code 1968 (no provision)
Ordinary crimes: Penal Code 2011 (no provision); Criminal Procedure and Evidence Code 1968 (no provision)

MALAYSIA

Sources

- Penal Code 1936, amended 2006 (http://www.agc.gov.my/Akta/Vol.%2012/Act%20574.pdf) (Penal Code 2006)
- Geneva Conventions Act 1962 (revised 1993) (http://www.commonlii.org/my/legis/consol_ac

t/gca19621993283/) (Geneva Conventions Act 1993)
- Computer crimes Act 1997 (http://www.agc.gov.my/Akta/Vol.%2012/Act%20563.pdf)
- Courts of Judicature Act 1964 (http://www.kehakiman.gov.my/legislation/Court_Of_The_Judicature_Act.shtml)

Definition of crimes under international law

War crimes: Geneva Conventions Act 1993, s. 3 (grave breaches of the Geneva Conventions)
Crimes against humanity: Penal Code 2006 (no provision)
Genocide: Penal Code 2006 (no provision)
Torture: Penal Code 2006 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1993, s. 3 (any person, regardless of citizenship or nationality, who, whether in or outside Malaysia, commits, or aids, abets or procures the commission by any other person of a grave breach of any of the Geneva Conventions)
Crimes against humanity: Penal Code 2006 (no provision)
Genocide: Penal Code 2006 (no provision)
Torture: Penal Code 2006 (no provision)
Ordinary crimes: Penal Code 2006 (no provision); Computer Crimes Act, s. 9 (provisions of this act, in relation to any person, regardless of nationality or citizenship, have effect outside Malaysia, and where an offence under this act is committed by any person in any place outside Malaysia, the person may be dealt with as the offence was committed within Malaysia)

MALDIVES

Sources

Penal Code, Act Number 1/81 (1961) (http://www.vertic.org/media/National%20Legislation/Maldives/MV_Penal_Code.pdf) (Penal Code 1961)

Definitions of crimes under international law

War crimes: Penal Code 1961 (no provision)
Crimes against humanity: Penal Code 1961 (no provision)
Genocide: Penal Code 1961 (no provision)
Torture: Penal Code 1961 (no provision)

Universal jurisdiction

War crimes: Penal Code 1961 (no provision)
Crimes against humanity: Penal Code 1961 (no provision)
Genocide: Penal Code 1961 (no provision)
Torture: Penal Code 1961 (no provision)
Ordinary crimes: Penal Code 1961 (no provision)

MALI

Sources

- National Constitution (1992) (http://confinder.richmond.edu/admin/docs/Mali.pdf)
- *Loi N° 01-079 du 20 Aout 2001* (http://www.justicemali.org/code%20penal.pdf) (Penal Code 2001)
- *Loi N°01-080 du 8 Aout 2001* (http://mobilecom-mali.net/legimali/uploads/c4c85442-9782-6e51.pdf) (Criminal Procedure Code 2001)

Definitions of crimes under international law

War crimes: Penal Code 2001, art. 31 (*Des crimes de guerre*)
Crimes against humanity: Penal Code 2001 art 29 (*Crimes contre l'humanité*)
Genocide: Penal Code 2001, art. 30 (*Du genocide*)
Torture: Penal Code 2001, art. 209 (*Des tortures*)

Universal jurisdiction

War crimes:
- Constitution 1992, art. 116 (provides that "treaties and accords that are properly ratified or approved have, from the time of their publication, superior authority over laws of the State") (Mali is a party to the Geneva Conventions and Protocol I)
- Penal Code 2001 (no provision)
- Criminal Procedure Code 2001, art. 22 (Any person who, outside of Mali is responsible for a conduct that is a crime under Mali law and subsequently became a national of Mali can be prosecuted and tried in Mali)
Crimes against humanity:
- Constitution 1992 art. 116 (see war crimes)
- Penal Code 2001 (no provision)
- Criminal Procedure Code 2001 art. 22 (see war crimes) (Mali is a party to the *Apartheid* Convention)
Genocide:
- Penal Code 2001 (no provision)
- Criminal Procedure Code 2001, art. 22 (see war crimes)

Torture:
- Constitution 1992 art. 116 (see war crimes)
- Penal Code 2001 (no provision)
- Criminal Procedure Code 2001, art. 22 (see war crimes) (Mali Is a party to the Convention against Torture)

Ordinary crimes:
- Penal Code 2001 (no provision)
- Criminal Procedure Code 2001, art. 22 (see war crimes)

MALTA

Sources

- Criminal Code 2005, Cap. 9, Bk. I, Part II (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/6051b666d2bfffccc12570fb00518d43!OpenDocument)

Definitions of crimes under international law

War crimes: Criminal Code 2005, Cap. 9, Bk. I, Part II, arts. 54D, 54E and 54F
Crimes against humanity: Criminal Code 2005, Cap. 9, Bk. I, Part II, arts. 54C, 54E and 54F
Genocide: Criminal Code 2005, Cap. 9, Bk. I, Part II, arts. 54A, 54B, 54E and 54F
Torture: Criminal Code 2005, art. 139A

Universal jurisdiction

War crimes: Criminal Code 2005, Cap. 9, Bk. I, Part II, art. 5 (1) (d) (by a permanent resident against another permanent resident); art. 5 (1) (h) (by a person who cannot be extradited because he or she would face the death penalty, even if there is no corresponding crime in the Maltese Criminal Code)
Crimes against humanity: Criminal Code 2005, Cap. 9, Bk. I, Part II, art. 5 (1) (d) (see war crimes); art. 5 (1) (h) (see war crimes)
Genocide: Criminal Code, Cap. 9, Bk. I, Part II, art. 5 (1) (d) (see war crimes); art. 5 (1) (h) (see war crimes)
Torture: Criminal Code, Cap. 9, Bk. I, Part II, art. 5 (1) (d) (see war crimes); art. 5 (1) (h) (see war crimes)
Ordinary crimes: Criminal Code, Cap. 9, Bk. I, Part II, art. 5 (1) (d) (see war crimes); art. 5 (1) (e) (ii) (a person present in Malta responsible for certain crimes of violence); art. 5 (1) (h) (see war crimes)

MARSHALL ISLANDS

Source

- Constitution 2005 [MIRC] (http://www.paclii.org/mh/legis/consol_act/cotmi363/)
- Criminal Code 2004 [31 MIRC Ch 1] (http://www.paclii.org/mh/legis/consol_act/cc94/)
- Judiciary Act 1983 [27 MIRC Ch 2] (http://www.paclii.org/mh/legis/consol_act/ja1983112/)

Definitions of crimes under international law

War crimes: Criminal Code 2004 (no provision)
Crimes against humanity: Criminal Code 2004 (no provision)
Genocide: Criminal Code 2004 (no provision)
Torture: Criminal Code 2004 (no provision)

Universal jurisdiction

War crimes:
- Constitution 2005, art. V (4) (No treaty or other international agreement which is finally accepted by or on behalf of the Republic on or after the effective date of this Constitution shall, of itself, have the force of law in the Republic)
- Criminal Code 2004 (no provision)
- Judiciary Act 1983,
- - s.244 (Extraterritorial jurisdiction generally) (b) (courts have extraterritorial jurisdiction as provided or required by any law having extraterritorial effect, making an act or omission outside the Republic an offense or justiciable within the Republic, but subject to the provisions of that law)
- - s. 248 (Application of foreign law) (The criminal law of any jurisdiction that is applicable under any law of the Republic or under international law, may be enforced by a court of the Republic, in the trial of any offenses committed outside the territorial limits of the Republic that are triable by that court when, in the opinion of the court, justice and comity will be aided by its enforcement) (it is possible that these two sections could permit Marshall Islands courts to exercise universal jurisdiction over crimes in treaties with extradite or try provisions, but there does not appear to be any authoritative jurisprudence on this point) (the Marshall Islands is a party to the Geneva Conventions)

Crimes against humanity: Criminal Code 2004 (no provision)
Genocide: Criminal Code 2004 (no provision)
Torture: Constitution, s. 6 (prohibits torture and inhumane treatment; no criminal sanctions); Criminal Code 2004 (no provision)

Ordinary crimes: Criminal Code 2004 (no provision)

MAURITANIA

Sources

- *Code pénal* (http://www.droit-afrique.com/images/textes/Mauritanie/Mauritanie%20-%20Code%20penal.pdf) (Penal Code 1983)
- *Code de procédure pénale 1983* (https://www.unodc.org/tldb/pdf/Mauritania_Code_de_procedure_penale_Full_text.pdf) (Criminal Procedure Code 1983)

Definitions of crimes under international law

War crimes: Penal Code 1983 (no provision)
Crimes against humanity: Penal Code 1983 (no provision)
Genocide: Penal Code 1983 (no provision)
Torture: Penal Code 1983 (no provision)

Universal jurisdiction

War crimes: Criminal Procedure Code 1983 (no provision) (since war crimes are not included, prosecution would have to be for an ordinary crime)
Crimes against humanity: Criminal Procedure Code 1983 (no provision) (since war crimes are not included, prosecution would have to be for an ordinary crime)
Genocide: Criminal Procedure Code 1983 (no provision) (since war crimes are not included, prosecution would have to be for an ordinary crime)
Torture: Criminal Procedure Code 1983 (no provision) (since war crimes are not included, prosecution would have to be for an ordinary crime)
Ordinary crimes: Criminal Procedure Code 1983, art. 597 (Whoever is, in Mauritania, responsible as an accomplice for a serious crime (*crime*) or a minor crime (*délit*) committed abroad, can be prosecuted and tried by Mauritanian courts if the act is punishable by the foreign law and by Mauritanian law, provided that the act is characterized as a serious crime or a minor crime and is recognized by a final decision of the foreign jurisdiction.)

MAURITIUS

Sources
-National Constitution of 12 March 1968; amended 12 March *1992 (*Constitution 1992) (http://www.gov.mu/portal/site/AssemblySite/menuitem.ee3d58b2c32c60451251701065c521ca/?content_id=03654555fc808010VgnVCM100000ca6a12acRCRD#president)
- The International Criminal Court Act 2011, Act No. 27 Of 2011, Mauritius, Acts 2011, 436 (2011 ICC Act)
- Criminal Code 1838, amended by Act 2003 - some articles) (https://www.unodc.org/tldb/pdf/Mauritius/MAU_Crim_Law_1838.pdf) (Criminal Code 2003) https://www.unodc.org/tldb/showDocument.do?documentUid=3741 (Criminal Code 2003)
-Criminal Code 1838, amended 2006)(https://www.unodc.org/tldb/pdf/Mauritius/MAU_Crim_Law_1838.pdf) (Criminal Code 2006)
-Criminal Procedure Code (some provisions)(https://www.unodc.org/tldb/showDocument.do?documentUid=8675) (full code could not be located)
- United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (Geneva Conventions Order 1959), amended by the Geneva Conventions Act No. 2 of 2003, (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256730050 8143/8208eceba104ce51c1256b6c002e54 4d!OpenDocument)
- Geneva Conventions Act amendment of 2003 (http://www.icrc.org/ihl-nat.nsf/0/B3A4BD2A3778F34DC1256E590 05D0C5A)
- Committee against Torture Consideration of reports submitted by States parties under article 19 of the Convention – Mauitius, U.N. Doc. CAT/C/MUS/3, 25 November 2010 (http://www.bayefsky.com/reports/mauritius_cat_c_mus_3_2010.pdf) (CAT Report 2010)
- Note: Since the Criminal Procedure Code could not be located, it could not be determined whether Mauritius courts could exercise universal jurisdiction over crimes against humanity, genocide or ordinary crimes.

Definitions of crimes under international law

War crimes:
- 2011 ICC Act, art. 4 (1)
- Criminal Code 2003 (no provision)

- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions) (Prior to 1 January 1970, at least, the United Kingdom's Geneva Conventions Act 1957 applied to Mauritius under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959. As far as is known, the 1959 Order in Council has not been repealed either before or after independence) (Mauritius is a party to the Geneva Conventions and Protocol I)

Crimes against humanity:
- Constitution 1992, s. 6 (1) (Protection from slavery and forced labour) (prohibition of slavery, but no criminal sanctions)
- 2011 ICC Act, art. 4 (1)
- Criminal Code 2003 (no provision)

Genocide:
- 2011 ICC Act, art. 4 (1)
- Criminal Code 2003 (no provision)

Torture:
-Constitution 1992, art 7(1) (Protection from inhuman treatment) (prohibition of torture, but no criminal sanctions)
- Criminal Code Act 2003, s. 78 (Torture by public official)

Universal jurisdiction

War crimes:
- 2011 ICC Act, art. 4 (3)
- Criminal Code 2003 (no provision)
- Geneva Conventions Order 1959, s. 3 (1) (permitting the exercise of universal jurisdiction over grave breaches of the Geneva Conventions)
- Criminal Procedure Code (full code could not be located)

Crimes against humanity:
- 2011 ICC Act, art. 4 (3)
- Criminal Code 2003 (no provision)
- Criminal Procedure Code (full code could not be located)

Genocide:
- 2011 ICC Act, art. 4 (3)
- Criminal Code 2003 (no provision)
- Criminal Procedure Code (full code could not be located)

Torture: Penal Code 2003, s. 78 (2) (permitting the exercise of universal jurisdiction over torture, if the offender is in Mauritius and Mauritius does not extradite)

Ordinary crimes: Criminal Code 2003 (no provision); Criminal Procedure Code (full code could not be located)

MEXICO

Sources
- *Código Penal Federal 1931* (as amended 2010) (http://www.pgr.gob.mx/Que%20es%20PGR/Documentos/CodigoPenalFederal.pdf) (Federal Penal Code 2010)
- *Ley Federal para prevenir y sancionar la tortura 1991* (as amended 1994) (http://www.diputados.gob.mx/LeyesBiblio/pdf/129.pdf) (Federal Law on Torture 1994)

Definitions of crimes under international law

War crimes: Federal Penal Code 2010 (no definition); art. 6 (when a crime not defined in this code is committed and that crime is defined in a treaty to which Mexico is a party, that treaty shall apply, bearing in mind Section I (*Libro I*) and II (*Libro II*) of the Penal Code; it is not clear what sentences would be applied, except for Article 149); art. 149 (crimes committed against prisoners of war and hostages) (Mexico is a party to the Geneva Conventions, Protocol I, 1954 Hague Convention Second Protocol and Rome Statute)

Crimes against humanity: Federal Penal Code 2010 (no provision); art. 6 (see war crimes) (Mexico is a party to the Rome Statute and the *Apartheid* Convention) (it is not clear what sentences would be applied)

Genocide: Federal Penal Code 2010, art. 149 bis

Torture: Federal Law on Torture 1994, art. 3

Universal jurisdiction

War crimes: Federal Penal Code 2010, art. 6 (see war crimes definition) (as noted above, it is not clear what sentences would be applied, apart from violations of Federal Penal Code 2010, art. 149)

Crimes against humanity: Federal Penal Code 2010, art. 6 (see war crimes) (Mexico is a party to the *Apartheid* Convention)

Genocide: Federal Penal Code 2010 (no provision)

Torture: Federal Penal Code 2010, art. 6 (Mexico is a party to the Convention against Torture)

Ordinary crimes: Federal Penal Code 2010 (no provision)

MICRONESIA (FEDERATED STATES OF)

Sources
Code of the Federated States of Micronesia, Title 11 (Crimes), updated as of 2001 (http://fsmlaw.org./fsm/code/index.htm) (Code 2001)

Definition of crimes under international law

War crimes: Code 2001 (no provision)
Crimes against humanity: Code 2001 (no provision)
Genocide: Code 2001 (no provision)
Torture: Code 2001 (no provision)

Universal jurisdiction

War crimes: Code 2001 (no provision)
Crimes against humanity: Code 2001 (no provision)
Genocide: Code 2001 (no provision)
Torture: Code 2001 (no provision)
Ordinary crimes: Code 2001 (no provision)

MONACO

Sources

- *Code Pénal* (https://www.unodc.org/tldb/showDocument.do?documentUid=9992&country=MNC&language=FRE) (Penal Code)
- *Code de Procédure Pénale* (Code of Criminal Procedure)
- Concluding observations of the Committee against Torture – Monaco, U.N. Doc. CAT/C/MCO/CO/4-5, 17 June 2011 (CAT Concluding observations 2011)

Definitions of crimes under international law

War crimes: Penal Code, art. 65 (inciting citizens in a civil war to carry out devastation, massacre and pillage in Monaco)
Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code (no provision)
Torture: Penal Code (no provision); CAT conclusions 2011, para. 7 (no offence of torture)

Universal jurisdiction

War crimes: Penal Code, arts. 6-1 and 9 (2)
Crimes against humanity: Penal Code, arts. 6-1 and 9 (2) (crimes against humanity not included, so prosecutions would have to be for ordinary crimes)
Genocide: Penal Code, arts. 6-1 and 9 (2) (genocide not included, so prosecutions would have to be for ordinary crimes)
Torture: Code of Criminal Procedure, art. 6-1 and 6 (since torture not included, prosecution would have to be for ordinary crimes)
Ordinary crimes:
- Code of Criminal Procedure, art. 6-1 ("The provisions of Articles 5 [any Monaco national who does an act abroad that is a felony (*crime*) under the law of Monaco may be prosecuted in Monaco] and 6 [any Monaco national who does an act provided that the act is punishable in the territorial state, the prosecutor initiates a prosecution and there is an official request for such a prosecution by the territorial state] are applicable to anyone who has acquired Monagasque nationality after the act of which he is accused.")
- Code of Criminal Procedure, art. 9 (2) (A foreigner may be prosecuted and tried in Monaco who is responsible outside Monaco for a felony or misdemeanour committed even against another foreigner, if he is found in Monaco in possession of objects acquired by means of the crime, subject to the same conditions in Article 6)
- Code of Criminal Procedure, art 8 (3) (whoever, outside Monaco, has committed acts against minors that constitute felonies or misdemeanours against the modesty or morals defined by Articles 261, 262, 263 and 265 (1), (2) and (5) of the Penal Code, when the person responsible is found in Monaco)

MONGOLIA

Sources

Penal Code 2002 (http://www.unhcr.org/refworld/pdfid/3ed919fd4.pdf)

Definition of crimes under international law
War crimes: Penal Code 2002, arts. 299 (Conduct of war by prohibited means); art. 303 (Use of mercenaries)
Crimes against humanity: Penal Code 2002 (no provision)
Genocide: Penal Code 2002, art. 302 (Genocide).
Torture: Penal Code 2002, art. 100 (Torture).

Universal jurisdiction

War crimes: Penal Code 2002,
- art. 14.1 (stateless person permanently residing in Mongolia that has committed a crime specified in the Penal Code abroad)
- art. 14.3 (Unless otherwise provided in an international agreement to which Mongolia is a party Mongolian servicemen – only

universal jurisdiction if they can be foreigners - who have committed crimes in the course of their service abroad shall be subject to criminal liability under this Code)
- art. 14.4 (Foreign nationals and stateless persons who have committed crimes beyond the territory of Mongolia, only if an international agreement to which Mongolia is a party so provides) (Mongolia is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Penal Code 2002 (not included so prosecutions would have to be for ordinary crimes) (Mongolia is a party to the *Apartheid* Convention)
Genocide: Penal Code 2002, art. 14.1 and 14.3 (see war crimes)
Torture: Penal Code 2002, art. 14.1, 14.3 and 14.4 (see war crimes)
Ordinary crimes: Penal Code 2002, art. 14.1 and 14.3 (see war crimes)

MONTENEGRO

Source

- Criminal Code of Montenegro 2003 (https://www.unodc.org/tldb/pdf/Montenegro_Criminal_Code.pdf) (Criminal Code 2003)

Definitions of crimes under international law

War crimes: Criminal Code 2003, arts. 428 (War crimes against civil population); 429 (War crimes against the wounded and sick); 430 (War crimes against prisoners of war); 431 (Organization and instigation to genocide and war crimes); 432 (Use of forbidden means of combat); 433 (Manufacture of forbidden weapons); 434 (Unlawful killing and wounding of enemies); 435 (Unlawful dispossession of articles from the killed); 436 (Violation against a parliamentary); 437 (Cruel treatment of the wounded, sick and prisoners of war); 438 (Unjustified delay of repatriation of prisoners of war); 439 (Destruction of cultural heritage: 441 (Abuse of international signs)
Crimes against humanity: Criminal Code 2003, art. 427 (Crimes against humanity)
Genocide: Criminal Code 2003, arts. 426 (Genocide); 431 (Organization and instigation to genocide and war crimes)
Torture: Criminal Code 2003, art. 167 (Maltreatment and torture)

Universal jurisdiction

War crimes: Criminal Code 2003, art. 137 (2) (any crime for which under the law of the country where it was committed, a prison penalty may be pronounced in duration of five years or more, provided that the suspect has been apprehended in Montenegro and has not been extradited)
Crimes against humanity: Criminal Code 2003, art. 137 (2) (see war crimes)
Genocide: Criminal Code 2003, art. 137 (2) (see war crimes)
Torture: Criminal Code 2003, art. 137 (2) (see war crimes)
Ordinary crimes: 2003 Criminal Code, art. 137 (2) (see war crimes)

MOROCCO

Sources

- *Code Pénale 1963* (http://adala.justice.gov.ma/production/legislation/fr/penal/Code%20Penal.htm) (http://www.wipo.int/wipolex/en/text.jsp?file_id=190413) (Penal Code 1963)
- *Code de Procédure Pénale 1959* (1997 printed edition, hard copy in Amnesty International files) (Code of Criminal Procedure 1959)

Definitions of crimes under international law

War crimes: Penal Code 1963 (no provision)
Crimes against humanity: Penal Code 1963 (no provision)
Genocide: Penal Code 1963 (no provision)
Torture: Penal Code 1999, arts. 399, 438

Universal jurisdiction

War crimes: Penal Code 1963, art. 10 (Moroccan law applies to foreigners or stateless persons who are found in Morocco, unless otherwise provided in treaties) (although not completely free from doubt, this provision appears to provide universal jurisdiction over crimes in the code ; since war crimes are not included, prosecutions would have to be for ordinary crimes); Code of Criminal Procedure 1959, art. 753 (Any act characterized as a crime (*crime*) in Maroccan law, committed outside Morocco by a person who subsequently becomes a Moroccan national, and any act characterized as a minor crime (*délit*) in both Moroccan law and the law of the country where it was committed, committed outside Morocco by a person who subsequently becomes a Moroccan national, can be prosecuted and tried in Morocco.)

Crimes against humanity: Penal Code 1963, art. 10 (see war crimes; since crimes against humanity are not included, prosecutions would have to be for ordinary crimes); Code of Criminal Procedure 1959, art. 753 (see war crimes ; crimes against humanity are not included, so prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1963, art. 10 (see war crimes; since genocide is not included, prosecutions would have to be for ordinary crimes) ; Code of Criminal Procedure 1959, art. 753 (see war crimes; genocide is not included, so prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1963, art. 10 (see war crimes; since genocide is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1963, art. 10 (see war crimes)

MOZAMBIQUE

Sources

- Constitution of Mozambique 2004 (http://www.unhcr.org/refworld/category,LEGAL,,,MOZ,4a1e597b2,0.html
- *Código Penal Portugues 1886* (http://www.fd.unl.pt/Anexos/Investigacao/1274.pdf) (Portuguese Penal Code 1886)
- *Código do Processo Penal, aprovado em 1929 e que entrou em vigor em 1931* (Criminal Procedure Code 1931) (hard copy in Amnesty International files)
- *Lei no 17/87* (http://www.icrc.org/ihl-nat.nsf/0/c9344191d37a0d8ac12570a5004a5c2e/$FILE/Military%20Crimes%20-%20Mozambique%20-%20Por.pdf) (Military Penal Code 1987)

Definitions of crimes under international law

War crimes: Penal Code 1886 (no provision); Military Penal Code 1987, art 83 (provides that crimes against humanitarian rules in armed conflict are those that violate generally accepted international rules, in particular: art. 83 (b) acts of cruelty against civilian populations, wounded, sick, defenceless and prisoners.); art 83(d) attacks to ships, aircrafts, trains or cars dedicated to hospitalization services or transportation of wounded, sick or prisoners); art 85 (provides crimes against persons in time of war and theatre of operations: art 85(a) (homicide and injures resulting in death of any person to facilitate the commission of a crime or impunity for a crime already committed); art 85(b)(rape against women using physical violence or intimidation); art 85(c)(rape against children under 12 using physical violence or intimidation); art 85(d)(violence against prisoners or wounded; art 88 (looting and destroying goods or other objects un time of war); art 89 (in times of war, violence against people outside the cases referred in previous articles).
Crimes against humanity: Penal Code 1886 (no provision)
Genocide: Penal Code 1886 (no provision)
Torture: Constitution of Mozambique 2004, art. 40 (prohibition of torture; no criminal sanction); Penal Code 1886 (no provision)

Universal jurisdiction

War crimes:
- Constitution art 18 (1) ("international treaties and agreements shall enter into force in the Mozambican legal order once they have been officially published and while they are internationally binding on the Mozambican State") and (2) ("Norms of international law shall have the same force in the Mozambican legal order as have infra-constitutional legislative acts of the Assembly of the Republic and the Government, according to the respective manner in which they are received.") (this constitutional provision would appear to give Mozambique courts jurisdiction over war crimes in the Military Penal Code 1987 that are grave breaches of the Geneva Conventions and Protocol I, which it has ratified)
- Penal Code 1886 (no provision)
- Criminal Procedure Code (1929) (no provision)
Crimes against humanity: Constitution of Mozambique 2004, art. 18 (1) (see war crimes); Penal Code 1886 (no provision); Criminal Procedure Code (1929) (no provision) (Mozambique is a party to the *Apartheid* Convention) (*apartheid* is not in Penal Code 1886, so prosecution for would have to be for ordinary crimes)
Genocide: Penal Code 1886 (no provision); Criminal Procedure Code (1929) (no provision).
Torture: Constitution of Mozambique 2004, art. 18 (1) (see war crimes); Penal Code 1886 (no provision); Criminal Procedure Code (1929) (no provision) (Mozambique is a party to the Convention against Torture)

(torture is not in Penal Code 1886, so prosecution for would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1886 (no provision); Criminal Procedure Code (1929) (no provision)

MYANMAR

Sources

- Penal Code 1861 (http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html)
- Criminal Procedure Code (http://www.blc-burma.org/html/Criminal%20Procedure%20Code/cpc_01-15.html)

Definitions of crimes under international law

War crimes: Penal Code 1861 (no provision)
Crimes against humanity: Penal Code 1861, ss. 370 and 371 (slave trade and slavery)
Genocide: Penal Code 1861 (no provision)
Torture: Penal Code 1861 (no provision)

Universal jurisdiction

War crimes: Penal Code 1861 (no provision)
Crimes against humanity: Penal Code 1861 (no provision)
Genocide: Penal Code 1861 (no provision)
Torture: Penal Code 1861 (no provision)
Ordinary crimes: Penal Code 1861 (no provision)

NAMIBIA

Sources

- Constitution (http://www.orusovo.com/namcon/)
- Geneva Conventions Act, 2003 (Act No. 15 of 2003) (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/6aa7ac7e150c2b45c12571610043e0c1/$FILE/Geneva%20Conventions%20Act%20-%20Namibia%20-%20EN.pdf)
- Committee against Torture, Conclusions and recommendations of the Committee against Torture, U.N. Doc. A/52/44, 6 May 1997 (http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.52.44,paras.227-252.En?Opendocument) (CAT Conclusions 1997)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 2003, s. 2 (grave breaches of Geneva Conventions and Protocol I)
Crimes against humanity: Constitution, art. 144 (unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under the Constitution form part of the law of Namibia); no provision in Namibian legislation defining crimes against humanity has been located
Genocide: Constitution, art. 144 (see crimes against humanity); no provision in Namibian law has been located defining genocide
Torture: Constitution, art. 8 (2) (prohibits torture, but provides for no criminal sanctions) and art. 144 (see crimes against humanity); no provision in legislation defining torture (CAT Conclusions 1997, paras. 235 and 241)

Universal jurisdiction

War crimes: Geneva Conventions Act 2003, s. 2 (universal jurisdiction over grave breaches of Geneva Conventions and Protocol I)
Crimes against humanity: Constitution, art. 144 (see crimes against humanity definition) (since *apartheid* appears not to be defined as a crime, prosecution would have to be for ordinary crimes) (Namibia is a party to the *Apartheid* Convention)
Genocide: No provision in Namibian law has been found.
Torture: Constitution, art. 144 (see crimes against humanity definition) (torture is not included, so prosecutions would have to be based on ordinary crimes) (Namibia is a party to the Convention against Torture)
Ordinary crimes: No provision has been located in Namibian law providing universal jurisdiction over ordinary crimes

NAURU

Sources

Criminal Code Act 1899 (Queensland) (http://www.austlii.edu.au/au/legis/qld/consol_act/cc189994/)

Definitions of crimes under international law

War crimes: Criminal Code Act 1899 (no provision)
Crimes against humanity: Criminal Code Act 1899 (no provision).
Genocide: Criminal Code Act 1899 (no provision)
Torture: Criminal Code Act 1899 s. 320 A (torture)

Universal jurisdiction

War crimes: Criminal Code Act 1899 (no provision)
Crimes against humanity: Criminal Code Act 1899 (no provision)
Genocide: Criminal Code Act 1899 (no provision)
Torture: Criminal Code Act 1899 (no provision)
Ordinary crimes: Criminal Code Act 1899 (no provision)

NEPAL

Sources

- Compensation Relating to Torture Act, 2053 (1996) (http://www.lawcommission.gov.np/en/documents/prevailing-laws/prevailing-acts/func-startdown/423/)
- UN Committee against Torture, conclusions and recommendations, UN Doc. CAT/C/NPL/CO/2, 13 April 2007 (http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/2fd5540073443cc1c12570fb0031bdd0/$FILE/G0741143.pdf) (CAT conclusions 2007)
- Muluki Ain 2020 of 1854, amended several times and completely revised by New General Act 1964 (Muluki Ain 1964)

Definitions of crimes under international law

War crimes: Muluki Ain 1964 (no provision)
Crimes against humanity: Constitution 2007 art 29(3) (prohibition of slavery, but no criminal sanction); Muluki Ain 1964 (no provision)
Genocide: Muluki Ain 1964 (no provision)
Torture: Compensation Relating to torture Act 1996 2 (a) (definition of torture, but no criminal sanctions); Muluki Ain 1964 (no provision); CAT conclusions 2007, para. 12 (Committee noted with concern the lack of a legal provision in current domestic law to make torture a criminal offence)

Universal jurisdiction

War crimes: Muluki Ain 1964 (no provision)
Crimes against humanity: Muluki Ain 1964 (no provision)
Genocide: Muluki Ain 1964 (no provision)
Torture: Compensation Relating to torture Act 1996 (no provision); Muluki Ain 1964 (no provision)
Ordinary Crimes: Muluki Ain 1964 (no provision)

NETHERLANDS

Source: International Crimes Act 2003 (English translation in Redress, *Extraterritorial jurisdiction*, pp. 197 -201)

(http://www.ecocarib.org/legislation-and-drafts/data-resources/70-dutch-penal-code) (Dutch)

Definitions of crimes under international law

War crimes: International Crimes Act 2003, ss. 5 - 7
Crimes against humanity: International Crimes Act 2003, s. 4
Genocide: International Crimes Act 2003, s. 3
Torture: International Crimes Act 2003, s. 8

Universal jurisdiction

War crimes: International Crimes Act 2003, s. 2 (1) (a) (any person suspected of committing a crime under this act who is present)
Crimes against humanity: International Crimes Act 2003, s. 2 (1) (a) (see war crimes)
Genocide: International Crimes Act 2003, s. 2 (1) (a) (see war crimes)
Torture: International Crimes Act 2003, s. 2 (1) (a) (any person suspected of committing a crime under this act who is present)
Ordinary crimes: No known provision

NEW ZEALAND

Sources

- Constitution Act 1986
- Crimes Act 1961 (as amended) (http://www.legal-tools.org/en/go-to-database/ltfolder/0_4292/#results) (Crimes Act 1961)
- International Crimes and International Criminal Court Act 2000
- International Crimes and International Criminal Court Amendment Act 2002
- International War Crimes Tribunals Act 1995

- Geneva Conventions Act 1958 (as amended 1987) (Geneva Conventions Act 1987)
- Geneva Conventions Amendment Act 1987
- Crimes of Torture Act 1989 (as amended) (http://www.legislation.govt.nz/act/public/1989/0106/latest/DLM192818.html)
- Crimes of Torture Amendment Act 2006 No 68, Public Act

(all acts available at http://legislation.govt.nz/act/searchquick.aspx)

Definitions of crimes under international law

War crimes:

- International Crimes and International Criminal Court Act 2000, s. 11 (war crimes as defined in Article 8 of the Rome Statute)
- Geneva Conventions Act 1987, s. 3 (grave breaches of the Geneva Convention or of the First Protocol to the Geneva Conventions)

Crimes against humanity:

- International Crimes and International Criminal Court Act 2000, s. 10 (crimes against humanity as specified in Article 7 of the Rome Statute)
- Crimes Act 1961, s. 98 (dealing in slaves)

Genocide: International Crimes and International Criminal Court Act 2000, s. 9 (genocide as defined in Article 6 of the Rome Statute)

Torture: Crimes of Torture Act 1989, s. 3 (Acts of Torture)

Universal jurisdiction

War crimes:

- International Crimes and International Criminal Court Act 2000, s. 8 (provides for universal jurisdiction over war crimes within the jurisdiction of the ICC under Article 8 of the Rome Statute, occurring after 1 October 2000, the effective date of that part of the act which included Section 8, or over acts which would have constituted crimes in New Zealand at the time they had occurred had they taken place in New Zealand)
- Geneva Conventions Act 1987, s. 3 (gives courts universal jurisdiction over grave breaches of the Geneva Convention or of the First Protocol to the Geneva Conventions; the act remains unaffected by the implementing legislation for the Rome Statute)

Crimes against humanity: International Crimes and International Criminal Court Act 2000, s. 8 (providing for universal jurisdiction over crimes against humanity within the jurisdiction of the ICC under Article 7 of the Rome Statute occurring on or after the date of commencement of Section 8 (1 October 2000) or on or after 1 January 1991, but before the commencement of this section and would have been an offence under the law of New Zealand in force at the time the act occurred, had they occurred in New Zealand.

Genocide: International Crimes and International Criminal Court Act 2000, s. 8 (providing for universal jurisdiction over genocide within the jurisdiction of the ICC under Article 6 of the Rome Statute occurring on or after 28 March 1979, the date New Zealand became a party to the Genocide Convention)

Torture: Crimes of Torture Act 1989, s. 3 (providing for custodial universal jurisdiction over torture and ancillary crimes) and s. 4 (defining jurisdiction over the acts of torture and providing that no proceedings under s. 3 may be brought unless the person to be charged is present in New Zealand)

Ordinary crimes: Crimes Act 1961 (as amended), s. 7A (universal jurisdiction over one ordinary crime listed in the Crimes Act 1961: money laundering (s,243), if the perpetrator has been found in New Zealand and has not been extradited and provided that the Attorney-General gives his or her consent to the proceedings. There are also other more specific limitations provided in s. 7A)

NICARAGUA

Sources

- *Constitución Política de la República de Nicaragua* (as amended 2005) (http://pdba.georgetown.edu/Constitutions/Nica/nica05.html) (Constitution 2005)

- *Código Penal, Ley No. 641* (http://legislacion.asamblea.gob.ni/Normaweb.nsf/%28$All%29/1F5B59264A8F00F906257540005EF77E?OpenDocument) (Penal Code 2008)

Definitions of crimes under international law

War crimes: Penal Code 2008, arts. 489 - 522

Crimes against humanity: Penal Code 2008, arts. 487 (*Apartheid*) and 488 (enforced disappearance)

Genocide: Penal Code 2008, arts. 484 - 485

Torture: Penal Code 2008, art. 486

Universal jurisdiction

War crimes: Penal Code 2008, art. 16 (d) (Nicaraguan criminal law applies to foreigners who commit abroad crimes against the international order) and (n) (Nicaraguan criminal law applies to foreigners who commit abroad any other criminal offence that can be prosecuted in Nicaragua in accordance with international instruments ratified by Nicaragua) (Nicaragua is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Penal Code 2008, art. 16 (c) (Nicaraguan criminal law applies to foreigners who commit abroad slavery and slave trade); (d) (see war crimes) (Nicaragua is a party to the *Apartheid* Convention)
Genocide: Penal Code 2008, art. 16 (d) (see war crimes)
Torture: Penal Code 2008, art. 16 (d) (see war crimes) and (n) (see war crimes) (Nicaragua is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2008, art. 16 (Nicaraguan criminal law applies to foreigners who commit abroad: (h) (trafficking in human organs); (i) trafficking in cultural heritage; and (m) (sexual crimes against children)

NIGER

Sources

Code Pénal du Niger (2003) tel qu'amendé par la loi no. 2008-18 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/2adbe8197a91aa1dc12576ff003f3ab0!OpenDocument) (Penal Code 2008)

Definition of crimes

War crimes: Penal Code 2008, art. 208-3 (war crimes)
Crimes against humanity: Penal Code 2008, art. 208-2 (crimes against humanity)
Genocide: Penal Code 2008, art. 208-1 (genocide)
Torture: Penal Code 2008 (no definition as a separate crime)

Universal jurisdiction

War crimes: Penal Code 2008, art. 208-8 (Niger courts have jurisdiction over war crimes regardless of the place where committed)
Crimes against humanity: Penal Code 2008, art. 208-8 (Niger courts have jurisdiction over crimes against humanity regardless of the place where committed)
Genocide: Penal Code 2008, art. 208-8 (Niger courts have jurisdiction over genocide regardless of the place where committed)
Torture: Penal Code 2008 (no provision)
Ordinary crimes: Penal Code 2008 (no provision)

NIGERIA

Sources

- Geneva Conventions Act 1960 (http://www.icrc.org/ihl-nat.nsf/WebLAW!OpenView&Start=1&Count=300&Expand=122.2.1#122.2.1)
- Criminal Code 1990 (http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1960, s. 3 (Grave breaches of the Four Geneva Conventions)
Crimes against humanity: Criminal Code 1990, Ch. 31 (Offences against Liberty: Slave dealing)
Genocide: Penal Code 1990 (no provision)
Torture: Criminal Code 1990 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1960, s. 3 (Where a person commits an offence under this section outside the country, the person may be tried and punished as if the offence were committed in this country)
Crimes against humanity: Penal Code 1990 (no provision)
Genocide: Penal Code 1990 (no provision)
Torture: Penal Code 1990 (no provision)
Ordinary Crimes: Penal Code 1990 (no provision)

NORWAY

Sources

- Law for the Punishment of Foreign War Criminals of 13 December 1946 (War Crimes Law 1946) (English translation in L.C. Green, 'The maxim *nullum crimen sine lege* and the Eichmann trial', Brit. Y.B. Int'l L., vol. 38, pp. 457, 461 (1962))
- General Civil Penal Code 1902 (English translation by Norwegian Ministry of Foreign Affairs)
- General Civil Penal Code 2005 (English translation in Redress, *Extraterritorial Jurisdiction*, pp. 205 – 209)

Definitions of crimes under international law

War crimes: War Crimes Law 1946, art. 1 (violations of the laws and customs of war); General Civil Penal Code 2005, ch. 16, ss. 103 - 109
Crimes against humanity: General Civil Penal Code 2005, ch. 16, ss. 102, 108 -109
Genocide: General Civil Penal Code 2005, ch. 16, ss. 103, 108 -109
Torture: General Civil Penal Code 2005, s. 117 a

Universal jurisdiction

War crimes:
- War Crimes Law 1946, art. 1 (enemy citizens and other aliens who were in enemy service or under enemy orders against the interest of Allied legal interests or similar interests)
- General Civil Penal Code 1902,
- - s. 12 (3) (aliens domiciled in Norway for crimes that are also crimes in the place where they were committed)
- - s. 12 (4) (unless otherwise provided in a treaty, acts committed abroad by a foreigner that are certain serious crimes or a felony punishable in the place where it was committed when the foreigner is a resident or staying in Norway)
- General Civil Penal Code (2005),
- - s. 5 (Applicability of the criminal legislation to acts committed abroad) (war crimes, crimes against humanity and genocide committed by a resident or person who subsequently became a national or resident of Norway; war crimes, crimes against humanity and genocide committed by a person who is or who since the act has become a national of or is resident in another Nordic country, and who is staying in Norway; and war crimes, crimes against humanity and genocide committed by other persons, when the person is staying in Norway, and the maximum penalty for the act is more than one year's imprisonment)
- - s. 6 (Special grounds for prosecution under international law) (acts which Norway may or must prosecute under international law or treaty) (Norway is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: General Civil Penal Code 1902, ss. 12 (3) (see war crimes) and 12 (4) (see war crimes); General Civil Penal Code 2005, ss. 5 (see war crimes) and 6 (see war crimes)
Genocide: General Civil Penal Code 1902, ss. 12 (3) (see war crimes) and 12 (4) (see war crimes); General Civil Penal Code 2005, ss. 5 (see war crimes) and 6 (see war crimes)
Torture: General Civil Penal Code 1902, ss. 12 (3) (see war crimes) and 12 (4) (see war crimes); General Civil Penal Code (2005), s. 6 (see war crimes) (Norway is a party to the Convention against Torture)
Ordinary crimes: General Civil Penal Code 1902, ss. 12 (3) (see war crimes) and 12 (4) (see war crimes)

OMAN

Sources
Penal Code 1974 (https://www.unodc.org/tldb/pdf/Oman_CP.pdf)

Definitions of crimes under international law

War crimes: Penal Code 1974 (no provision)
Crimes against humanity: Penal Code 1974 (no provision)
Genocide: Penal Code 1974 (no provision)
Torture: Penal Code 1974 (no provision)

Universal jurisdiction

War crimes: Penal Code 1974 (no provision; since no definition, prosecutions would have to be for ordinary crimes) (Oman is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Crimes against humanity: Penal Code 1974 (see war crimes) (since no definition, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1974 (see war crimes) (since no definition, prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1974 (see war crimes) (since no definition, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1974,
- art. 10 (any person, whether an offender, instigator or participant, who commits abroad a felony or a misdemeanour carrying a three-year sentence punishable by virtue of the national laws, who subsequently becomes an Omani national, unless he is finally convicted abroad and the sentence against him is executed or extinguished either by general or special pardon or by prescription.)
- art. 12 (Comprehensive competence) (Omani legislation applies to any foreigner, whether an offender, instigator or participant, who commits abroad a felony or misdemeanour punishable by Omani laws and not included in Articles 8 [protective jurisdiction], 10 [active personality and

universal jurisdiction over persons who acquire Omani nationality after the crime] and 11 [Omani officials] here above, who is thereafter present in Oman, provided that the penalty in the state where the crime was committed is at least three years' imprisonment, extradition is not requested or accepted and, if the foreigner has been finally sentenced abroad, it has not been executed or extinguished, either by general or special pardon or by prescription)

PAKISTAN

Sources

Pakistan Penal Code (Act XLV of 1860), 6 October 1860, amended by: Protection of Women (Criminal Laws Amendment) Act, 2006, Criminal Laws (Amendment) Act, 2004 (I of 2005), Criminal Law (Amendment) Ordinance (LXXXV of 2002), Criminal Laws (Reforms) Ordinance (LXXXVI of 2002), etc. (http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html) (Penal Code 2006)

Definitions of crimes under international law

War crimes: Penal Code 2006 (no provision)
Crimes against humanity: Penal Code 2006 (no provision)
Genocide: Penal Code 2006 (no provision)
Torture: Penal Code 2006 (no provision)

Universal jurisdiction

War crimes: Penal Code 2006, s. 4 (Extension of Code to extra-territorial offences) (the provisions of this Code apply also to any offence committed by any person in the service of Pakistan in any place without and beyond Pakistan – Pakistan appears to permit foreigners to be in public service) (since war crimes are not included, prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 2006, s. 4 (see war crimes) (since crimes against humanity are not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 2006, s. 4 (see war crimes) (since genocide is not included, prosecutions would have to be for ordinary crimes)
Torture: Penal Code 2006, s. 4 (see war crimes) (since torture is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 2006, s. 4 (see war crimes)

PALAU

Sources

- Constitution 1981, amended 2005 (http://www.paclii.org/pw/legis/consol_act/cotrop359/)
- Palau National Code Title 17 Crimes 1990 (Palau National Code 1990) (http://www.oecd.org/dataoecd/37/16/46816862.pdf)
- Palau National Code Title 18 Criminal Procedure (Criminal Procedure Code 1995) (http://www.oecd.org/dataoecd/37/17/46816871.pdf)

Definitions of crimes under international law

War crimes: Palau National Code 1990, ss. 4001-4029 (Prohibition of chemical weapons)
Crimes against humanity: Constitution 1981 section 11 (prohibition of slavery, but no criminal sanctions); Palau National Code 1990 (no definition).
Genocide: Palau National Code 1990 (no definition)
Torture:
-Constitution 1981, s. 10 (prohibition of torture, but no criminal sanctions)
-Penal Code 1990 (no provision)

Universal jurisdiction

War crimes: Palau National Code 1990 (no provision); Criminal Procedure Code 1995 (no provision)
Crimes against humanity: Palau National Code 1990 (no provision); Criminal Procedure Code 1995 (no provision)
Genocide: Palau National Code 1990 (no provision); Criminal Procedure Code 1995 (no provision)
Torture: Palau National Code 1990 (no provision); Criminal Procedure Code 1995 (no provision)
Ordinary crimes: Palau National Code 1990 (no provision); Criminal Procedure Code 1995 (no provision)

PANAMA

Sources

Código Penal, Ley No. 14 (www.gacetaoficial.gob.pa/pdfTemp/25796/4580.pdf) (Penal Code 2007)

Definitions of crimes under international law

War crimes: Penal Code 2007, arts. 434 - 445
Crimes against humanity: Penal Code 2007, art. 432
Genocide: Penal Code 2007, art. 431
Torture: Penal Code 2007, art. 154

Universal jurisdiction

War crimes: Penal Code 2007,
- art. 19 (Panamanian law is applicable to crimes against humanity [as set out in *Título XV*, it includes genocide, crimes against humanity and war crimes] and enforced disappearance committed abroad by foreigners)
- art. 20 (Panamanian law is also applicable when the extradition request for a foreigner has not been granted)
- art. 21 (Panamanian law shall be applicable as provided in treaties to which Panama is a party)

Crimes against humanity: Penal Code 2007, arts. 19, 20 and 21 (see war crimes)
Genocide: Penal Code 2007, arts. 19, 20 and 21 (see war crimes)
Torture: Penal Code 2007, arts. 19, 20 and 21 (see war crimes)
Ordinary crimes: Penal Code 2007, art. 20 (see war crimes)

PAPUA NEW GUINEA

Sources

Criminal Code Act 1974 (http://www.paclii.org/pg/legis/consol_act/cca1974115/)
Geneva Conventions Act 1975 (http://www.paclii.org/pg/legis/consol_act/gca1975208/)
Offences (Overseas) Act 1984 (http://www.paclii.org/pg/legis/consol_act/oa1984182/) (Note: It is not known if foreigners can serve as diplomatic personnel; if so, then this act would provide universal jurisdiction over their offences abroad.)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1975, s. 7 (Punishment of grave offences against the Geneva Conventions) (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal Code Act 1974 (no provision)
Genocide: Criminal Code Act 1974, s. 1 (1) (Interpretation) and s. 313A (Genocide)
Torture: Criminal Code Act 1974 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1975, s. 2 (Extra-territoriality) (act applies within and outside Papua New Guinea); s 7 (2) ("[a] person who, in Papua New Guinea or elsewhere, commits a grave breach of any of the Geneva Conventions is guilty of an offence."); 7 (3) ("[t]his section applies to persons regardless of their nationality or citizenship.")
Crimes against humanity: Criminal Code Act 1974 (no provision)
Genocide: Criminal Code Act 1974 (no provision)
Torture: Criminal Code Act 1974 (no provision)
Ordinary crimes: Criminal Code Act 1974 (no provision)

PARAGUAY

Source

Código Penal de la República del Paraguay, Ley N° 1.160/97 (http://www.pj.gov.py/ebook/sitios/Libros/Tomo_I_Coleccion_de_Derecho_Penal_II.pdf) (Penal Code 1997)

Definitions of crimes under international law

War crimes: Penal Code 1997, art. 320 (including killings, serious injury to body or health, inhuman treatment, deportation, forced labor, imprisonment, compelling a prisoner of war to serve in the forces of a hostile power and pillaging)
Crimes against humanity: Penal Code 1997 (no provision)
Genocide: Penal Code 1997, art. 319
Torture: Penal Code 1997, art. 309

Universal jurisdiction

War crimes: Penal Code 1997, art. 8 (1) (7) (Paraguayan criminal law applies to crimes committed abroad that Paraguay under an international treaty in force is required to prosecute even when they were committed abroad) (Paraguay is a party to the Geneva Conventions, Protocol I and II and 1954 Hague Convention Second Protocol)
Crimes against humanity: Penal Code 1997, art. 8 (1) (7) (see war crimes) (Paraguay is a party to the *Apartheid* Convention) (since *apartheid* is not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1997, art. 8 (1) (6) (Paraguayan criminal law applies to genocide committed abroad)
Torture: Penal Code 1997, art.8 (1) (7) (see war crimes) (Paraguay is a party to the Convention against Torture)
Ordinary crimes: Penal Code 1997 (no provision)

PERU

Sources

- *Constitución Política de 1993* (http://www.tc.gob.pe/legconperu/constitucion.html) (National Constitution 1993)
- *Código Penal de 1991, Decreto Legislativo No.365* (as amended) (http://spij.minjus.gob.pe/CLP/contenidos.dll?f=templates&fn=default-codpenal.htm&vid=Ciclope:CLPdemo) (Penal Code 1991)
- *Código Penal Militar Policial, Decreto Legislativo Nº 1094 de 2010* (http://www.congreso.gob.pe/ntley/Imagenes/DecretosLegislativos/01094.pdf) (Military and Police Code of Justice 2010)

Definitions of crimes under international law

War crimes: Military and Police Code of Justice 2010, arts. 75-97
Crimes against humanity: Penal Code1991 (no provision)
Genocide: Penal Code 1991, art. 319.
Torture: Penal Code 1991, art. 321

Universal jurisdiction

War crimes:
-Penal Code 1991,
- - art.2 (5) (Peruvian courts can exercise jurisdiction over foreigners who commit crimes abroad in cases provided for in treaties and International conventions to which Peru is a party) (Peru is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
- - art.3 (obligation to extradite or prosecute – *aut dedere aut judicare*)
- Military and Police Code of Justice 2010, art. 78 (universal jurisdiction over war crimes in this code)
Crimes against humanity: Penal Code 1991, arts. 2 (5) (see war crimes) and 3 (see war crimes) (Peru is a party to the *Apartheid* Convention) (since *apartheid* is not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code, art. 3 (on the obligation to extradite or prosecute – *aut dedere aut judicare*)
Torture: Penal Code 1991, arts. 2 (5) (see war crimes) and 3 (see war crimes)
Ordinary crimes: Penal Code 1991 (no provision)

PHILIPPINES

Sources

- Constitution 1987
- *Kuroda v. Jalandoni,* 83 Phil. 171, 176 (Sup.Ct. 1949) (*Kuroda* decision 1949)
- The scope and application of the principle of universal jurisdiction, Report of the Secretary-General, U.N. Doc. A/66/93, 20 June 2011 (http://www.un.org/ga/search/view_doc.asp?symbol=A/66/93)
- Crimes against International Humanitarian Law, Genocide and other Crimes against Humanity, 27 July 2009 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/7857188a2b2bca66c12576b900297ccb!OpenDocument) (Crimes against International Law Act 2009)
- Second to Fifth Periodic Reports to Committee against Torture, U.N. Doc. CAT/C/PHL/2, 4 September 2008 (http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.PHL.2.pdf) (CAT Report 2008)
- Act No. 3815, 8 December 1930, The Revised Penal Code of the Philippines (http://www.chanrobles.com/revisedpenalcodeofthephilippines.htm) (Penal Code 1930)

Definitions of crimes under international law

War crimes: Crimes against International Law Act 2009, ss. 3, 4 (War Crimes) and15 (Applicability of international law)
Crimes against humanity: Crimes against International Law Act, 2009, ss. 3, 6 (Other crimes against humanity) and 15 (Applicability of International Law)
Genocide: Crimes against International Law Act, 2009, ss. 5 (Genocide) and 15 (Applicability of International Law)
Torture: Penal Code 1930 (no provision); CAT Report 2008, paras. 11 to 13 (no definition)

Universal jurisdiction

War crimes:
- Crimes against International Law Act 2009, s. 17 (Jurisdiction)
- *Kuroda* decision 1949 (permitting exercise of universal jurisdiction over crimes under customary international law)
Crimes against humanity:
- Crimes against International Law Act, 2009, s. 17 (see war crimes)
- *Kuroda* decision 1949 (see war crimes)
Torture: *Kuroda* decision 1949 (see war crimes) (not clear; no jurisprudence applying decision to torture)
Ordinary crimes: Penal Code 1930 (no provision)

POLAND

Source

- Criminal Code
- Fourth periodic reports of States parties due in 1998: Poland, U.N. Doc. CAT/C/67/Add.5 19 July 2005 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/428/75/PDF/G0542875.pdf?OpenElement) (Fourth Report 2005)
- Conclusions and recommendations of the Committee against Torture Poland, U.N. Doc. CAT/C/POL/CO/4* 25 July 2007 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/432/66/PDF/G0743266.pdf?OpenElement) (CAT Conclusions 2007)

Definitions of crimes under international law

War crimes: Criminal Code, arts. 121 -126
Crimes against humanity: Criminal Code, arts. 119 - 121
Genocide: Criminal Code, art. 118
Torture: Const., art. 40 (torture and ill-treatment prohibited; no criminal sanction specified); CAT Report 2007, paras. 6 to 8 (Convention against Torture can be applied directly by courts) (no prosecutions are known to have taken place directly under the Convention); CAT Conclusions 2007, para. 6 (Committee regretted that Poland had not changed its position not to incorporate the Convention into Polish law and it reiterated the concern expressed in its previous conclusions and recommendations with regard to the absence of a specific offence of torture)

Universal jurisdiction

War crimes: Criminal Code, arts. 110 (2) (crimes under Polish law committed abroad by foreigners that would be subject to two years' imprisonment if they had been committed in Poland who are present in Poland and not extradited); 113 (crimes committed by foreigners abroad who are not extradited when Poland is obliged to prosecute them)
Crimes against humanity: Criminal Code, arts. 110 (2) (see war crimes); 113 (see war crimes)
Genocide: Criminal Code, arts. 110 (2) (see war crimes); 113 (see war crimes)
Torture: Criminal Code, arts. 110 (2) (see war crimes); 113 (see war crimes); Fourth Report 2005, para. 6 (Convention against Torture can be applied directly by courts) (since torture not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Criminal Code, arts. 110 (2) (see war crimes)

PORTUGAL

Sources

- Law no. 31/2004, 22 July 2004 (English translation on ICRC implementation database) (http://www.icrc.org/ihl-nat.nsf/a24d1cf3344e99934125673e00508142/6af0950f91cbc493c1256ef500419718!OpenDocument)
- Criminal Code (English translation of relevant provisions in Redress, *Extraterritorial jurisdiction*)

Definitions of crimes under international law

War crimes: Law no. 31/2004, Appendix, arts. 10 (War crimes against persons); 11 (War crimes through the use of prohibited methods of warfare); 12 (War crimes through the use of prohibited means of warfare); 13 (War crimes against property protected by distinctive insignia or emblems); 14 (Improper use of distinctive insignia or emblems); 15 (War crimes against property);

16 (War crimes against other rights); art. 18 (Recruitment of mercenaries)
Crimes against humanity: Law no. 31/2004, Appendix, art. 9 (Crimes against humanity)
Genocide: Law no. 31/2004, Appendix, art. 8 (The Crime of Genocide)
Torture: Criminal Code, arts. 243 and 244

Universal jurisdiction

War crimes:
- Law no. 31/2004: art. 5 (Geographical application; acts carried out outside Portuguese territory) (1) (provisions of this law apply to acts committed outside national territory, provided that the person is found in Portugal and cannot be extradited or if it has been decided not to surrender this person to the International Criminal Court)
- Criminal Code,
- - art. 5 (1) (f) (crimes subject to extradition committed by foreigners abroad against foreigners when extradition cannot be granted or it is decided not to extradite or surrender a person sought under a treaty)
- - art. 5 (2) (acts committed outside Portugal which Portugal has bound itself by treaty to try)
Crimes against humanity: Law no. 31/2004, art. 5 (1) (see war crimes); Criminal Code, art. 5 (1) (f) (see war crimes)
Genocide: Law no. 31/2004, art. 5 (1) (see war crimes); Criminal Code, art. 5 (1) (f) (see war crimes)
Torture: Criminal Code no. 31/2004, art. 5 (1) (f) (see war crimes); art. 5 (2) (see war crimes) (Portugal is a party to the Convention against Torture)
Ordinary crimes: Criminal Code,
- art. 5 (1) (a) (any of the crimes in Articles 221, 262 to 271, 308 to 321 and 325 to 345 of the Criminal Code)
- art. 5 (1) (c) (any of the crimes in Articles 159 to 161, 171, 172, 175, 176 and 278 to 280 of the Criminal Code, if the person is present in Portugal and cannot be extradited or surrendered under the European Arrest Warrant or other international instrument binding on Portugal)
- art. 5 (1) (d) any of the crimes in Articles 144, 163 and 164 of the Criminal Code when the victim is a minor, if the person is present in Portugal and cannot be extradited or surrendered under the European Arrest Warrant or other international instrument binding on Portugal)
- art. 5 (1) (f) (see war crimes)

QATAR

Sources

- Constitution of Qatar 2004 (http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES)
- Law N. (11) of 2004 (http://www.qfcra.com/legislation/Law%2011%20for%20the%20year2004-E.pdf) (Penal Code 2004)

Definitions of crimes under international law

War crimes: Penal Code 2004 (no provision)
Crimes against humanity: Penal Code 2004 (no definition)
Genocide: Penal Code 2004 (no definition)
Torture: Constitution of Qatar 2003 art. 36 (prohibition of torture, but no criminal sanctions); Penal Code 2004, art. 159 (Exploitation of the office and abuse of power) (prohibiting torture)

Universal jurisdiction

War crimes: Constitution 2004, art. 6 ("[t]he State shall respect the international charters and conventions, and strive to implement all international agreements, charters, and conventions it is party thereof") (Qatar is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol) (war crimes are not defined in the Penal Code, so prosecution would have to be for ordinary crimes)
Crimes against humanity: Constitution 2004, art. 6 (see war crimes) (Qatar is a party to the *Apartheid* Convention (*apartheid* is not defined in the Penal Code, so prosecution would have to be for ordinary crimes)
Genocide: Penal Code 2004 (no provision)
Torture: Constitution 2004, art. 6 (see war crimes) (Qatar is a party to the Convention against Torture) (since torture is not defined in the Penal Code, prosecution would have to be for ordinary crimes)
Ordinary crimes: Penal Code 2004 (no provision)

REPUBLIC OF KOREA

Sources

- Criminal Act, as amended 2010 (hard copy in Amnesty International files) (Criminal Act 2010)
- Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court 2007 (http://www.icrc.org/ihl-nat.nsf/0/7B15CAA78D8D8A84C12573D2002B903B) (ICC Act 2007)

Second periodic reports of States parties due in 1996, Addendum - Republic of Korea, U.N. Doc. CAT/C/53/Add.2, 14 February 2005 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/403/57/PDF/G0540357.pdf?OpenElement) (CAT Second Report 2005)

Definition of crimes under international law

War crimes: ICC Act 2007, art. 10 (War crime against humanity); Criminal Act 2010 (no provision)
Crimes against humanity: ICC Act 2007, art. 9 (Crimes against humanity); Criminal Act 2010 (no provision)
Genocide: ICC Act 2007, art. 8 (Genocide); Criminal Act 2010 (no provision)
Torture: Criminal Act 2010 (no provision); CAT Second Report 2005, para. 28 (Korea does not have a specific definition of torture in its Criminal Code as is defined in article 1 of the Convention against Torture)

Universal jurisdiction

War crimes: ICC Act 2007, art. 3 (This Act shall apply any foreigner who commit the crimes of genocide, etc, outside the territory of the Republic of Korea and stays in the territory of the Republic of Korea); Criminal Act 2010 (no provision)
Crimes against humanity: ICC Act 2007, art. 3 (see war crimes); Criminal Act 2010 (no provision)
Genocide: ICC Act 2007, art. 3 (see war crimes); Criminal Act 2010 (no provision)
Torture: Criminal Act 2010 (no provision)
Ordinary crimes: Criminal Act 2010 (no provision)

REPUBLIC OF MOLDOVA

Sources

- Constitution 1994 (http://confinder.richmond.edu/admin/docs/moldova3.pdf)
- The Criminal Code of the Republic of Moldova, No. 985-XV, 18 April 2002, Republished: Official Monitor of the Republic of Moldova No. 72-74/195 dated 14.04.2009, Official Monitor of the Republic of Moldova No. 128-129/1012 dated 13.09.2002 (http://www.legislationline.org/documents/section/criminal-codes/country/14) (English translation) (Criminal Code 2009)
- Criminal Code (http://www.legislationline.org/ru/documents/section/criminal-codes/country/14) (Russian version)

Definitions of crimes under international law

War crimes: Criminal Code 2009, arts. 137 (Inhumane Treatment); 138 (Violation of International Humanitarian Laws); 140 (Use, Development, or Acquisition; Processing, Possession, Accumulation or Conservation; Direct or Indirect Transmission, Storage, or Transportation of Weapons of Mass-Destruction); 141 (Mercenaries' Activities); and 143 (Application of Prohibited Means and Methods of Waging War)
Crimes against humanity: No provision in the Criminal Code 2009
Genocide: Criminal Code 2009, art. 135 (Genocide)
Torture: Criminal Code 2009, art. 309 (Torture)

Universal jurisdiction

War crimes:
- Constitution 1994, art. 8 (Observance, of International Law and International Treaties) (1) (Moldova pledges to respect the treaties to which it is a party and to observe in her relations with other states the unanimously recognized principles and norms of international law)
- Criminal Code 2009,
- - art. 11 (2) (stateless persons with permanent domicile in Moldova who commit crimes outside the territory of the country are criminally responsible under the Criminal Code)
- - art. 11 (3) (foreign citizens and stateless persons without permanent domicile in Moldova who commit crimes outside Moldova, provided that the crimes committed are adverse to the peace and security of humanity, or constitute war crimes including crimes set forth in the international treaties to which Moldova is a party and provided that they are not convicted in a foreign state – Moldova is a party to the Geneva Conventions and Protocols I and II and the Rome Statute of the International Criminal Court)
Crimes against humanity: Criminal Code 2009, art. 11 (2) (see war crimes) and 11 (3) (see war crimes) (since crimes against humanity are not included, prosecutions would have to be for ordinary crimes) (Moldova is a party to the *Apartheid* Convention and to the Rome Statute)
Genocide: Criminal Code 2009, art. 11 (2) (see war crimes) and 11 (3) (see war crimes; genocide would appear to be one of the

crimes that are adverse to the peace and security of humanity) (Moldova is a party to the Genocide Convention and the Rome Statute)
Torture: Constitution, art. 8 (1) (see war crimes); Criminal Code, arts. 11 (2) (see war crimes) and (3) (see war crimes; it is not clear whether torture would be considered as one of the crimes that are adverse to the peace and security of humanity) (Moldova is a party to the Convention against Torture)
Ordinary crimes: Criminal Code 2009, art. 11 (2) (see war crimes)

ROMANIA

Source

Criminal Code 1969 (a new Criminal Code was approved in 2009, but not yet in force, which brings definitions of genocide, crimes against humanity and war crimes into line with the definitions in the Rome Statute; provides for universal jurisdiction over these crimes and eliminates universal jurisdiction based on residence)

Definitions of crimes under international law

War crimes: Criminal Code 1969, arts. 357 to 361
Crimes against humanity: 1969 Criminal Code (no provision)
Genocide: Criminal Code 1969, art. 357
Torture: Criminal Code 1969, art. 267

Universal jurisdiction:

War crimes: Criminal Code 1969,
- art. 4 (offences committed outside Romania by stateless residents)
- art. 5 (1) (offences committed outside Romania by foreign citizens or stateless persons not resident in Romania if the conduct was an offence in the country where it occurred)
- art. 7 (Article 5 (1) does not apply if otherwise provided by treaty)
Crimes against humanity: Criminal Code 1969, arts. 4; 5 (1) and 7 (see war crimes for each of these provisions; since crimes against humanity not included, prosecutions would have to be for ordinary crimes) (Romania is a party to the *Apartheid* Convention)
Genocide: 1969 Criminal Code, arts. 4; 5 (1) and 7 (see war crimes for each of these provisions)
Torture: Criminal Code 1969, arts. 4; 5 (1) and 7 (see war crimes for each of these provisions)
Ordinary crimes: Criminal Code 1969, arts. 4; 5 (1) and 7 (see war crimes for each of these provisions)

RUSSIAN FEDERATION

Source

- The Criminal Code of the Russian Federation 1996 (as modified) (http://base.garant.ru/10108000/)

- English translation of the Criminal Code of the Russian Federation 1996) (http://www.legislationline.org/documents/section/criminal-codes) (Criminal Code 1996)

- International Law Commission, Sixtieth session, 5 May-6June and 7 July-8 August 2008, The obligation to extradite or prosecute (*aut dedere aut judicare*), Comments and information received from Governments, A/CN.4/599 (30 May 2008) (ILC submission 2008)

Definitions of crimes under international law

War crimes: Criminal Code 1996, arts. 356 (Use of Banned Means and Methods of Warfare), 359 (Mercenaries)
Crimes against humanity: Criminal Code 1996 (no provision)
Genocide: Criminal Code 1996, art. 357 (Genocide)
Torture: Criminal Code 1996, art. 117 (Torture)

Universal jurisdiction

War crimes: Criminal Code 1996, art. 12 ((1) stateless permanent residents; (2) servicemen in military units located outside the Russian Federation have committed crimes under the Criminal Code in territories of foreign states; (3) foreign nationals and stateless non-residents have committed crimes outside the Russian Federation if the crimes are contrary to the interests of the Russian Federation and in cases provided by international agreements of the Russian Federation (Russian Federation is a party to Geneva Conventions and Protocol I)
Crimes against humanity: Criminal Code 1996, art. 12 (1), (2) and (3) (see war crimes) (the Russian Federation is party to the *Apartheid* Convention)
Genocide: Criminal Code 1996, art. 12 (1) (2) and (3) (see war crimes) (Russian

Federation ratified the Genocide Convention); ILC submission 2008 (Russian Federation explained that it is a party to the Genocide Convention which "contain[s] the principle of universal jurisdiction, though not in connection with the non-extradition of alleged offenders")
Torture: Criminal Code 1996, art. 12(1), (2) and (3) (see war crimes) (Russian Federation is a party to the Convention against Torture)
Ordinary crimes: Criminal Code, art. 12 (1) and (2) (see war crimes)

RWANDA

Sources

- *Decret – Loi No. 21/77 du 18 août 1977 instituant le Code pénal, 1 juillet 1978* (http://www.wipo.int/wipolex/en/text.jsp?file_id=221101) (Penal Code 1978)
- Law N° 33 bis/2003 Repressing the Crime of Genocide, Crimes against Humanity and War Crimes 2003 (hard copy in Amnesty International files) (Genocide Law 2003)
- Organic Law No. 08/96 of August 30, 1996 on the Organization of Prosecutions for Offences constituting the Crime of Genocide or Crimes against Humanity committed since October 1, 1990 (Organic Law 1996) (not all subsequent amendments are listed)
- Organic Law n° 16/2004 of 19/06/2004 establishing the organisation, competence and functioning of Gacaca courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994 (Organic Law 2004)

Definitions of crimes under international law

War crimes: Genocide Law 2003, arts. 1, 8 to 16 (war crimes)
Crimes against humanity: Genocide Law 2003, arts. 1, 5 to 7 (crimes against humanity)
Genocide: Genocide Law 2003, arts. 1 to 4 (genocide)
Torture: Penal Code 1978 (no provision)

Universal jurisdiction

War crimes: Penal Code 1978, art. 11 (a person who becomes a national of Rwanda after the act who, outside Rwanda, is responsible for an act characterized as a serious crime (*crime*) punishable under Rwandan law, can be prosecuted and tried by Rwandan courts; a person who becomes a national of Rwanda after the act who, outside Rwanda is responsible for an act characterized as a minor crime (*délit*) under Rwandan law can be prosecuted and tried by Rwandan courts, provided the act is punishable in the country where it was committed)
Crimes against humanity: Penal Code 1978, art. 11 (see war crimes)
Genocide: Penal Code 1978, art. 11 (see war crimes)
Torture: Penal Code 1978 (see war crimes; since torture is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1978, art. 11 (see war crimes)

SAINT KITTS AND NEVIS

Source

Saint Christopher and Nevis Constitution Order 1983, Statutory Instruments 1983, No. 881, made 22 June 1983, coming into operation 23 June 1983, Schedule 2 (Transitional Provisions), s. 2 (http://www.georgetown.edu/pdba/Constitutions/Kitts/stkitts-nevis.html), (existing laws as of 19 September 1983 continued in force, which include the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959) (Geneva Conventions Order 1959)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal law could not be located.
Genocide: Criminal law could not be located.
Torture: Criminal law could not be located.

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal law could not be located.
Genocide: Criminal law could not be located.
Torture: Criminal law could not be located.
Ordinary crimes: Criminal law could not be located.

SAINT LUCIA

Source

Statutory Instruments, 1978 No. 1901, Saint Lucia Constitution Order 1978, 20 December 1978, coming into operation, 22 February 1979 (http://www.slugovprintery.com/officialDocuments/Constitution%20of%20Saint%20Lucia.pdf) (continuing in force existing laws, which include the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959) (Geneva Conventions Order 1959)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal law could not be located.
Genocide: Criminal law could not be located.
Torture: Criminal law could not be located.

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Criminal law could not be located.
Genocide: Criminal law could not be located.
Torture: Criminal law could not be located.
Ordinary crimes: Criminal law could not be located.

SAINT VINCENT AND THE GRENADINES

Source

- Geneva Conventions Act (Colonial Territories) Order in Council 1959 (Geneva Conventions Order 1959)
- The Laws of Saint Vincent and the Grenadines in force on the 1st January 1991, cap. 138, Geneva Conventions (Supplementary Provisions), An act to supplement the Geneva Convention Act 1957 of the United Kingdom as extended to Saint Vincent and the Grenadines by the Geneva Conventions Act (Colonial Territories) Order in Council 1959 so as to enable full effect to be given to certain international conventions done at Geneva on the twelfth day of August nineteen hundred and forty-nine, commenced 2 August 1983 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/fd340b82171e21a5c1256c3700554465!OpenDocument) (1991 Geneva Conventions Act)
- Criminal Code

Definitions of crimes under international law

War crimes: 1991 Geneva Conventions Act; Geneva Conventions Order 1959, s. 2
Crimes against humanity: Criminal Code (no provision)
Genocide: Criminal Code, cap. 124, s. 157 (2)
Torture: Criminal Code (no provision)

Universal jurisdiction:

War crimes: Geneva Conventions Order 1959, s. 2
Crimes against humanity: Criminal Code (no provision)
Genocide: Criminal Code (no provision)
Torture: Criminal Code (no provision)
Ordinary crimes: Criminal Code (no provision)

SAMOA

Sources

- International Criminal Court Act 2007 (http://www.paclii.org/ws/legis/consol_act_2010/icca2007303/)
- Crimes Ordinance 1961 (http://www.paclii.org/ws/legis/consol_act_2010/icca2007303/)

Definitions of crimes under international law

War crimes: International Criminal Court Act 2007, s. 7 (War crimes)
Crimes against humanity: International Criminal Court Act 2007, s. 6 (Crimes against humanity)
Genocide: International Criminal Court Act 2007, s. 5 (Genocide)
Torture: Crimes Ordinance 1961 (no provision)

Universal jurisdiction

War crimes: International Criminal Court Act 2007, s. 13 (d) (Where an act constituting an offence under sections 5, 6 or 7 is committed, proceedings may be instituted against that person for that offence in Samoa, if the person is, after the commission of the offence, present in Samoa)
Crimes against humanity: International Criminal Court Act 2007, s. 13 (d) (see war crimes)
Genocide: International Criminal Court Act 2007, s. 13 (d) (see war crimes)
Torture: Crimes Ordinance 1961 (no provision; prosecutions would have to be for ordinary crimes)

Ordinary crimes: Crimes Ordinance 1961, s. 3 (2) (the Ordinance applies to any act or omission or event which occurs in Samoa or any other place)

SAN MARINO

Source

- *Codice Penale* 1974 (https://www.unodc.org/tldb/showDocument.do?documentUid=2733) (the code has been subsequently amended but no amendments appear to be relevant for the purpose of this analysis)
- Penal Code of 1868 (repealed)

Definitions of crimes under international law

War crimes: Penal Code 1974 (no provision) (San Marino is a party to the Geneva Conventions and to Protocol I)
Crimes against humanity: Penal Code 1974 (no provision)
Genocide: Penal Code 1974 (no provision)
Torture: Penal Code 1974 (no provision)

Universal jurisdiction

War crimes: Penal Code 1974, art. 6 (Anyone is subject to the Penal Code 1974 who commits a crime for which conventions or international treaties oblige San Marino to repress if committed abroad) (San Marino is a party to the Geneva Conventions and to Protocol I; since war crimes are not in the Penal Code 1974, prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 1974 (no provision)
Genocide: Penal Code 1974 (no provision)
Torture: Penal Code 1974 (no provision) (San Marino signed the Convention against Torture, but it has not ratified it, so Article 6 of the Penal Code 1974 does not apply to torture)
Ordinary crimes: Penal Code 1974 (no provision)

SAO TOME AND PRINCIPE

Sources

- *Constituição de São Tomé e Príncipe, revisto pela Lei n º 1 de 2003* (http://www2.camara.gov.br/saotomeeprincipe/legislacao/legislacao-constitucional/L7-90.zip/view) (Constitution 1975)
- Constitutional revision – no relevant provision (http://www.icrc.org/ihl-nat.nsf/0/5365f72fb2758718c12570a5004ad411/$FILE/Constitution%20-%20Sao%20Tome%20-%20POR.pdf)
- *Código Penal 1886* (http://www.fd.unl.pt/Anexos/Investigacao/1274.pdf) (Portuguese Penal Code) (Penal Code 1886 – still applied as of 2010)
- *Código do Processo Penal* (copy could not be located) (Criminal Procedure Code 2011)

Definitions of crimes under international law

War crimes: Penal Code 1886 (no definition)
Crimes against humanity: Penal Code 1886 (no definition)
Genocide: Penal Code 1886 (no definition)
Torture: Penal Code 1886 (no definition)
Torture:
- Constitution 1975 art. 22 (prohibition of torture, no criminal sanctions)
- Penal Code 1886 (no definition)

Universal jurisdiction

War crimes:
- Penal Code 1886 (no provision) Criminal
- Procedure Code 2011 (could not be located)

Crimes against humanity:
- Penal Code 1886 (no provision)
- Criminal Procedure Code 2011 (could not be located)

Genocide:
- Penal Code 1886 (no provision)
- Criminal Procedure Code 2011 (could not be located)

Torture:
- Penal Code 1886 (no provision)
- Criminal Procedure Code 2011 (could not be located)

Ordinary crimes:
- Penal Code 1886 (no provision)
- Criminal Procedure Code 2011 (could not be located)

SAUDI ARABIA

Sources

- Constitution (http://www.unhcr.org/refworld/docid/3ae6b5a44.html, or http://www.icrc.org/ihl-nat.nsf/0/E3485DDB2615AA14C125705300384E4D)
- Implementation Act of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical

Weapons and on their Destruction (http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislation_database/SA_en.pdf) (Chemical Weapons Act)
- Law of Criminal Procedure 2001 (http://www.sagia.gov.sa/Documents/Laws/Law%20of%20Criminal%20Procedure_En.pdf)
- The law of procedure before Shari'ah Courts, part one (https://www.unodc.org/tldb/pdf/SAU-CPCBEFORE_SHARIAH_COURTS1.pdf), part two (https://www.unodc.org/tldb/pdf/SAU-CPC_BEFORE_SHARIAH_COURTS2.pdf)
- Note: The criminal law applicable in Saudi Arabia could not be located.
- Conclusions and recommendations of the Committee against Torture – Saudi Arabia, U.N. Doc. CAT/C/CR/28/5, 12 June 2002 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/425/66/PDF/G0242566.pdf?OpenElement) (CAT Conclusions 2002)

Definitions of crimes under international law

War crimes: Chemical Weapons Act, arts. 2 and 5 (use of chemical weapons)
Crimes against humanity: The criminal law applicable in Saudi Arabia could not be located.
Genocide: The criminal law applicable in Saudi Arabia could not be located.
Torture: The criminal law applicable in Saudi Arabia could not be located; CAT Conclusions 2002, para. 4 (*Shariah* expressly prohibits torture and other cruel and inhuman treatment, but Saudi Arabia's domestic law itself does not explicitly reflect this prohibition, nor does it impose criminal sanctions)

Universal jurisdiction

War crimes:
- Chemical Weapons Act (no provision)
- Law of Criminal Procedure (no provision)
Crimes against humanity: Law of Criminal Procedure (no provision)
Genocide: Law of Criminal Procedure (no provision)
Torture: Law of Criminal Procedure (no provision)
Ordinary crimes: The law of procedure before *Shari'ah* Courts (no provision)

SENEGAL

Sources

- *Loi no. 2007-02 du 12 février modifant le Code Pénal* (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/6802dfba22b8b223c12572d70041a948!OpenDocument) (*Loi no. 2007-02*)
- Penal Code (*Code Pénal*) (as amended by *Loi no. 2007-02* and *Loi no. 6/2007*) (*Code Pénal 2007*)
- Law N°06/2007 modifying the Penal Code (implementing the ICC Statute - amended) (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/2312e920ae081336c1257292005578af!OpenDocument) (*Loi no. 6/2007*)
- *Loi n° 96-15 du 28 Août 1996, art. 295- 1* (http://www.icrc.org/ihl-nat.nsf/e6ea7abc74de3fe041256486004ad09d/9904d4f59b6bfa8bc1256b21003bf991!OpenDocument)
- Report of the Committee against Torture, 43rd Sess. (2-20 November 2009) and 44th Sess. (26 April-14 May 2010), G.A.O.R., 65th Sess. (Supp.) (No. 44), U.N. Doc. A/65/44, (CAT report 2010)
CR 2009/9
- Public sitting held on Monday 6 April 2009, at 3 p.m., at the Peace Palace, President Owada presiding, in the case concerning Questions relating to the Obligation to Prosecute or Extradite (Belgium *v.* Senegal) (http://www.icj-cij.org/docket/files/144/15121.pdf)

Definitions of crimes under international law

War crimes: *Code Pénal 2007,* art. 431-3 *(Des crimes de guerre)*
Crimes against humanity: *Code Pénal*, *2007,* art. 431-2 *(Des crimes contre l'humanité)*
Genocide: *Code Pénal 2007,* art. 431-1 (*Du crime de génocide*)
Torture: *Loi n° 96-15 du 28 Août 1996*, art. 295-1 (defining torture as a crime)

Universal jurisdiction

War crimes: *Code Pénal 2007,* art. 431-6 (providing that any person may be tried for war crimes)
Crimes against humanity: *Code Pénal 2007,* art. 431-6 (providing that any person may be tried for crimes against humanity)
Genocide: *Code Pénal 2007,* art. 431-6 (providing that any person may be tried for genocide)
Torture: *Code Pénal 2007*, art. 431-6 (providing that any person may be tried for torture); CAT report 2010, p. 190
Ordinary crimes: *Code Pénal 2007* (no provision)

SERBIA

Sources

Criminal Code of the Republic of Serbia (*Official Gazette of RS, Nos. 85/2005, 88/2005, 107/2005*) (https://www.unodc.org/tldb/pdf/Serbia%20Penal%20Code.pdf); (English translation) (http://www.osce.org/serbia/18244)

Definitions of crimes under international law

War crimes: Criminal Code 2005, arts. 372 (War Crimes against Civilian Population); 373 (War Crimes against Prisoners of War); 375 (Organising and Incitement to Genocide and War Crimes); 376 (Employment of Prohibited Means of Warfare); 377 (Unlawful Production of Forbidden Weapons); 378 (Unlawful Killing and Wounding of Enemy); 379 (Unlawful Appropriation of Objects from Bodies); 380 (Violation of Protection Granted to Bearer of Flag of Truce/Emissary); 381 (Cruel Treatment of the Wounded, Sick and Prisoners of War); 382 (Unjustified Delay of Repatriation of Prisoners of War); 383 (Destroying Cultural Heritage); 384 (Failure to Prevent Crimes against Humanity and other Values Protected under International Law); 385 (Abuse of International Signs)
Crimes against humanity: Criminal Code 2005, art. 371 (Crimes against Humanity)
Genocide: Criminal Code 2005, arts. 370 (Genocide); 375 (Organising and Incitement to Genocide and War Crimes); 384 (Failure to Prevent Crimes against Humanity and other Values Protected under International Law); 384 (Failure to Prevent Crimes against Humanity and other Values Protected under International Law)
Torture: Criminal Code 2005, art. 137 (Ill-treatment and Torture)

Universal jurisdiction

War crimes: Criminal Code 2005,
- art. 8 (Applicability of Criminal Legislation of Serbia to Serbian Citizen Committing Criminal Offence Abroad) (courts may exercise universal jurisdiction over a person who becomes a national of Serbia after committing a crime in the Criminal Code);
- art. 9 (Applicability of Criminal Legislation of Serbia to a Foreign Citizen Committing a Criminal Offence Abroad) (2) (courts may exercise universal jurisdiction over any foreigner who commits a crime abroad against a foreign citizen which is punishable by five years' imprisonment or a heavier penalty, pursuant to laws of the country of commission, if such person is found on the territory of Serbia and is not extradited to the foreign state);
- art. 10 (3) (courts may exercise universal jurisdiction over any foreigner who commits a crime abroad against another foreigner when the act at the time it was committed was considered a criminal offence under general legal principles of international law)
Crimes against humanity: Criminal Code 2005, arts. 8; 9 (2) and 10 (3) (see war crimes above)
Genocide: Criminal Code 2005, arts. 8; 9 (2) and 10 (3) (see war crimes above) (persons who become Serbian citizens after the crime and foreigners)
Torture: Criminal Code 2005, arts. 8; 9 (2) and 10 (3) (see war crimes above)
Ordinary crimes: Criminal Code 2005, arts. 8 and 9 (2) (see war crimes above)

SEYCHELLES

Sources

- Geneva Conventions Act 1985 (re-enacted without change as: Geneva Conventions Act Chapter 87 1991 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256 73e00508143/d70f71a30dd3b4d9c12575bb0046661f!OpenDocument) (Geneva Conventions Act 1991)
- Penal Code 1955 (http://www.legal-tools.org/doc/49f5d0/; http://www.wipo.int/wipolex/en/text.jsp?file_id=22950)
- Genocide Act 1969 (Overseas Territories) Order, 1970, 30 April, 1970, SI 1970 No. 146, Cap. 88 (extending United Kingdom Genocide Act to Seychelles before independence; listed as in force on Seychelles government website: http://dev.seylii.org/sc/legislation/consolidated-act/88) (Genocide Act 1970)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1991 (grave breaches of the Geneva conventions and possibly grave breaches of the Protocol I and serious violations of Protocol II - for further explanation see Amnesty International, 2001 *Memorandum,* p. 67)
Crimes against humanity: Penal Code 1955 (no provision)
Genocide: Genocide Act 1970, s. 1

Torture: Penal Code 1955 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1991 (see war crimes)
Crimes against humanity: Penal Code 1955 (no provision)
Genocide: Genocide Act 1970 (no provision)
Torture: Penal Code 1955 (no provision)
Ordinary crimes: Penal Code 1955 (no provision)

SIERRA LEONE

Sources

- Constitution 1991 (Act No. 6 of 1991) (http://www.sierra-leone.org/Laws/constitution1991.pdf)
- The Criminal Procedure Acts, 1965 (http://www.sierra-leone.org/Laws/1965-32.pdf)
- The Malicious Damage Act, 1861 (https://www.unodc.org/tldb/pdf/Sierra_leone_malicious_act_1861.pdf)
- Offences Against the Person Act 1861 (hard copy in Amnesty International files) (assaults and other personal offences; murder, rape and most other offences against persons are common law offences)
- Police Act 1964 (hard copy in Amnesty International files)
- Public Order Act 1965 (hard copy in Amnesty International files)
- [Magistrates'] Courts Act 1965 (hard copy in Amnesty International files),
- [Customary] Local Courts Act 2011 (hard copy in Amnesty International files)
- Republic of Sierra Leone Armed Forces Act, 1961 (hard copy in Amnesty International files)
- UK Geneva Conventions Act 1957 (http://www.legislation.gov.uk/ukpga/Eliz2/5-6/52), extended to Sierra Leone in the United Kingdom Geneva Conventions Act (Colonial Territories) Order in Council 1959 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/8208eceba104ce51c1256b6c002e544d!OpenDocument)

Definitions of crimes under international law

War crimes: UK Geneva Conventions Act 1957, s. 1 (1) (grave breaches of the Geneva Conventions); extended to Sierra Leone through the Geneva Conventions Ordinance 1959; now part of the 'existing law' of Sierra Leone, under the Constitution 1991, Ch. XII, s. 17; other Sierra Leone criminal law listed above (no provision)
Crimes against humanity: Sierra Leone criminal law listed above (no provision)
Genocide: Sierra Leone criminal law listed above (no provision)
Torture: Constitution 1991, s. 20 (prohibits any form of torture or any punishment or other treatment which is inhuman or degrading; no criminal sanctions); Sierra Leone criminal law listed above (no provision)

Universal jurisdiction

War crimes: UK Geneva Conventions Act 1957, s. 1 (2) (universal jurisdiction over grave breaches of the Geneva Conventions) (see war crimes)
Crimes against humanity: Sierra Leone criminal law listed above (no provision)
Genocide: Sierra Leone criminal law listed above (no provision)
Torture: Sierra Leone criminal law listed above (no provision)
Ordinary crimes: Sierra Leone criminal law listed above (no provision)

SINGAPORE

Sources
- Penal Code 1872 (as amended up to 2010) (http://statutes.agc.gov.sg/) (Penal Code 2010)
- Geneva Conventions Act 1973 (as amended up to 2007) (http://statutes.agc.gov.sg/) (Geneva Conventions Act 2007)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 2007, arts. 3 (Grave breaches of scheduled Conventions), 8 (Prohibition of use of emblem without authority); 9 (Prohibition of use of certain words and designs)
Crimes against humanity: Penal Code 2010 (no provision)
Genocide: Penal Code 2010, art. 130D (Genocide)
Torture: Penal Code 2010 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 2007, art. 3 (Any person, whatever his citizenship or nationality, who, whether in or outside Singapore who is responsible for a grave breach of the Geneva Conventions); Penal Code 2010, art. 4 (Every public servant – universal jurisdiction if public servants can be foreigners - who, being a permanent resident of Singapore, when acting or purporting to act in the course of his employment, commits an act or omission outside Singapore that if committed in Singapore would constitute an offence under the law in force in Singapore, is deemed to have committed that act or omission in Singapore.) (this provision would permit prosecution of other violations of the Geneva Conventions Act 2007 and other conduct amounting to war crimes, but only as an ordinary crime)
Crimes against humanity: Penal Code 2010, art. 4 (see war crimes) (since crimes against humanity are not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 2010, art. 4 (see war crimes)
Torture: Penal Code 2010, art. 4 (see war crimes) (since torture is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 2010, art. 4 (see war crimes)

SLOVAKIA

Sources

- Slovak Criminal Code 2005 (law no. 300/2005) http://www.wipo.int/wipolex/en/text.jsp?file_id=189394
- English translation in Redress, *Extraterritorial Jurisdiction* (2010), pp. 227-231

Definitions of crimes under international law

War crimes: Criminal Code 2005, arts. 426 (Using Prohibited Weapons and Unlawful Warfare); 427 (Plundering in the War Area); 428 (Misuse of Internationally Recognised and National Symbols); 431 (War Atrocities); 432 (Persecution of Civilians); 433 (Lawlessness in the Wartime); 434 (Endangering cultural monuments during armed conflict)
Crimes against humanity: Criminal Code 2005, art. 425 (Brutality)
Genocide: Criminal Code 2005, art. 418 (Genocide)
Torture: Criminal Code 2005, art. 420 (Torture and other Inhuman or cruel treatment)

Universal jurisdiction

War crimes: Criminal Code 2005, s.5a (courts may exercise universal jurisdiction over aliens, even if not permanent residents, for the war crimes listed above)
Crimes against humanity: Criminal Code 2005, s. 5a (courts may exercise universal jurisdiction over aliens, even if not permanent residents, for crimes against humanity listed in Section 425)
Genocide: Criminal Code 2005, s. 5a (courts may exercise universal jurisdiction over aliens, even if not permanent residents, for genocide)
Torture: (although Slovakia succeeded to the Convention against Torture on 28 May 1993, torture is not included in section 5a which lists crimes which may be prosecuted on the basis of universal jurisdiction)
Ordinary crimes: Criminal Code 2005 (no provision)

SLOVENIA

Sources

Criminal Code (KZ-1) of the Republic of Slovenia 2008, available at http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO905.html); (English translation) (http://www.wipo.int/wipolex/en/text.jsp?file_id=180880)

Definitions of crimes under international law

War crimes: Criminal Code 2008, arts. 102 (War Crimes), 106 (Conscripting of Mercenaries or Persons under 18 Years of Age), 107 (Unjustified Postponement of Repatriation of Prisoners of War or Civilians)
Crimes against humanity: Criminal Code 2008, art. 101 (Crimes against Humanity)
Genocide: Criminal Code 2008, art. 100 (Genocide)
Torture: Criminal Code 2008, art. 265 (Torture)

Universal jurisdiction

War crimes: Criminal Code 2008, arts. 11 (any criminal offence, which according to an international agreement has to be prosecuted in all signatory states, irrespective of the location where it was committed); 13 (2) (any crime, provided suspect has been

apprehended in Slovenia and has not been extradited)
Crimes against humanity: Criminal Code 2008, arts. 11 (see war crimes); 13 (2) (see war crimes)
Genocide: Criminal Code 2008, arts. 11 (see war crimes); 13 (2) (see war crimes)
Torture: Criminal Code 2008, arts. 11 (see war crimes); 13 (2) (see war crimes)
Ordinary crimes: Criminal Code 2008 (no provision)

SOLOMON ISLANDS

Sources

- Constitution 1978 (http://www.paclii.org/sb/legis/consol_act/c1978167/)
- United Kingdom's Geneva Conventions Act 1957 (applies to the state under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959, which applied to the British Solomon Islands Protectorate before it became independent on 7 July 1978. Section 5 of The Solomon Islands Independence Order 1978 provides that existing laws shall continue to have effect and Section 3, which provides for the revocations of several Orders does not include the 1959 Order in Council) (Geneva Conventions Order 1959)
- Laws of Solomon Islands, Penal Code (Chapter 26) (http://www.paclii.org/sb/legis/consol_act/pc66/) (Penal Code)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions); Penal Code (no provision with regard to other war crimes)
Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code, s. 51 (Genocide)
Torture: Penal Code (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Order, s. 2 (grave breaches of the Geneva Conventions)
Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code (no provision)
Torture: Penal Code (no provision)
Ordinary crimes: Penal Code (no provision)

SOMALIA

Source

- Penal Code, 16 December 1962, entered into force, 3 April 1964, reprinted in Italian and English *The Somali Penal Code, with comments and annotations based on preliminary studies*, Milan, *Giuffrè Editore*, 1967 (Penal Code 1964)
- Code of Military Criminal Law in Peace and War, Legislative Decree No: 2 of 24 December 1963 (no copy could be found, but it appears to be similar to the Italian Military Penal Code in Peacetime)
- Code of Military Criminal Procedure in Peace and War, Legislative Decree No. 1 of 31 March 1964 (no copy could be found, but it appears to be based on the Italian Code of Military Criminal Procedure in Peace and War)
- Islamic (*shari'a*) law (no copy could be found)

Definitions of crimes under international law

War crimes: Penal Code 1964 (no provision)
Crimes against humanity: Penal Code 1964, arts. 455 (Reduction to Slavery); 456 (Dealing and Trading in Slaves); 457 (Sale and Purchase of Slaves); 458 (Enforced Subjection)
Genocide: Penal Code 1964 (no provision)
Torture: Penal Code 1964 (no provision)

Universal jurisdiction

War crimes: Penal Code 1964 (no war crimes definition; prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 1964, art. 8 (Offences Committed Abroad Punishable Under Certain Conditions)
- (2) (whoever, apart from protective and passive personality cases, commits a non-political crime to the prejudice of an alien is punishable by Somali law, provided the conduct is a crime in the country where committed, the offender is found in Somalia when the complaint is made, the person is not extradited to the country where committed or of the offender's nationality) and the prosecution is authorized by the Minister of Grace and Justice)
- (3) (a political crime is one actuated, in whole or in part, by political motives)
Genocide: Penal Code 1964 (no genocide definition; prosecutions would have to be for ordinary crimes)

Torture: Penal Code 1964 (no torture definition; prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1964, art. 8 (2) and (3) (see war crimes)

SOUTH AFRICA

Sources

- Implementation of the Rome Statute of the International Criminal Court Act, 2002 (http://www.info.gov.za/gazette/acts/2002/a27-02.pdf) (ICC Act 2002)
- Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (http://www.info.gov.za/view/DownloadFileAction?id=77866)
- Conclusions and recommendations of the Committee against Torture – South Africa, U.N. Doc. CAT/C/ZAF/CO/1, 7 December 2006 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/403/24/PDF/G0740324.pdf?OpenElement) (CAT conclusions 2006)

Definitions of crimes under international law

War crimes: ICC Act 2002, s. 2 (war crimes as defined in Article 8 of the Rome Statute and in customary international law)
Crimes against humanity: ICC Act 2002, s. 2 (crimes against humanity as defined in Article 7 of the Rome Statute and in customary international law)
Genocide: ICC Act 2002, s. 2 (genocide as defined in Article 6 of the Rome Statute and in customary international law)
Torture: No provision on torture (South Africa has ratified the Convention against Torture, but it has not yet implemented it (CAT conclusions 2006, para. 13)

Universal jurisdiction

War crimes: ICC Act 2002, ss. 4 and 5 (provided that the person, after the commission of the crime, is present in the territory of the Republic and that the National Director authorises the prosecution)
Crimes against humanity: ICC Act 2002, ss. 4 and 5 (see war crimes)
Genocide: ICC Act 2002, ss. 4 and 5 (see war crimes)
Torture: No provision on torture (CAT conclusions 2006, para. 13)
Ordinary crimes: Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, s. 61 (1) (if the perpetrator is arrested in the territory of the Republic) and s. 61 (2) (if the perpetrator is found in the Republic and not extradited)

SOUTH SUDAN

Sources

- The Transitional Constitution of the Republic of South Sudan 2011 (hard copy in Amnesty International files)
- Penal Code Act 2008 (entered into force in 2009) (http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies.html)
- The Code of Criminal Procedure Act 2008 (entered into force in 2009) (http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies.html)

Definitions of crimes under international law

War crimes: Penal Code Act 2008 (no provision)
Crimes against humanity: Penal Code Act 2008 (no provision)
Genocide: Penal Code Act 2008 (no provision)
Torture:
- The Transitional Constitution of the Republic of South Sudan 2011, s. 18 (prohibits torture and cruel, inhuman or degrading treatment or punishment, but no criminal sanctions)
- Penal Code Act 2008 (no provision)

Universal jurisdiction

War crimes:
- Penal Code Act 2008 (no provision);
- Code of Criminal Procedure Act 2008 (no provision)
Crimes against humanity:
- Penal Code Act 2008 (no provision)
- Code of Criminal Procedure Act 2008 (no provision)
Genocide:
- Penal Code Act 2008 (no provision)
- Code of Criminal Procedure Act 2008 (no provision)
Torture:
- Penal Code Act 2008 (no provision)
- Code of Criminal Procedure Act 2008 (no provision)
Ordinary crimes:
- Penal Code Act 2008 (no provision)
- Code of Criminal Procedure Act 2008 (no provision)

SPAIN

Sources

- *Código Penal, Ley Orgánica 10/1995 de 23 de noviembre de 1995* (as amended 2010) (http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20110307_01.pdf) (Penal Code 2010)
- *Ley Orgánica del Poder Judicial 1985* (as amended 2009) (http://noticias.juridicas.com/base_datos/Admin/lo6-1985.html) (Judiciary Law 2009)
- UN General Assembly, *The scope and application of the principle of universal jurisdiction,* report of the Secretary General, UN Doc. A/66/93, 20 June 2011

Definitions of crimes under international law

War crimes: Penal Code 2010, arts. 608-614 bis (Offences against Protected Persons and Property in the Event of Armed Conflict)
Crimes against humanity: Penal Code, art. 607 bis (Crimes against humanity)
Genocide: Penal Code 2010, art. 607 (Offences of genocide)
Torture: Penal Code 2010, art. 174 (Torture)

Universal jurisdiction

War crimes: Judiciary Law 2009,
- art. 23 (1) (international treaties)
- art. 23 (2) (foreigners who have acquired Spanish nationality after the commission of the act)
- art. 23 (4) (h) (Spain is a party to the Geneva Conventions, Protocol I and 1954 Hague Convention Second Protocol)
Genocide: Judiciary Law 2009, art. 23 (4) (a) (genocide)
Crimes against humanity: Judiciary Law 2009, art. 23 (4) (a) (crimes against humanity)
Torture: Judiciary Law 2009, art. 23 (4) (h) (see war crimes) (Spain is a party to the Convention against Torture)
Ordinary crimes: Judiciary Law 2009, art. 23 (2) (see war crimes)

SRI LANKA

Sources

- Geneva Conventions Act 2006 (http://www.adh-geneva.ch/RULAC/pdf_state/2006-GC-Act.pdf)
- Convention against Torture Act 2006 (http://www.lawnet.lk/section.php?file=http://www.lawnet.lk/docs/statutes/stats_1956_2006/indexs/Vol2/1994Y0V0C22A.html)
- Penal Code (Amendment) Act, No. 16 of 2006 (available at http://www.lawnet.lk/section.php?file=http://www.lawnet.lk/docs/statutes/stats_1956_2006/indexs/Vol2/2006Y0V0C16A.html)
- Penal Code 1885 (as amended by 2006) (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e30253941256 73e00508143/df6be4e43ca02f86c12577370038a7b6!OpenDocument) (Penal Code 2006)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 2006, s. 2 (grave breaches of the Geneva Conventions); Penal Code 2006, s. 358A (recruitment or use in armed conflict of a child)
Crimes against humanity: Penal Code 2006 ss. 358 (slavery), 358A (slavery of children)
Genocide: Penal Code 2006 (no provision)
Torture: Convention against Torture Act 2006, s. 4 (torture)

Universal jurisdiction

War crimes: Geneva Conventions Act of 2006, s. 4 (the High Court has jurisdiction to try grave breaches of the Geneva Conventions committed by non-citizens outside of the territory of Sri Lanka)
Crimes against humanity: Penal Code 2006 (no provision)
Genocide: Penal Code 2006 (no provision)
Torture: Convention against Torture Act 2006, s. 4 (2) (the jurisdiction in respect of an offence under Convention against Torture Act committed by a person who is not a citizen of Sri Lanka, outside the territory of Sri Lanka)
Ordinary crimes: Penal Code 2006 (no provision)

SUDAN

Sources

- Criminal Act (amended) 2008 (entered into force in 2009) (hard copy of draft in Amnesty International files; it is believed that there are no changes in relevant provisions of final version)
- The Armed Forces Act 2007 (hard copy in Amnesty International files)
- Interim Constitution for Sudan (hard copy in Amnesty International files)
- Criminal Act 1991 (hard copy in Amnesty International files)
- Criminal Procedure Act 1991 (hard copy in Amnesty International files)

Definitions of crimes under international law

War crimes:
- Criminal Act (amended) 2008, ss. 189 (war crimes against persons); 190 (war crimes against property and other rights); 191 (war crimes against humanitarian operations); 192 (war crimes of prohibited methods of warfare); 193 (war crimes of using prohibited weapons) (since the enacted version of this act could not be located, it could not be determined whether crimes under international law were included)
- Criminal Act 1991 (no provision)
- The Armed Forces Act 2007, ss. 154 (offences against persons enjoying special protection); 155 (attacks against civilians); 156 (molestation of humanitarian and international bodies); 157 (treachery and misuse of the flag of truce, insignias or uniforms of the enemy); 158 (molestation of protected estates); 159 (threatening and displacement of the populace); 160 (compelling subject of the enemy to fight); 161 (use of legally prohibited weapons); 162 (harming the environment); 163 (offences against prisoners of war)

Crimes against humanity:
- Criminal Act (amended) 2008, s. 187 (crimes against humanity) (see war crimes)
- Criminal Act 1991 (no provision)
- The Armed Forces Act 2007, s. 153 (2) (offences against civilians during military operations) (includes some crimes against humanity, but only during armed conflict)

Genocide:
- Criminal Act (amended) 2008, s. 188 (genocide)
- Criminal Act 1991 (no provision)
- The Armed Forces Act 2007, s. 153 (1) (offences against civilians during military operations amounting to genocide, but only during armed conflict)

Torture:
- Interim Constitution 2005, s. 33 (prohibits torture and cruel, inhuman or degrading treatment, but no criminal sanctions);
- Criminal Act 1991, s. 115 (2) (Every person who having public authority entices or threatens or tortures any witness or accused or opponent to give or refrain from giving any information in any action)
- Criminal Act (amended) 2008 (no provision)

Universal jurisdiction

War crimes:
- Criminal Act (amended) 2008 (no provision) (since the enacted version could not be located, it cannot be determined whether this act provides for universal jurisdiction)
- The Armed Forces Act 2007, s. 4 (1) (h) (ii) (any person accused of committing one of the offences in this act, provided that the accused is present in Sudan after the offence has been committed)

Crimes against humanity:
- Criminal Act (amended) of 2008 (no provision)
- The Armed Forces Act 2007, s. 4 (1) (h) (ii) (see war crimes)

Genocide:
- Criminal Act (amended) of 2008 (no provision)
- The Armed Forces Act 2007, s. 4 (1) (h) (ii) (see war crimes)

Torture:
- Criminal Act (amended) of 2008 (no provision)
- Criminal Act 1991 (no provision)

Ordinary crimes:
- Criminal Act 1991 (no provision)
- Criminal Procedure Act 1991 (no provision)

SURINAME

Sources

- Penal Code (Dutch only) (https://www.unodc.org/tldb/pdf/Suriname/SUR_Penal_Code_Dutch.pdf)
- Note: Although there were no relevant provisions in the Penal Code, since the Criminal Procedure Code, Military Penal Code and the Military Code of Criminal Procedure could not be located, it could not be determined whether Surinam had defined any crimes under international law as crimes under national law or has provided its courts with universal jurisdiction over them or over ordinary crimes.

Definitions of crimes under international law

War crimes: Penal Code (no provision)
Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code (no provision)
Torture: Penal Code (no provision)

Universal jurisdiction

War crimes: Penal Code (no provision)

Crimes against humanity: Penal Code (no provision)
Genocide: Penal Code (no provision)
Torture: Penal Code (no provision)
Ordinary crimes: Penal Code (no provision)

SWAZILAND

Sources

- Constitution 2005 (https://www.unodc.org/tldb/showDocument.do?documentUid=9415)
- Note: No relevant criminal legislation could be located.

Definitions of crimes under international law

War crimes: No relevant criminal legislation could be located.
Crimes against humanity: Constitution 2005, arts. 17 (1) (slavery prohibited; no criminal sanction) and 238 (4) (see war crimes below); no relevant criminal legislation could be located.
Genocide: No relevant criminal legislation could be located.
Torture: Constitution 2005, art. 18 (2) (torture prohibited; no criminal sanction)

Universal jurisdiction

War crimes: Constitution, art. 238 (4) ("Unless it is self-executing, an international agreement becomes law in Swaziland only when enacted into law by Parliament.") (this provision probably would require *aut dedere aut judicare* treaties to be implemented); no relevant criminal legislation could be located.
Crimes against humanity: Constitution 2005, art. 238 (4) (see war crimes); no relevant criminal legislation could be located.
Genocide: Constitution 2005, art. 238 (4) (see war crimes); no relevant criminal legislation could be located.
Torture: Constitution 2005, art. 238 (4) (see war crimes); no relevant criminal legislation could be located.
Ordinary crimes: No relevant criminal legislation could be located.

SWEDEN

Sources

- Penal Code
- Act on Punishment for the Crime of Genocide (*Lag (1964:169) om straff för folkmord*) (1964 Genocide Act)
- The Commission on International Law appointed by the government presented a proposal in November 2002 for a new Act covering certain crimes under international law. The proposed Act would define genocide, crimes against humanity and war crimes, but not other crimes under international law, as crimes under Swedish law and confirm that they are subject to universal jurisdiction. As of 1 July 2011, Sweden had not enacted any legislation implementing these recommendations.

Definitions of crimes under international law

War crimes: Penal Code, Ch. 22, s. 6 (violations of international humanitarian law), pp. 32 – 33, 46 – 47
Crimes against humanity: Sweden has not defined any crimes against humanity as crimes under national law. Amnesty International, *Sweden: End impunity through universal jurisdiction*, Index: EUR 42/001/2009, January 2009, pp. 33 – 44, 47 (http://www.amnesty.org/en/library/info/EUR42/001/2009/en).
Genocide: 1964 Genocide Act, ss. 1 and 2
Torture: Sweden has not defined torture as a crime in the Penal Code although some acts of torture can be prosecuted as ordinary crimes, such as Gross rape (Penal Code, Ch. 6, s. 1) and Gross rape of a child (Penal Code, Ch. 6, s. 4). See Amnesty International, *Sweden: End impunity through universal jurisdiction*, *supra*, pp. 35, 47 - 49.

Universal jurisdiction

War crimes: Penal Code, Ch. 2, s. 3 (6)
Crimes against humanity: There is no provision in the Penal Code providing universal jurisdiction over crimes against humanity. However, Swedish courts can exercise universal jurisdiction over some acts amounting to crimes against humanity when they constitute ordinary crimes, or, if committed during an armed conflict, when they constitute a "crime against international law", pursuant to Penal Code, Ch. 22, s. 6. Ordinary crimes under Swedish law that may, in some circumstances amount to crimes against humanity include: Murder (Penal Code, Ch. 3, s. 1); Manslaughter (Penal Code, Ch. 3, s. 2); Kidnapping (Penal Code, Ch. 4, s. 1); Gross rape (Penal Code, Ch. 6, s. 1); Gross rape of a child (Penal Code, Ch. 6, s. 4); Gross arson (Penal Code, Ch. 13, Sect. 2); Gross devastation endangering the public (Penal Code, Ch. 13, Sect. 3); and

Gross spreading of poison or a contagious substance (Penal Code, Ch. 13, Sect. 7).
The three Penal Code provisions providing universal jurisdiction, to some extent, over such ordinary crimes are:
- Penal Code, Ch. 2, s. 2 (1) to (3) (universal jurisdiction over aliens domiciled in Sweden; aliens not domiciled in Sweden who subsequently become Swedish citizens, domiciled in Sweden or Nordic citizens who are present in Sweden; and any other alien who is present in Sweden who commits a crime that under Swedish law carries a sentence of more than six months' imprisonment)
- Penal Code, Ch. 2 s. 3 (2-3a) (Swedish courts can exercise jurisdiction over crimes committed in the course of duty outside Sweden by the following persons regardless of nationality: members of the armed forces, a person employed in a foreign contingent of the Swedish armed forces and an employee of the Swedish police, customs authority or coast guard exercising cross-border duties.)
- Penal Code, Ch. 2, s. 3 (7) (universal jurisdiction over crimes committed abroad if the minimum punishment prescribed for the crime in Swedish law is imprisonment for four years or more)

Genocide: Penal Code, Ch. 2, s. 3 (7) (universal jurisdiction over crimes committed abroad if the minimum punishment prescribed for the crime in Swedish law is imprisonment for four years or more)

Torture: Penal Code (no provision; however, Swedish courts can exercise universal jurisdiction over some acts amounting to torture when they constitute ordinary crimes pursuant to Penal Code, Ch. 22, s. 6. Ordinary crimes under Swedish law that may, in some circumstances amount to torture include: Gross rape (Penal Code, Ch. 6, s. 1) and Gross rape of a child (Penal Code, Ch. 6, s. 4).
The three Penal Code provisions providing universal jurisdiction, to some extent, over such ordinary crimes are: Penal Code, Ch. 2, s. 2 (1) to (3) (see crimes against humanity); Ch. 2 s. 3 (2-3a) (see crimes against humanity); Penal Code, Ch. 2, s. 3 (7) (see crimes against humanity)

Ordinary crimes: The three Penal Code provisions providing universal jurisdiction, to some extent, over certain ordinary crimes are: Penal Code, Ch. 2, s. 2 (1) to (3) (see crimes against humanity); Ch. 2 s. 3 (2-3a) (see crimes against humanity); Penal Code, Ch. 2, s. 3 (7) (see crimes against humanity)

SWITZERLAND

Sources

- Criminal Code, 21 December 1937, as amended by 1 July 2011 (http://www.admin.ch/ch/e/rs/c311_0.html) (Criminal Code 2011)
- *Loi fédérale portant modification de lois fédérales en vue de la mise en oeuvre du Statut de Rome de la Cour pénale internationale du 18 juin 2010* (entry into force 1 January 2011) (Rome Statute implementation law 2010)
- *Code pénal militaire du 13 juin 1927, entrée en vigueur 1er janvier 1928, état de 1er janvier 2011* (http://www.admin.ch/ch/f/rs/3/321.0.fr.pdf) (Military Penal Code 2011)

Definitions of crimes under international law

War crimes:
- Civil: Criminal Code 2011, art. 264*b* – 264*l* (war crimes committed since 1 January 2011) (Federal Prosecution Service has jurisdiction over all such cases, except when the victim or suspect is a member of the Swiss army)
- Military: Military Penal Code (Military Prosecution Service has jurisdiction over war crimes defined in Articles 110 to committed on or after 1 January 1968 and over certain war crimes committed since 1 January 2011 when the victim or suspect is a member of the Swiss army)

Crimes against humanity:
- Civil: Criminal Code 2011, art. 264*a* (crimes against humanity committed on or after 1 January 2011) (Federal Prosecution Service has jurisdiction over all such cases, except when the victim or suspect is a member of the Swiss army)
- Military: Military Penal Code, art. 109 (Crimes against humanity) Military Penal Code (Military Prosecution Service has jurisdiction over crimes against humanity committed on or after 1 January 2011 when the victim or suspect is a member of the Swiss army)

Genocide:
- Civil: Criminal Code 2011, art. 264 (genocide committed on or after 15 December 2000) (Federal Prosecution Service has jurisdiction over all such cases, except when the victim or suspect is a member of the Swiss army)
- Military: Military Penal Code, art. 108 (Genocide) (Military Prosecution Service has jurisdiction over genocide committed on or

after 1 January 2011 when the victim or suspect is a member of the Swiss army)
Torture: Criminal Code 2011 (no provision) (CAT concluding observation 2010, CAT/C/CHE/CO/6, http://www2.ohchr.org/english/bodies/cat/docs/co/CAT-C-CHE-CO-6.pdf)

Universal jurisdiction

War crimes:
- Civil: Criminal Code 2011, art. 264*m* (war crimes defined in Articles 264*b* – 264*l* committed since 1 January 2011 committed by a person now present in Switzerland who has not been extradited to another state or delivered to an international criminal court whose jurisdiction is recognised by Switzerland) (Federal Prosecution Service has jurisdiction over all such cases, except when the victim or suspect is a member of the Swiss army);
- Military: Military Penal Code, art. 10 (1) (universal jurisdiction over war crimes committed abroad) and (2) (universal jurisdiction over certain war crimes committed abroad if the person is found in Switzerland and is not extradited or surrendered to an international criminal court whose jurisdiction is recognized by Switzerland)

Crimes against humanity:
- Civil: Criminal Code 2011, art. 264*m* (crimes against humanity defined in Article 264*a* committed since 1 January 2011 committed by a person now present in Switzerland who has not been extradited to another state or delivered to an international criminal court whose jurisdiction is recognised by Switzerland) (Federal Prosecution Service has jurisdiction over all such cases, except when the victim or suspect is a member of the Swiss army);
- Military: Military Penal Code, art. 10 (1) (universal jurisdiction over crimes against humanity committed abroad) and (2) (universal jurisdiction over certain crimes against humanity committed abroad if the person is found in Switzerland and is not extradited or surrendered to an international criminal court whose jurisdiction is recognized by Switzerland)

Genocide:
- Civil: Criminal Code, art. 264*m* (genocide defined in Article 264 committed since 15 December 2000 committed by a person now present in Switzerland who has not been extradited to another state or delivered to an international criminal court whose jurisdiction is recognised by Switzerland) (Federal Prosecution Service has jurisdiction over all such cases, except when the victim or suspect is a member of the Swiss army);
- Military: Military Penal Code, art. 10 (1) (universal jurisdiction over genocide committed abroad) and (2) (universal jurisdiction over genocide committed abroad if the person is found in Switzerland and is not extradited or surrendered to an international criminal court whose jurisdiction is recognized by Switzerland)

Torture: Article 6 of the Criminal Code 2011 provides that any person who commits a felony or misdemeanour abroad that Switzerland is obliged to prosecute in terms of an international convention is subject to this Code, which would include the Convention against Torture, provided that the act is also liable to prosecution at the place of commission or no criminal law jurisdiction applies at the place of commission and if the person concerned remains in Switzerland and is not extradited to the foreign country. Switzerland has stated that its courts can exercise universal jurisdiction over torture. Switzerland, Initial report to the Committee against Torture, U.N. Doc. CAT/C/5/Add.17, p.8. However, torture is not defined as a crime under Swiss law and there has been no prosecution pursuant to Article 6 of the Criminal Code for torture, so prosecution would have to be for ordinary crimes.
Ordinary crimes: Under Article 7 (1) of the Criminal Code giving Swiss courts jurisdiction over ordinary crimes in certain circumstances. That article provides that any person who commits a felony or misdemeanour abroad where the requirements of Articles 4, 5 or 6 (universal jurisdiction over crimes Switzerland is obliged to try if required to do so by a treaty) are not fulfilled is subject to this Code if the offence is also liable to prosecution at the place of commission or the place of commission is not subject to criminal law jurisdiction, the person concerned is in Switzerland or is extradited to Switzerland due to the offence; and under Swiss law extradition is permitted for the offence, but the person concerned is not being extradited. In addition, if the person concerned is not Swiss and if the felony or misdemeanour was not committed against a Swiss person, paragraph 1 of Article 7 applies only if the request for extradition was refused for a reason unrelated to the nature of the offence; or the offender has committed a particularly serious felony that is proscribed by the international community.

SYRIAN ARAB REPUBLIC

Source

Syrian Penal Code of 1949, as amended 1953 (English translation by Amnesty International) (Penal Code 1953)

Definitions of crimes under international law

War crimes: Penal Code 1953 (no provision)
Crimes against humanity: Penal Code 1953 (no provision)
Genocide: Penal Code 1953 (no provision)
Torture: Penal Code 1953 (no provision)

Universal jurisdiction

War crimes: Penal Code 1953 (war crimes not included, so prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 1953 (crimes against humanity not included, so prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1953 (genocide not included, so prosecutions would have to be for ordinary crimes)
Torture: Penal Code 1953 (torture not included, so prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 1953
- art. 20 of Title I (Competence), s. 3 (Personal Competence) (foreigners who commit crimes punishable by Syrian law outside Syrian territory)
- art. 21 of Title I (Competence), s. 3 (Personal Competence) (state officers while performing their duties outside Syrian territory or as a result of such performance - only universal jurisdiction if state officers can be non-nationals)
- art. 23 of Title I (Competence), s. 4 (Comprehensive Competence) (foreigners residing in Syria, without any territorial restriction, where extradition may not have been requested or accepted)

TAJIKISTAN

Source

Criminal Code (no date, probably 1998) (http://www.legislationline.org/download/action/download/id/1707/file/207b8150765af2c85ad6f5bb8a44.htm/preview) (English translation)

Definitions of crimes under international law

War crimes: Criminal Code, arts. 397 (Production or Distribution of Mass Destruction Weapons), 401 (Hiring of Mercenaries), 403 (Intentional Violations of Norms of International Humanitarian Law Committed in the Course of Armed Conflicts), 404 (Intentional Violation of Norms of International Humanitarian Law Committed During International or Internal Armed Conflicts With Threat to the Health or Causing Physical Mutilations), 405 (Other Violations of Norms of International Humanitarian Law)
Crimes against humanity: Criminal Code (no provision)
Genocide: Criminal Code, art. 398 (Genocide)
Torture: Criminal Code, art. 117 (Torture)

Universal jurisdiction

War crimes: Criminal Code, art. 15
- (1) stateless permanent residents who commit crimes under the Criminal Code outside Tajikistan)
- (2) (foreign citizens and stateless persons not residents in Tajikistan who commit crimes under the Criminal Code outside Tajikistan when the crime is prohibited by norms of international law recognized by Tajikistan or interstate treaties and agreements - no express requirement that Tajikistan be a party – this would include grave breaches of the four Geneva Conventions and of Protocol I, and violations of 1954 Hague Convention Second Protocol to which Tajikistan is a party.)
Crimes against humanity: Criminal Code,
- art. 15 (1) (see war crimes) (this provision would permit national courts to exercise universal jurisdiction only over conduct amounting to a crime against humanity that also is a crime in the Criminal Code, such as murder, torture and rape)
- art. 15 (2) (see war crimes) (jurisdiction over foreigners and stateless persons not residents in Tajikistan who commit crimes under the Code when such crimes are prohibited by norms of international law or treaties - no express requirement that Tajikistan be a party. This provision would suggest that Tajikistan courts could exercise universal jurisdiction over crimes in the Penal Code that amount to crimes against humanity under customary international law, although no jurisprudence on this point could be located. It is not clear whether Tajikistan should be considered as a successor state to the USSR with regard to the Apartheid

Convention, although it is not listed as such by the UN)
Genocide: Criminal Code, art. 15
- (1) (see war crimes) (jurisdiction over genocide in the Criminal Code)
- (2) (see war crimes) (same)
Torture: Criminal Code, art. 15
- (1) (see war crimes) (jurisdiction over stateless permanent residents who commit torture under the Criminal Code outside Tajikistan);
- (2) (jurisdiction over foreign citizens and stateless persons not residents in Tajikistan who commit torture under the Criminal Code outside Tajikistan as the crime is prohibited by norms of international law recognized by Tajikistan or interstate treaties and agreements – this would include torture because Tajikistan is a party to the Convention against Torture)
Ordinary crimes: Criminal Code, art. 15 (1) (stateless permanent residents who commit crimes outside Tajikistan)

TANZANIA, THE UNITED REPUBIC OF

Sources

- Constitution of the United Republic of Tanzania of 1977 (http://www.tanzania.go.tz/images/constitutioneng.pdf)
- United Kingdom's Geneva Conventions Act 1957 (applied to Tanganika, which became part of Tanzania, under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959, at least before 1 January 1970. Tanganyika became independent on 9 December 1961 and Zanzibar on 10 December 1963. On 26 April 1964, the two states merged into the United Republic of Tanganyika and Zanzibar; six months later the name was changed to the United Republic of Tanzania) (Geneva Conventions Order 1959)
- Penal Code for Tanzania 1945 (last amended 1963) (https://www.unodc.org/tldb/showDocument.do?documentUid=6721) (Penal Code 1963)

Definitions of crimes under international law

War crimes: Geneva Conventions Order 1959, s. 2; Penal Code 1963 (no provision)
Crimes against humanity: Penal Code 1963 (no provision)
Genocide: Penal Code 1963 (no provision)
Torture: Penal Code 1963 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Order 1959, s. 2 (grave breaches); Penal Code 1963 (no provision)
Crimes against humanity: Penal Code 1963 (no provision)
Genocide: Penal Code 1963 (no provision)
Torture: Penal Code 1963 (no provision)
Ordinary crimes: Penal Code 1963 (no provision)

THAILAND

Sources

- Constitution 2007 http://www.icrc.org/ihl-nat.nsf/0/49382162B7A38A21C12577310046A789
- Criminal Code B.E. 2499 (1956), as amended by the Criminal Code (No. 17), B.E. 2547 (2003) (http://www.samuiforsale.com/Law-Texts/thailand-penal-code.html) (Criminal Code 2003)
- Act for the Enforcement for the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 B.E 2498 [1955] (http://www.icrc.org/ihl-nat.nsf/0/73E81C1D90407D48C1257091002A5A64) (Geneva Conventions Act 1955)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1955, Part 2 (Offences with Respect to Prisoners of War) and Part 3 (Offences in the Case of Armed Conflict not of an International Character)
Crimes against humanity: Criminal Code 2003 (no provision)
Genocide: Criminal Code 2003 (no provision)
Torture: Constitution, s. 32 (prohibits torture, but no criminal sanctions); Criminal Code 2003 (no provision)

Universal jurisdiction

War crimes: Criminal Code 2003 (no provision)
Crimes against humanity: Criminal Code 2003 (no provision)
Genocide: Criminal Code 2003 (no provision)
Torture: Criminal Code 2003 (no provision)
Ordinary crimes: Criminal Code 2003, s. 7 (universal jurisdiction over certain crimes of sexual violence in Criminal Code 2003, ss. 282 and 283)

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Sources

Criminal Code (1996 as amended in 2004) English translation (https://www.unodc.org/tldb/showDocument.do?documentUid=357)
English translation with amendments from 2004, 2006, 2008 and 2009 (http://legislationline.org/documents/section/criminal-codes)

Definitions of crimes under international law

War crimes: Criminal Code 2004, arts. 404 (War crimes against the civil population), 405 (War crime against wounded and ill), 406 (War crimes against prisoners of war), 407 (Use of unallowed combat means), 407b (Misuse of chemical or biological weapons), 409 (Unlawful killing and wounding of an enemy), 410 (Unlawful confiscation of objects from killed and wounded on the battleground), 411 (Violation of a parliamentarian), 412 (Cruel behavior with wounded, ill or with prisoners of war), 413 (Unjustified delay in repatriation of prisoners of war), 414 (Destruction of goods under temporary protection or cultural), 416 (Abuse of international signs)
Crimes against humanity: Criminal Code 2004, art. 403a (Crime against humanity)
Genocide: Criminal Code 2004, art. 403 (Crime against humanity)
Torture: Criminal Code 2004, art. 142 (Torture and other cruel, inhuman or humiliating activities and punishments)

Universal jurisdiction

War crimes: Criminal Code 2004, art. 119 (2) (any crime for which, under the law in force in the place of crime, a punishment of five years of imprisonment or a more severe penalty may be applied, provided that the suspect finds himself on the territory of the Republic of Macedonia and has not been extradited to the foreign country)
Crimes against humanity: Criminal Code 2004, art. 119 (2) (see war crimes above)
Genocide: Criminal Code 2004, art. 119 (2) (see war crimes above)
Torture: Criminal Code 2004, art. 119 (2) (see war crimes above)
Ordinary crimes: Criminal Code 2004, art. 119 (2) (see war crimes above)

TIMOR-LESTE

Sources

Penal Code (Decree Law No. 19/2009) (http://www.laohamutuk.org/econ/corruption/CodigoPenalEn.pdf) (Penal Code 2009)

Definitions of crimes under international law

War crimes: Penal Code 2009, arts. 125 (War crimes against individuals); 126 (War crimes committed using prohibited methods of warfare); 127 (War crimes committed using prohibited means of warfare); 128 (War crimes against assets protected by insignia or distinctive emblems); 129 (War crimes against property); 130 (War crimes against other rights)
Crimes against humanity: Penal Code 2009, arts. 124 (Crimes against humanity); 162 (Enslavement)
Genocide: Penal Code, 2009, art. 123 (1) (Genocide)
Torture: Penal Code 2009, art. 167 (Torture or other cruel, degrading or inhuman treatment)

Universal jurisdiction

War crimes: Penal Code 2009, arts. 8 (b) (except as otherwise provided in treaties and conventions, Timorese criminal law applies to acts committed outside of the national territory that constitute crimes described in Articles 123 to 135, 161 to 169 and 175 to 178) and (e) (crimes that the Timorese State has an obligation to try pursuant to any international convention or treaty) (Timor-Leste is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Penal Code 2009, art. 8 (b) (see war crimes)
Genocide: Penal Code 2009, art. 8 (b) (see war crimes)
Torture: Penal Code 2009, art. 8 (b) (see war crimes) and (e) (see war crimes) (Timor-Leste is a party to the Convention against Torture)
Ordinary crimes: Penal Code 2009, arts. 8 (b) (see war crimes); 161 (Abduction); 165 (Trafficking in human organs)

TOGO

Sources

- Constitution of 1992, revised 2002 (http://www.adh-geneva.ch/RULAC/pdf_state/Constitution-of-27-September-1992-as-amended-by-law-2002-029-of-31-December-2002.pdf)

- Penal Code 1980, as amended 2000 (http://www.adh-geneva.ch/RULAC/pdf_state/Penal-Code-as-amended-in-April-2000.pdf) (Penal Code 2000)
- Conclusions and recommendations of the Committee against Torture - Togo, U.N. Doc. CAT/C/TGO/CO/1, 28 July 2006 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/434/74/PDF/G0643474.pdf?OpenElement) (CAT Conclusions 2006)

Definitions of crimes under international law

War crimes: Penal Code 2000 (no provision)
Crimes against humanity: Penal Code 2000 (no provision)
Genocide: Penal Code 2000 (no provision)
Torture: Constitution, art. 21 (prohibition of torture, no criminal sanction); Penal Code 2000 (no provision)

Universal jurisdiction

War crimes: Penal Code 2000, art. 7 (Togolese courts have jurisdiction to try any act characterized as a serious crime (*crime*) by Togolese law committed abroad by a person who subsequently acquires Togolese nationality; they also have such jurisdiction over a less serious crime (*délit*) committed abroad by a person who subsequently acquires Togolese nationality, provided the act is punishable by the law of the country where the act was committed) (since war crimes are not included, prosecutions would have to be for ordinary crimes)
Crimes against humanity: Penal Code 2000, art. 7 (see war crimes; since crimes against humanity are not included, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 2000, art. 7 (see war crimes; since genocide is not included, prosecutions would have to be for ordinary crimes)
Torture: Penal Code 2000, art. 7 (see war crimes; since torture is not included, prosecutions would have to be for ordinary crimes)
Ordinary crimes: Penal Code 2000, art. 7 (see war crimes)

TONGA

Sources

- An Act To Give Effect To The Convention On The Prevention And Punishment Of The Crime Of Genocide of 1968 (http://www.paclii.org/to/legis/consol_act/ga75/)
- Laws of Tonga, 1988 Edition, Cap. 18, Criminal Offences (http://www.paclii.org/to/legis/consol_act/co136/) (Criminal Offences 1988)

Definitions of crimes under international law

War crimes: Criminal Offences 1988 (no provision)
Crimes against humanity: Criminal Offences 1988 (no provision)
Genocide: An Act To Give Effect To The Convention On The Prevention And Punishment Of The Crime Of Genocide of 1968, art. 2
Torture: Criminal Offences 1988 (no provision)

Universal jurisdiction

War crimes: Criminal Offences 1988 (no provision)
Crimes against humanity: Criminal Offences 1988 (no provision)
Genocide: Criminal Offences 1988 (no provision)
Torture: Criminal Offences 1988 (no provision)
Ordinary crimes: Criminal Offences 1988 (no provision)

TRINIDAD AND TOBAGO

Sources

- Laws of Trinidad and Tobago, Constitution of the Republic of Trinidad and Tobago Act, Cap. 1:01, Act 4 Of 1976, s. 5 (http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.01.pdf) (continued in force laws, including the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council 1959 (Geneva Conventions Order 1959)
- International Criminal Court Act, 2006 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/2bbdd7c1affd8d7bc1257563005c8833!OpenDocument)

Definitions of crimes under international law

War crimes:
- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
- International Criminal Court Act 2006, s. 11 (war crimes as defined in Rome Statute, art. 8)

Crimes against humanity: International Criminal Court Act 2006, s. 11 (crimes against humanity as defined in Rome Statute, art. 7)
Genocide: International Criminal Court Act 2006, s. 11 (genocide as defined in Rome Statute, art. 6)
Torture: Criminal law could not be located

Universal jurisdiction

War crimes
- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
- International Criminal Court Act 2006, s. 8 (1)
Crimes against humanity: International Criminal Court Act 2006, s. 8 (1)
Genocide: International Criminal Court Act 2006, s. 8 (1)
Torture: Criminal law could not be located
Ordinary crimes: Criminal law could not be located

TUNISIA

Sources

- *Code de Procédure Pénale, Loi n° 68-23 du 24 juillet 1968, portant refonte du code de procédure pénale* (http://www.wipo.int/wipolex/en/text.jsp?file_id=201853) (Criminal Procedure Code 1968) *Décret du 9 Juillet 1913, portant promulgation du code pénal tunisien, JORT n°79 du 1er Octobre 1913*
- *Code Pénal, ainsi modifié par l'article 3 de la Loi no. 2005-46 du juin 2005* (http://www.jurisitetunisie.com/tunisie/codes/cp/menu.html) (Penal Code 2005)
- Report sent to the UN Secretary General on the scope and application of universal jurisdiction, 16 June 2010 (English translation) (http://www.un.org/en/ga/sixth/65/ScopeAppUniJuri_StatesComments/Tunisia_E.pdf) (Report 2010)

Definitions of crimes under international law

War crimes: Penal Code 2005 (no provision)
Crimes against humanity: Penal Code 2005 (no provision)
Genocide: Penal Code 2005 (no provision)
Torture: Penal Code 2005, art. 101 bis (torture)

Universal jurisdiction

War crimes: Criminal Procedure Code 1968 (no provision); Report 2010 (Tunisia considers treaties it has ratified with universal jurisdiction provisions to be of a legislative nature that, in accordance with Article 32 of the Constitution, may be directly applied by the national judicial authorities) (Tunisia is a party to the Geneva Conventions and Protocol I) (since war crimes are not included in Penal Code 2005, prosecutions would have to be based on ordinary crimes)
Crimes against humanity: Criminal Procedure Code 1968 (no provision); Report 2010 (see war crimes) (Tunisia is a party to the *Apartheid* Convention) (*apartheid* is not included in Penal Code 2005, so prosecutions would have to be based on ordinary crimes)
Genocide: Criminal Procedure Code 1968 (no provision)
Torture: Criminal Procedure Code 1968 (no provision); 2010 Report (see war crimes) (Tunisia is a party to the Convention against Torture)
Ordinary crimes: Criminal Procedure Code 1968 (no provision)

TURKEY

Sources

Criminal Code, Law Nr. 5237, passed on 26.09.2004, (Official Gazette No. 25611 dated 12.10.2004) (http://www.icrc.org/ihl-nat.nsf/0/9D9BBE8F3052A0F0C12576EA0038B6C6) (Criminal Code 2004)

Definitions of crimes under international law

War crimes: Criminal Code 2004 (no provision)
Crimes against humanity: Criminal Code 2004, art. 77 (1) (Offences against humanity)
Genocide: Criminal Code, 2004, art. 76 (1) (Genocide)
Torture: Criminal Code 2004, arts. 94 (Torture) and 95 (Consequential severe torture)

Universal jurisdiction

War crimes: Criminal Code 2004 (no provision)
Crimes against humanity: Criminal Code 2004 (no provision)
Genocide: Criminal Code 2004 (no provision)

Torture: Criminal Code 2004, art. 13 (1) (c) (Offences by citizens or foreigners in a foreign country)
Ordinary crimes: Criminal Code 2004, art. 13 (1) (a) (Offenses Against Individuals), (d) (Intentional environmental pollution (Clause 181)) (h) (Bribery (Clause 252))

TURKMENISTAN

Sources

Turkmenistan Criminal Code, adopted in 1997 and entered into force in 1998 (Amnesty International translation) (Criminal Code, 1998)

Definitions of crimes under international law

War crimes: Criminal Code 1998, art. 169 (Mercenaries)
Crimes against humanity: Criminal Code 1998 (no provision)
Genocide: Criminal Code 1998, art. 168 (Genocide)
Torture: Criminal Code 1998, art. 113 (Torture)

Universal jurisdiction

War crimes: Criminal Code 1998, art. 8
- (1) permanent residents in Turkmenistan without citizenship who commit crimes under the Criminal Code outside Turkmenistan provided that the act was a crime under the law of the place where it occurred and the suspect has not been previously convicted for the act)
- (2) foreign nationals and stateless persons who are not permanent residents for crimes committed abroad in cases provided for in international treaties, if they have not been convicted in a foreign state and if criminal proceedings have been instituted against them in Turkmenistan (Not clear whether Article 8 (2) is intended to be restricted to the situations when the treaty has an extradition or try provision) (Turkmenistan is a party to the Geneva Conventions, Protocol I and the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries)
Crimes against humanity: Criminal Code, art. 8 (1) (see war crimes) and (2) (see war crimes) (crimes against humanity not included, so prosecutions would have to be for ordinary crimes)
Genocide: Criminal Code 1998, art. 8 (1) (see war crimes) and (2) (see war crimes
Torture: Criminal Code 1998, art. 8 (1) (see war crimes) and (2) (see war crimes) (Tajikistan is a party to the Convention against Torture)
Ordinary crimes: Criminal Code 1998, art. 8 (1) (see genocide)

TUVALU

Sources

- Constitution, revised edition 2008 (http://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1986/1986-0001/ConstitutionofTuvalu_1.pdf)
- United Kingdom's Geneva Conventions Act 1957 (applies to the state under the United Kingdom's Geneva Conventions Act (Colonial Territories) Order in Council, 1959, at least before Tuvalu became independent on 1 October 1978. Section 2 (1) of the Schedule 5 of the Constitution of 1978 provides that existing laws, including orders in Council, shall continue to have effect as if they have been made in pursuance of the Constitution) (Geneva Conventions Order 1959)
- Penal Code, revised edition 2008 (http://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf) (Penal Code 2008)

Definitions of crimes under international law

War crimes:
- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
- Penal Code 2008 (no provision)
Crimes against humanity: Penal Code 2008 (no provision)
Genocide: Penal Code 2008, art. 62 (Genocide)
Torture:
- Constitution, art. 19 (Inhumane treatment) (no criminal sanctions)
- Penal Code 2008 (no provision)

Universal jurisdiction

War crimes:
- Geneva Conventions Order 1959, s. 2 (grave breaches of the Geneva Conventions)
- Penal Code 2008 (no provision)
Crimes against humanity: Penal Code 2008 (no provision)
Genocide: Penal Code 2008 (no provision)
Torture: Penal Code 2008 (no provision)
Ordinary crimes: Penal Code 2008 (no provision)

UGANDA

Sources

- International Criminal Court Act 2010 (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/764ecda109407b7bc12577bd0038b623!OpenDocument)
- The Geneva Conventions Act 1964 (http://www.ulii.org/ug/legis/consol_act/gca1964208/)
- Uganda Penal Code (https://www.unodc.org/tldb/pdf/Uganda_P.C.A_Chapter_120.pdf)

Definitions of crimes under international law

War crimes:
- Uganda International Criminal Court Act 2010, art. 9 (war crimes)
- Geneva Conventions Act 1964, s. 2 (grave breaches of the Geneva Conventions)

Crimes against humanity: Uganda International Criminal Act 2010, art. 8 (crimes against humanity)
Genocide: Uganda International Criminal Court Act 2010, art. 7 (genocide)
Torture: Uganda Penal Code (no provision) (Uganda acceded to the Convention against Torture, but it has not yet implemented it – see the article at http://www.monitor.co.ug/OpEd/Editorial/-/689360/1188020/-/9k66jm/-/index.html)

Universal jurisdiction

War crimes: International Criminal Court Act 2010, art. 18 (d) (provided that the perpetrator is, after the commission of the crimes, present in the territory of Uganda)
Crimes against humanity: International Criminal Court Act 2010, art. 18 (see war crimes)
Genocide: International Criminal Court Bill 2006, art. 18 (see war crimes)
Torture: Penal Code (no provision)
Ordinary crimes: Penal Code (no provision)

UKRAINE

Sources

- Constitution (http://www.rada.gov.ua/const/conengl.htm) (English translation)
- Criminal Code (2001 as amended, last amendment from 2007) (https://www.unodc.org/tldb/pdf/Criminal%20Code%20of%20Ukraine_31.05.2007_ENG_text.pdf) (English translation) (Criminal Code 2007)

Definitions of crimes under international law

War crimes: Criminal Code 2007, arts. 431 (Criminal actions of a prisoner of war); 432 (Marauding); 433 (Violence against population in an operational zone); 434 (Ill treatment of prisoners of war); 435 (Unlawful use or misuse of the Red Cross and Red Crescent symbols); 438 (Violation of rules of the warfare); 445 (Illegal use of symbols of Red Cross and Red Crescent); 447 (Mercenaries)
Crimes against humanity: Criminal Code 2007 (no definition) (Ukraine is a party to the *Apartheid* Convention; it is possible that crimes against humanity, including apartheid, are part of Ukrainian criminal law pursuant to Article 9 of the Constitution, which provides that "[i]nternational treaties that are in force, agreed to be binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine, but there does not seem to be any jurisprudence on this question)
Genocide: Criminal Code 2007, art. 442 (Genocide)
Torture: Criminal Code 2007, arts. 126 (Battery and torture), 127 (Torture)

Universal jurisdiction

War crimes: Criminal Code 2007,
- art. 7 (stateless persons permanently residing in Ukraine, who have committed offences outside Ukraine are criminally liable under this Code, unless otherwise provided by the international treaties of Ukraine, the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine, provided that they did not undergo criminal punishment for the committed criminal offences outside Ukraine) (this would include war crimes in Articles 431 to 435, 438, 445, 447)
- art. 8 (Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine are criminally liable in Ukraine under this Code as provided for by the international treaties) (this provision would include grave breaches of the Geneva Conventions and Protocol I, to which Ukraine is a party)

Crimes against humanity: Criminal Code 2007,
- art. 7 (see war crimes) (no provision)
- art. 8 (see war crimes) (Ukraine is a party to the *Apartheid* Convention) (since *apartheid* is

not in Criminal Code, prosecutions would have to be for ordinary crimes)
Genocide: Criminal Code 2007,
- art. 7 (see war crimes)
- art. 8 (see war crimes)
Torture: Criminal Code 2007,
- art. 7 (see war crimes)
- art. 8 (see war crimes) (Ukraine is a party to the Convention against Torture)
Ordinary crimes: Criminal Code 2007, art. 7 (see war crimes)

UNITED ARAB EMIRATES

Source

Federal Law No. (3) (1987), as amended by Federal Law (34) (2005) (Arabic only) (Federal Law 2005)

Definitions of crimes under international law

War crimes: Federal Law 2005 (not known)
Crimes against humanity: Federal Law 2005, art. 21 (no provision)
Genocide: Federal Law 2005 (not known)
Torture: Federal Law 2005 (not known)

Universal jurisdiction

War crimes: Federal Law 2005 (not known)
Crimes against humanity: Federal Law 2005, art. 21 (slave trading; since slave trading is not an offence under Federal Law 2005, prosecutions would have to be for ordinary crimes)
Genocide: Federal Law 2005 (not known)
Torture: Federal Law 2005 (not known)
Ordinary crimes: Federal Law 2005 (not known)

UNITED KINGDOM

Sources

- Slave Trade Act 1873 (http://www.legislation.gov.uk/ukpga/Vict/36-37/88), as amended by Statute Law (Repeals) Act 1998
- Royal Warrant of 14 June 1945, promulgated on 18 June 1945 by Army Order 81/1945 (reprinted in United Kingdom, *Manual of Military Law*) (http://avalon.law.yale.edu/imt/imtroyal.asp) (1945 Royal Warrant)
- Criminal Justice Act 1988 (http://www.legislation.gov.uk/ukpga/1988/33/contents)
- Geneva Conventions Act 1957 (http://www.legislation.gov.uk/ukpga/Eliz2/5-6/52)
- War Crimes Act 1991 (http://www.legislation.gov.uk/ukpga/1991/13/contents)
- Geneva Conventions (Amendment) Act 1995 (http://www.legislation.gov.uk/ukpga/1995/27/contents)
- International Criminal Court Act 2001, as amended by the Coroners and Justice Act of 2009 (http://www.legislation.gov.uk/ukpga/2001/17/contents)
- International Criminal Court (Scotland) Act 2001 (http://www.legislation.gov.uk/asp/2001/13/section/1)

Definitions of crimes under international law

War crimes:
- 1945 Royal Warrant, s.1 (war crimes committed on or after 2 September 1939 during a conflict in which the United Kingdom is or was involved)
- Geneva Conventions Act 1957, s. 1 (1) (grave breaches of the Geneva Conventions committed before entry into force of the International Criminal Court Act 2001 and the International Criminal Court (Scotland) Act 2001)
- War Crimes Act 1991, s. 1 (1) and (2) (ordinary crimes of murder, manslaughter or culpable homicide committed by a person now in the United Kingdom irrespective of his or her nationality at the time of the alleged offence if that offence was committed during the period beginning 1 September 1939 and ending with 5 June 1945 in a place which at the time was part of Germany or under German occupation that constituted a violation of the laws and customs of war and if the person was on 8 March 1990, or subsequently became, a British citizen or resident in the United Kingdom, the Isle of Man or any of the Channel Islands)
- Geneva Conventions (Amendment) Act 1995 (grave breaches of Protocol I to the Geneva Conventions committed before entry into force of the International Criminal Court Act 2001 and the International Criminal Court (Scotland) Act 2001)
- International Criminal Court Act 2001, ss. 50, 51 (1), 58 (1) and 70 (3) (war crimes committed on or after 1 January 1991); International Criminal Court (Scotland) Act 2001, s. 1 (1) (war crimes)

Crimes against humanity:
- International Criminal Court Act 2001, ss. 50, 51 (1), 58 (1) and 70 (3) (crimes against humanity committed on or after 1 January 1991)
- International Criminal Court (Scotland) Act 2001, s. 1 (1) (crimes against humanity); Slave Trade Act 1873 (slave trading – not defined)

Genocide:
- International Criminal Court Act 2001, ss. 50, 51 (1), 52, 58 (1), 59 and 70 (3) (genocide and ancillary forms of genocide committed on or after 1 January 1991)
- International Criminal Court (Scotland) Act 2001, s. 1 (1) (genocide) and (2) (ancillary forms of genocide)

Torture: Criminal Justice Act 1988, s. 134 (1) (intentional infliction of severe pain or suffering on another by a police official or a person acting in a official capacity in the performance or purported performance of his or her official duties)

Universal jurisdiction

War crimes:
- 1945 Royal Warrant, s. 1 (military courts sitting outside the United Kingdom may exercise universal jurisdiction over war crimes committed on or after 2 September 1939 in a conflict in which the United Kingdom is or was involved)
- Geneva Conventions Act 1957, s. 1 (1) (universal jurisdiction over any person of whatever nationality, who, whether in or outside the United Kingdom, commits, or aids, abets or procures the commission by any other person of, any such grave breach of any of the Geneva Conventions committed before entry into force of the International Criminal Court Act 2001 and the International Criminal Court (Scotland) Act 2001)
- War Crimes Act 1991, s. 1 (1) and (2) (see war crimes)
- Geneva Conventions (Amendment) Act 1995, s. 3 (universal jurisdiction over grave breaches of Protocol I to the Geneva Conventions committed before entry into force of the International Criminal Court Act 2001 and the International Criminal Court (Scotland) Act 2001)
- International Criminal Court Act 2001, s. 51 (1) (2) (b), 58 (2) and 70 (3) (universal jurisdiction over war crimes committed outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction on or after 1 January 1991)
- International Criminal Court (Scotland) Act 2001, s. 1 (1) (universal jurisdiction over war crimes committed outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction on or after 1 January 1991)

Crimes against humanity:
- International Criminal Court Act 2001, ss. 51 (1) (2) (b), 58 (2) and 70 (3) (universal jurisdiction over crimes against humanity committed outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction on or after 1 January 1991)
- International Criminal Court (Scotland) Act 2001, s. 1 (1) (universal jurisdiction over crimes against humanity committed outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction on or after 1 January 1991)
- Slave Trade Act 1873, ss. 5, 26 (universal jurisdiction over slave trading)

Genocide:
- International Criminal Court Act 2001, ss. 51 (1) (2) (b), 58 (2), 59 and 70 (3) (universal jurisdiction over genocide and ancillary forms of genocide committed outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction on or after 1 January 1991)
- International Criminal Court (Scotland) Act 2001, ss. 1 (1) and 2 (universal jurisdiction over genocide and ancillary forms of genocide committed outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction on or after 1 January 1991)

Torture: Criminal Justice Act 1988, s. 134 (2) (universal jurisdiction over intentional infliction of severe pain or suffering on another by a police official or a person acting in a official capacity in the performance or purported performance of his or her official duties)

Ordinary crimes: There appear to be no provisions in United Kingdom law providing universal jurisdiction over ordinary crimes.

UNITED STATES OF AMERICA

Sources

- Uniform Code of Military Justice (UCMJ) (http://www.law.cornell.edu/uscode/10/stApIIch47.html)
- Manual for Courts-Martial (2008 edition) (http://www.apd.army.mil/pdffiles/mcm.pdf)
- 18 U.S.C. 1091

- Genocide Accountability Act of 2007, Pub. L. No. 110-151; 121 Stat 1821. (http://www.govtrack.us/congress/billtext.xpd?bill=s110-888)
- 18 U.S.C. 2340, 2340A and 2340B (http://www.law.cornell.edu/uscode/usc_sup_01_18_10_I_20_113C.html)
- Child Soldiers Accountability Act of 2008 (http://www.govtrack.us/congress/billtext.xpd?bill=s110-2135)

Definitions of crimes under international law

War crimes:
- UCMJ, art. 21 (pre-existing jurisdiction of military commissions or military courts preserved)
- Manual for Courts-Martial (2008 edition), R.C.M. 201 (f) (1) (B) (i) (laws of war)
- Child Soldiers Accountability Act of 2008, s. 2

Crimes against humanity: No known provision in US Federal law
Genocide: 18 U.S.C. 1091
Torture: 18 U.S.C. 2340, 2340A and 2340B

Universal jurisdiction

War crimes:
- UCMJ, arts. 2 (persons subject to UCMJ); 5 (applicable to all places); 17 (court-martial jurisdiction); 18 (jurisdiction over any person who may by law of war be tried by a military court); 21 (pre-existing jurisdiction of military commissions or military courts preserved)
- Child Soldiers Accountability Act of 2008, s.2
- Note: Enemy aliens are prosecuted directly under international law; others are prosecuted for violations of the UCMJ. For a brief overview of this complex legislation with regard to war crimes, see Amnesty International *2001 Memorandum*, Ch. Four – Part B.

Crimes against humanity: Note: US military courts and commissions tried former Axis nationals directly under international law for crimes against humanity; it is not clear if they would exercise such jurisdiction today. See Amnesty International, *2001 Memorandum*, Ch. Six.
Genocide: Genocide Accountability Act of 2007, s. 2
Torture: 18 U.S.C. 2340, 2340A and 2340B
Ordinary crimes: No known provision in US Federal law

URUGUAY

Sources

- *Ley Nº 18.026 de Cooperación con la Corte Penal Internacional en Materia de Lucha contra el Genocidio, los Crímenes de Guerra y de Lesa Humanidad* (Law No. 18.026 on Cooperation with the International Criminal Court in respect of the struggle against genocide, war crimes and crimes against humanity) (http://pdba.georgetown.edu/Security/citizenssecurity/uruguay/leyes/lesahumanidad.pdf)
- *Código Penal, (Actualizado marzo 2010)* (Penal Code, entered into force March 2010) (http://www.icrc.org/ihl-nat.nsf/0/0DDBA6D2F18FA338C1257054002A61A3) (Penal Code 2010)

Definitions of crimes under international law

War crimes: *Ley 18.026, art. 26 (Crimen de* guerra)
Crimes against humanity: *Ley 18.026, art. 18 (Crimen internacional de lesa humanidad)*
Genocide: *Ley 18.026, art. 16 (Genocidio)*
Torture: *Ley 18.026, art. 22 (Tortura)*

Universal jurisdiction

War crimes: *Ley 18.026, art. 4.2 (crimen de los tipificados en los Títulos I a IV de la Parte II de la presente ley)*
Crimes against humanity: *Ley 18.026, art. 4.2* (see war crimes)
Genocide: *Ley 18.026, art. 4.2* (See war crimes)
Torture: *Ley 18.026, art. 4.2* (see war crimes)
Ordinary crimes: Penal Code 2010 (no provision)

UZBEKISTAN

Sources

- Criminal Code 1994 (https://www.unodc.org/tldb/showDocument.do?documentUid=1624) (English translation)
- Constitution of Uzbekistan (http://mansurovs.com/Umid/Main/Uzbekistan/Constitution/constitution.html) (English translation)

Definitions of crimes under international law

War crimes: Criminal Code 1994, arts. 152

(Breach of Laws and Customs of War); 154 (Mercenary)
Crimes against humanity: Criminal Code 1994 (no provision)
Genocide: Criminal Code 1994, art. 153 (Genocide)
Torture: Criminal Code 1994 (no provision)

Universal jurisdiction

War crimes: Criminal Code 1994, art. 12 (stateless permanent residents who commit crimes outside Uzbekistan; foreign nationals, as well as stateless non-permanent residents who commit crimes outside Uzbekistan are liable under this code if envisaged by international treaties or agreements - this would include grave breaches of the four Geneva Conventions and of Protocol I committed since 8 October 1993).
Crimes against humanity: Criminal Code 1994, art. 12 (crimes against humanity are not defined as crimes in that code, so prosecutions would have to be for ordinary crimes)
Genocide: Criminal Code 1994, art. 12 (stateless permanent residents who commit crimes outside Uzbekistan)
Torture: Criminal Code 1994, art. 12 (torture is not defined as a crime in that code, so prosecutions would have to be for ordinary crimes) (Uzbekistan is a party to the Convention against Torture)
Ordinary crimes: Criminal Code, art. 12 (stateless permanent residents who commit crimes outside Uzbekistan)

VANUATU

Sources

- Penal Code, Laws of the Republic of Vanuatu, Consolidated Edition 2006, [Cap 135] (http://www.paclii.org/vu/legis/consol_act/pc66/) (Penal Code 2006)
- Laws of the Republic of Vanuatu, Consolidated Edition 2006 (http://www.paclii.org/vu/indices/legis/consol_act2006/Consolidation2006_Alphabetical.html)
- Geneva Conventions Act, Act 22 of 1982, as of 2006 [Cap 150] (http://www.paclii.org/vu/legis/consol_act/gca208/) (Geneva Conventions Act 2006)

Definitions of crimes under international law

War crimes:
- Penal Code 2006 (no definition)
- Geneva Conventions Act, s. 4 (1) (any grave breach of the Geneva Conventions that would, if committed in Vanuatu, be an offence under any provision of the Penal Code, 2006 or any other law is an offence under such provision of the Penal Code or any other law if committed outside Vanuatu)
Crimes against humanity: Penal Code 2006 ss. 5 (slave trading) and 102 (slavery)
Genocide: Laws of the Republic of Vanuatu, Consolidated Edition 2006 (no provision)
Torture: Laws of the Republic of Vanuatu, Consolidated Edition 2006 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act, ss. 4 (see war crimes definition) and 5 (when the conduct is an offence under Section 4, the offence is within the competence of and may be tried and punished by the court having jurisdiction in respect of similar offences in Vanuatu)
Crimes against humanity: Penal Code 2006, s. 5 (criminal law of Vanuatu applies to slave trading committed within or beyond the territory of the Republic)
Genocide: Laws of the Republic of Vanuatu, Consolidated Edition 2006 (no provision)
Torture: Laws of the Republic of Vanuatu, Consolidated Edition 2006 (no provision)
Ordinary Crimes: Geneva Conventions Act, ss. 4 and 5 (see war crimes - universal jurisdiction over ordinary crimes in so far as they are also grave breaches of the Geneva Conventions.)

VENEZUELA

Sources

- *Código Penal de Venezuela, Gaceta Oficial N° 5.768 del 13-04-05)* (http://www.unhcr.org/refworld/category,LEGAL,,,VEN,44a0007b4,0.html) (Criminal Code 2005)
- *Código Orgánico* (http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/079416931c103c98c1256a1f004f3ecd!OpenDocument) (Military Justice Code)
- Second periodic reports of States parties to Committee against Torture due in 1996: Venezuela, U.N. Doc. CAT/C/33/Add.5, 23 November 2000 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G00/462/63/PDF/G0046263.pdf?OpenElement) (Second CAT Report 2000)

Definitions of crimes under international law

War crimes:
- Criminal Code 2005, art. 155
(1) (certain war crimes committed by foreigners in a war in which Venezuela is involved)
(3) (violations by foreigners of treaties to which Venezuela is a party in a way that engages Venezuela's responsibility)
- Military Justice Code, art. 474 (some war crimes)
Crimes against humanity: Criminal Code 2005, art. 4 (9) (there is no definition in this provision and it may apply only to crimes committed on the high seas)
Genocide: Criminal Code 2005 (no provision)
Torture: Criminal Code 2005, art. 181 (only some acts of torture by person in charge of custody or transport of detainees)

Universal jurisdiction

War crimes: Military Justice Code, s. V, Ch. 1 (jurisdiction over occupied territory); 2005 Criminal Code, art. 155 (1) (see definitions of war crimes) and (3) (see definitions of war crimes)
Crimes against humanity: Criminal Code 2005, art. 4 (9) (this provision may apply only to crimes committed on the high seas)
Genocide: Criminal Code 2005 (no provision)
Torture:
- Criminal Code 2005, art. 155 (3) (see definitions of war crimes)
- Inter-American Convention on Extradition, arts. 2 (3) and 8 (extradite or try obligation) (Second CAT Report 2000, paras. 80 and 81)
Ordinary crimes: Criminal Code 2005 (no provision)

VIETNAM

Sources

Penal Code 1999 (http://www.worldlii.org/vn/legis/pc66/)

Definitions of crimes under international law

War crimes: Penal Code 1999, arts. 343 (War crimes); 344 (Recruiting mercenaries or working as mercenaries)
Crimes against humanity: Penal Code 1999, art. 342 (Crimes against mankind)
Genocide: Penal Code 1999, art. 342 (Crimes against mankind)
Torture: Penal Code 1999 (no provision)

Universal jurisdiction

War crimes: Penal Code 1999, art. 6 (The effect of the Penal Code on criminal acts committed outside the territory of the Socialist Republic of Vietnam)
- (1) (stateless persons who permanently reside in Vietnam who commit offences outside the territory of Vietnam may be examined for penal liability in Vietnam according to this Code)
- (2) (foreigners who commit offences outside the territory of Vietnam may be examined for penal liability according to the Penal Code in circumstances provided for in the international treaties which Vietnam has signed or acceded to) (Vietnam is a party to the Geneva Conventions and Protocol I)
Crimes against humanity: Penal Code 1999, arts. 6 (1) (see war crimes) and (2) (see war crimes) (Vietnam is a party to the Apartheid Convention) (since apartheid is not defined in the Penal Code 1999, prosecutions would have to be for ordinary crimes)
Genocide: Penal Code 1999, art. 6 (1) (see war crimes)
Torture: Penal Code 1999 (no provision)
Ordinary crimes: Penal Code 1999, art. 6 (1) (see war crimes)

YEMEN

Sources

- Constitution of the Republic of Yemen 1994 (http://www.al-bab.com/yemen/gov/con94.htm)
- Republican Decree for Law No. 12 for the Year 1994 concerning crimes and penalties (http://www.unhcr.org/refworld/docid/3fec62f17.html) (Penal Code 1994)
- Republican Decree – By Law No. [13] For 1994 Concerning the Criminal Procedures (http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,YEM,4562d8cf2,3fc4bc374,0.html) (Law for Criminal Proceedings 1994)
- Law No. 21/1998 relative to military offences and penalties (information obtained from the ICRC website http://www.icrc.org/ihl-nat.nsf/0/EDB19492D457DF57C1256992004972E1) (Military Code 1998)
Concluding observations of the Committee against Torture – Yemen, U.N. Doc. CAT/C/YEM/CO/2/Rev.1, 25 May 2010 (http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/51/PDF/G1042651.pdf?OpenElement) (CAT Concluding observations 2010)

Definitions of crimes under international law

War crimes:
- Penal Code 1994, art. 3 (this law applies to the crimes that occur outside Yemen over which Yemeni courts have jurisdiction in accordance with the Law for Criminal Proceedings)
- Military Code 1998, arts. 20 and 21 (both including war crimes)

Crimes against humanity:
- Penal Code 1994(no provision)
- Law for Criminal Proceedings 1994 (no provision)

Genocide:
- Penal Code 1994 (no provision)
- Law for Criminal Proceedings 1994 (no provision)

Torture:
- Constitution 1994, art. 47(b) (prohibition of physical and psychological torture; physical punishment and inhumane treatment during arrest, detention or imprisonment are prohibited; no criminal sanction)
- Penal Code 1994, art. 166 (torture by a public employee)
- Criminal Procedure Code 1994, arts. 6 (torture prohibited, but no criminal sanction) and 363 (torture prohibited, but no criminal sanction)
- CAT Concluding observations 2010, para. 7 (reiterating its concern at the lack of a comprehensive definition of torture in national law)

Universal jurisdiction

War crimes:
- Penal Code 1994 (no provision)
- Military Code 1998, arts. 3 (f) (jurisdiction over prisoners of war, but not clear if this includes conduct outside Yemen); 3 (g) (members of the armed forces of allies and those who are residents of Yemen, except when otherwise provided in treaties); 4 (jurisdiction over crimes in code committed in occupied territory); 5 (Yemeni courts may exercise universal jurisdiction over any person subject to the military code who has committed outside Yemen an act, whether as a principal or an accomplice with regard to a crime in this code, can be punished under this code, even if the crime is not punishable in the place where it was committed)

Crimes against humanity:
- Penal Code 1994 (no provision)
- Law for Criminal Proceedings 1994 (no provision)

Genocide:
- Penal Code 1994 (no provision)
- Law for Criminal Proceedings 1994 (no provision)

Torture:
- Penal Code 1994 (no provision)
- Law for Criminal Proceedings 1994 (no provision)

Ordinary crimes:
- Penal Code 1994 (no provision)
- Law for Criminal Proceedings 1994 (no provision)

ZAMBIA

Sources

Zambia Penal Code, cap. 87, as amended 1994 (http://www.parliament.gov.zm/downloads/VOLUME%207.pdf and https://www.unodc.org/tldb/showDocument.do?documentUid=1160) (Penal Code 1994)

Definitions of crimes under international law

War crimes: Penal Code 1994 (no provision)
Crimes against humanity: Penal Code 1994 (no provision)
Genocide: Penal Code 1994 (no provision)
Torture: Penal Code 1994 (no provision)

Universal jurisdiction

War crimes: Penal Code 1994 (no provision)
Crimes against humanity: Penal Code 1994 (no provision)
Genocide: Penal Code 1994 (no provision)
Torture: Penal Code 1994 (no provision)
Ordinary crimes: Penal Code 1994 (no provision)

ZIMBABWE

Sources

- Geneva Conventions Act 1981 (as amended by the Geneva Conventions Amendment Act, 1996) (The text of Section 3 of the 1996 version is in Amnesty International, 2001 Memorandum, Chapter 4B, p. 110, n.444: http://www.icrc.org/ihl-nat.nsf/0/9C0AE11FFEBF3AE3C1256396005615BC) (Geneva Conventions Act 1996)
- Genocide Act 2000 (http://www.parlzim.gov.zw/cms/Acts/Title09_CRIMINAL_LAW_AND_PROCEDURE/GENOCIDE_ACT_9_20.pdf)
- Criminal Law (Codification and Reform) Act [Chapter 9:23] Act 23/2004 (http://www.kubatana.net/docs/legisl/criminal_law_code_050603.pdf) (Criminal Law Act 2004)
- Presidential Powers (Temporary Measures) Act [Chapter 10:20]: Amendment to the

Criminal Law (Codification and Reform) Act [Chapter 9:23] (No. 23 of 2004) Regulations, 2008 - SI 51A/2008, April 04, 2008 (http://www.kubatana.net/html/archive/legisl/080404si51a.asp?orgcode=par001&year=0&range_start=1)

Definitions of crimes under international law

War crimes: Geneva Conventions Act 1996, s. 3 (1) (grave breaches of the Geneva Conventions in the Geneva Conventions and Protocol I)
Crimes against humanity: Criminal Law Act 2004 (no provision)
Genocide: Genocide Act 2000, s. 4
Torture: Criminal Law Act 2004 (no provision)

Universal jurisdiction

War crimes: Geneva Conventions Act 1996, s. 3 (1)
Crimes against humanity: Criminal Law Act 2004 (no provision)
Genocide:
- Genocide Act 2000 (no provision)
- Criminal Law Act 2004 (no provision)

Torture: Criminal Law Act 2004 (no provision)
Ordinary crimes: Criminal Law Act 2004 (no provision)

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW

www.amnesty.org

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