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RECOMMENDED ACTIONS FOR STATES AND
INTERGOVERNMENTAL ORGANIZATIONS

STATES SHOULD ADOPT AND IMPLEMENT THE FOLLOWING THREE-POINT
PROGRAM:

I. RATIFY TREATIES

· All states should ratify treaties providing for universal jurisdiction over crimes
  under international law, if they have not yet done so, including:

  ➢ the four Geneva Conventions of 1949, and

  ➢ Protocol I to the Geneva Conventions, and

  ➢ the Convention against Torture and Other Cruel, Inhuman or Degrading
    Treatment or Punishment.

· Members of the Organization of American States, if they have not already
  done so, should ratify regional treaties providing for universal jurisdiction
  over crimes under international law, including:

  ➢ the Inter-American Convention to Prevent and Punish Torture and

  ➢ the Inter-American Convention on Forced Disappearance of Persons.

· All states, if they have not already done so, should also ratify other treaties
  designed to combat impunity, such as

  ➢ Protocol II to the Geneva Conventions, and

  ➢ the Rome Statute of the International Criminal Court, and
UNIVERSAL JURISDICTION: The duty of states to enact and enforce legislation - Chapter Fifteen, Bibliography and Appendix

- the Convention on the Non-Applicability of Statutory Limitations for War Crimes and Crimes against Humanity, and
- the Convention on the Prevention and Punishment of the Crime of Genocide

II. AMEND OR ENACT LEGISLATION

- All states should review, in cooperation with civil society (including lawyers groups, law faculties and non-governmental organisations), their legislation and practice to determine the extent to which legislation is inadequate, is absent or has not been implemented.

- All states should draft, in consultation with civil society, and enact any necessary legislation, consistent with Amnesty International’s 14 Principles on the Effective Exercise of Universal Jurisdiction (AI Index: IOR 53/01/99) (summarised in the introduction to this document). Such legislation should be linked to cooperation with the International Criminal Court and the Yugoslavia and Rwanda Tribunals.

III. IMPLEMENT THE LEGISLATION

- All states should draft, in consultation with civil society, effective training programs on universal jurisdiction for judges, prosecutors, other law enforcement officials and defence lawyers.

- All states should implement the legislation, regulations and training programs.

- All states should establish, in consultation with civil society, national systems for providing redress to victims of the crimes, including restitution, compensation, rehabilitation, satisfaction and non-repetition. In particular, states should consult with national and international organizations which specialise in redress for victims.

- All states should work together to improve existing treaties to facilitate cooperation in extradition and mutual legal assistance in cases involving crimes under international law.

THE UNITED NATIONS SHOULD DO THE FOLLOWING:

THE SECURITY COUNCIL

- should urge Member States to adopt national legislation providing that genocide, crimes against humanity, war crimes and torture are crimes under national law.
should also urge them to initiate investigations and prosecutions of persons under their authority or on their territory for such crimes on the basis of the principle of universal jurisdiction and report their actions to the Security Council.

THE COMMISSION ON HUMAN RIGHTS

· should urge states to implement the Van Boven/Bassiouni Principles and the Joinet Principles. In particular, states should be urged to establish national systems for providing redress to victims of crimes under international law.

· should urge thematic mechanisms, including any mechanism established concerning impunity, and country mechanisms to monitor and report on the effectiveness of anti-impunity programs of states

THE COMMITTEE AGAINST TORTURE

· should ensure that it regularly monitors the extent to which states parties to the Convention against Torture provide for universal jurisdiction and effective extradition and mutual legal assistance arrangements

· should address the question of universal jurisdiction in every examination of a state report and recommend to states in every case where they have no legislation or ineffective legislation to comply with their obligations under Article 5 and when they fail to enforce such legislation to comply with their obligations under Articles 5, 6 and 7.
BIBLIOGRAPHY ON UNIVERSAL JURISDICTION

Apart from a few publications on specific crimes under international law, the bibliography is limited to material primarily dealing with universal or other forms of extraterritorial jurisdiction. It is not intended to be comprehensive and is largely limited to publications in English and French. A more comprehensive and regularly updated bibliography is to be included in the database being established by the T.M.C. Asser Instituut. This database would be accessible to anyone through the Internet. For further information on this database, see T.M.C. Asser Instituut website: http://www.asser.nl.

I. Bibliographies on universal jurisdiction


II. Books and articles on universal jurisdiction in general


European Committee on Crime Problems, Extraterritorial Criminal Jurisdiction (Strasbourg: Council of Europe 1990).


UNIVERSAL JURISDICTION: The duty of states to enact and enforce legislation - Chapter Fifteen, Bibliography and Appendix


III. Books and articles on scope of specific crimes
The literature on specific crimes is vast. The following publications are a few readily accessible works which discuss the substantive content of the crimes, but not necessarily questions of jurisdiction. Some of them contain extensive bibliographies. There is some unavoidable overlap between this section and the following one.


**Torture:** Burgers, J. Herman & Hans Danielius, *The United Nations Convention against Torture: A Handbook on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or
UNIVERSAL JURISDICTION: The duty of states to enact and enforce legislation - Chapter Fifteen, Bibliography and Appendix


IV. Books and articles on specific crimes discussing universal or other extraterritorial jurisdiction

The following books and articles, although not always exclusively about universal jurisdiction, all contain some discussion of such jurisdiction. See also the books and articles on specific crimes in Section III of this bibliography.


V. Books and articles on universal jurisdiction in specific countries


Italy: Redress, Universal Jurisdiction in Europe: Criminal prosecutions in Europe since 1990 for war crimes, crimes against humanity, torture and genocide, 30 June 1999, 31-33.


The Netherlands: Gerritsen, Marius Teengs, Jurisdiction, in Bert Swart & André Klip, eds, International Criminal Law in the Netherlands 46-74 (Freiburg im Breisgau: Max-Planck-Institut


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APPENDIX - RATIFICATIONS AND SIGNATURES OF SELECTED INTERNATIONAL TREATIES WITH UNIVERSAL JURISDICTION AND AUT DEDERE AUT JUDICARE OBLIGATIONS

KEY TO TREATIES IN CHRONOLOGICAL ORDER

Dark shaded squares indicate states parties; light shaded squares indicate signatories; white squares indicate non-state parties. Where known, ratification (r), accession (a), succession (d) and signature (s) are indicated. The status of each treaty is as of 1 September 2001, except for the 1979 Convention on the Physical Protection of Nuclear Materials and the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, both of which are as of 1 January 2000. Information concerning several states with respect to the 1961 Single Convention on Narcotics Drugs and its 1972 Protocol could not be verified. In any event, only the lists published by the depositaries are definitive.

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Amnesty International September 2001
## Ratifications and signatures of selected international treaties with universal jurisdiction and *aut dedere aut judicare* obligations

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*Note: The table represents ratifications and signatures of specific treaties with universal jurisdiction and *aut dedere aut judicare* obligations for selected countries.*
### Ratifications and signatures of selected international treaties with universal jurisdiction and aut dedere aut judicari obligations

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### Ratifications and signatures of selected international treaties with universal jurisdiction and *aut dedere aut judicare* obligations

| Countries | Universal Jurisdiction | Genocide | War Crimes | Crimes Against Humanity | Torture | Slavery | Enforced Disappearances | Torture | Enforced Disappearances | Torture | Enforced Disappearances | Torture | Enforced Disappearances | Torture | Enforced Disappearances | Torture | Enforced Disappearances | Torture | Enforced Disappearances |
|-----------|------------------------|----------|------------|-------------------------|--------|--------|--------------------------|--------|--------------------------|--------|--------------------------|--------|--------------------------|--------|--------------------------|--------|--------------------------|
| Comoros   |                        |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Congo     |                        |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| (Brazzaville) |                    |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Costa Rica|                        |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Côte D’ivoire |                   |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Croatia   |                        |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Cuba      |                        |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Cyprus    |                        |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Czech Republic |                  |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
| Democratic Peoples’ Republic of Korea |                      |          |            |                         |        |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |        |                          |
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### Ratifications and signatures of selected international treaties with universal jurisdiction and *aut dedere* *aut judicare* obligations

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*Note: The table represents ratifications and signatures of selected international treaties with universal jurisdiction and aut dedere aut judicare obligations. The entries 'r', 's', 'a' denote ratifications, signatures, and accessions respectively.*
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**Amnesty International September 2001**

**AI Index:** IOR 53/018/2001
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Ratifications and signatures of selected international treaties with universal jurisdiction and *aut dedere* and *aut judicare* obligations

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Amnesty International September 2001

AI Index: IOR 53/018/2001
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**UNIVERSAL JURISDICTION: The duty of states to enact and enforce legislation - Chapter Fifteen, Bibliography and Appendix**

**Ratifications and signatures of selected international treaties with universal jurisdiction and aut dedere aut judicare obligations**

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*Amnesty International September 2001*
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**Legend:**
- **A** = Action
- **R** = Ratification
- **D** = Signature
- **S** = Submission of Protocol

**AI Index:** IOR 53/018/2001

**Amnesty International September 2001**