

REDRESS
International Federation for Human Rights (FIDH)

PRESS STATEMENT

Universal Jurisdiction: Fighting Impunity Worldwide

Paris, London, Brussels- 3 June 2009 - REDRESS and the International Federation for Human Rights (FIDH) published an informal update on universal jurisdiction developments worldwide since January 2006. The update highlights a remarkable increase of universal jurisdiction related developments over the past years in more than 28 countries in Asia, Africa, Latin America, North America and Europe, yet shows that despite such worldwide efforts to ensure accountability of perpetrators of the most horrific crimes, universal jurisdiction is still subject to considerable political, economic and diplomatic pressure, risking that these crimes can be committed with impunity.

The principle of "universal jurisdiction" recognises that individuals suspected of serious international crimes such as genocide, war crimes, crimes against humanity, torture and enforced disappearances, can be prosecuted in any country, irrespective of where the crimes are said to take place. The crimes are so heinous that they are recognised as crimes against the international community as a whole.

Since 2006, according to information publicly available, 75 complaints were filed or investigations or prosecutions opened, on the basis of universal jurisdiction. Courts in Belgium, the Netherlands, Canada, France and Norway convicted 5 perpetrators on the basis of universal jurisdiction, relating to the crimes of genocide, grave breaches of international humanitarian law, torture, crimes against humanity and war crimes. Proceedings are currently ongoing in at least 34 cases, including in Germany, France, Spain, Sweden, the United States, Canada, Senegal, New Zealand, Norway, Finland and the United Kingdom .

“These developments are encouraging steps towards a universal justice that is accessible for all victims of the most horrific human rights abuses, a justice that is not based on nationalities or national borders, but on the firm belief that these crimes must not be committed with impunity”, said Carla Ferstman, Director of REDRESS .

Despite its strong basis in international law, judges, prosecutors and victims relying on universal jurisdiction are faced with serious opposition, particularly when it is exercised against higher level officials. Belgium changed its universal jurisdiction legislation in 2003 after the USA allegedly threatened to move NATO headquarters from Brussels in response to a complaint filed against high level Israeli and US government officials, including Ariel Sharon, and US army officials. A more recent example is the pressure apparently exercised by China, Israel, and the United States on Spain in response to complaints filed against officials from these countries for war crimes, genocide and crimes against humanity. This led the Spanish Parliament to adopt a resolution on 19 May 2009 designed to limit Spain’s universal jurisdiction

legislation and to prevent victims of serious human rights abuses to access justice in Spain.

So far, the resolution has not been implemented, though there is pressure to do so. The rapid advancements made in the exercise of universal jurisdiction as illustrated in the summary, further underscore that such changes would be contrary to the evolution of the international law of human rights, international humanitarian law and international criminal law, which puts an emphasis on the role of States to ensure accountability and justice.

“States should strongly defend universal jurisdiction and stand firm against attempts to limit its application to instances where it is political opportune”, said Souhayr Behlhasen, President of FIDH. “The only ones truly benefiting from changes limiting universal jurisdiction legislation are the perpetrators of the most horrific crimes.”

Note to Editors

Update is available at:

http://www.fidh.org/IMG/pdf/UJ_Informal_Update_Draft020609-4.pdf and

<http://www.redress.org/news/09-06-01Universal%20Jurisdiction%20Developments%202006-09.pdf>