

ZOOM IN

The question:

The use of universal jurisdiction to hold accountable perpetrators of crimes under international law: The sky is the limit?

*Introduced by Gabriella Citroni**

At a time marked by atrocities that are frequently perpetrated in broad daylight and even broadcasted live, it is not only victims, but also society as a whole that demands accountability, mostly through the prosecution and sanction of those responsible for crimes under international law.¹ This is indeed one of the pillars of the struggle against impunity and it is conducive to the prevention of future crimes of similar complexity and scope. Moreover, it is of crucial importance for victims, as it holds a significant symbolic value in that it contributes to mitigating a general sense of helplessness vis-à-vis blatant unfolding injustices, and it sends the powerful message that the perpetrators of heinous crimes will not be left off the hook.

However, in practice, in many instances the quest for accountability is frustrated. At the domestic level, it often faces procedural hurdles – including amnesty laws, statutes of limitation, the application of immun-

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¹ For a more critical take on the subject, see N Mavronicola, M Pinto, 'The Hegemony of Penal Accountability: Some Critical Reflections during (Ongoing) Atrocities' *EJIL: Talk!* (15 December 2023) <www.ejiltalk.org/the-hegemony-of-penal-accountability-some-critical-reflections-during-ongoing-atrocities/?utm_source=mailpoet&utm_medium=email&utm_campaign=ejil-talk-newsletter-post-title_2>. See also G Bdiwi, 'Should We Call for Criminal Accountability During Ongoing Conflicts?' (2023) 21 *J Intl Crim Justice* 719-734.



ities and justifications relating to obedience to superior orders, or the jurisdiction of military tribunals – due to which authorities do not deliver justice. At the same time, international hybrid criminal tribunals and courts face significant restraints in establishing and exercising their jurisdiction, and, when proceedings eventually do take place, they are lengthy and complex, so that, in general, they deal only with a limited number of egregious cases.

In the face of this scenario, the use of universal criminal jurisdiction (hereinafter, ‘universal jurisdiction’² – be it in its conditional or absolute interpretation – to prosecute and sanction perpetrators of crimes under international law represents a further option to seek to avoid impunity.³ In some instances, such as crimes under international law committed in the Syrian Arab Republic, universal jurisdiction seems currently to be the only viable possibility to hold perpetrators accountable.⁴ In some other instances, such as atrocities committed in Ukraine or in the State of Palestine, universal jurisdiction is being used as an additional tool⁵ to pursue

² The issue of universal civil jurisdiction is beyond the scope of this introduction and the two contributions.

³ See, among others, M La Manna, *La giurisdizione penale universale nel diritto internazionale* (Editoriale Scientifica 2020); S Zappalà, *La giustizia penale internazionale. Perché non restino impuniti genocidi, crimini di guerra e contro l'umanità* (Il Mulino 2020); and A O’Sullivan, *Universal Jurisdiction in International Criminal Law – The Debate and the Battle for Hegemony* (Routledge 2017); A Cassese, P Gaeta, L Baig, M Fan, C Gosnell, A Whiting (eds), *Cassese’s International Criminal Law* (3rd edn OUP 2013) 271-290; and MC Bassiouni, ‘Universal Jurisdiction for International Crimes: Historical Perspectives and Contemporary Practice’ (2001) 42 *Virginia J Intl L* 81-161. For a compilation of contributions on universal jurisdiction, see (2015) 13 *J Int Crim Justice*.

⁴ For information on the ongoing investigations and proceedings, as well as on the convictions already handed down concerning persons responsible for war crimes or crimes against humanity perpetrated in the Syrian Arab Republic (mostly in France, Germany and Sweden, but also in Austria and The Netherlands), see W Kaleck, P Kroker (eds), *Syrian State Torture on Trial* (European Center for Constitutional and Human Rights 2023); and D Ahdab, ‘The Rebirth of Universal Jurisdiction: How the Syrian Conflict Has Led to the Expansion of the Use of Universal Jurisdiction’ (2023) 61 *Columbia J Transnational L* 86-123. See also TRIAL International, Civitas Maxima, Center for Justice and Accountability, European Center for Constitutional, International Federation for Human Rights, Redress, ‘Universal Jurisdiction Annual Review 2024’ <https://trialinternational.org/wp-content/uploads/2024/04/UJAR-2024_digital.pdf>. Relevant information can be found also in the universal jurisdiction interactive map: <<https://ujim.trialinternational.org/>> and at <<https://justicebeyondborders.com>>.

⁵ On the relationship between the principle of universal jurisdiction and international courts – and, in particular, the International Criminal Court – see: DV Hoover, ‘Universal



justice before the International Criminal Court or under other heads of jurisdiction.⁶

Pursuant to the principle of universal jurisdiction, any State can apply its criminal law with respect to crimes under international law (in particular, genocide, war crimes, crimes against humanity, torture and enforced disappearance),⁷ even when they are committed abroad, and neither the victim nor the perpetrator is a national of the State concerned. In its ‘conditional’ interpretation, the presence of the accused on the territory of the State is a condition for the existence and exercise of universal jurisdiction. In the ‘absolute’ interpretation, jurisdiction can be established even if the accused is not present in the forum State and in the absence of any other link between the alleged offender and the forum State.⁸

The principle of universal jurisdiction, enshrined in several international treaties,⁹ offers a significant bulwark against impunity, but its ap-

Jurisdiction not So Universal: Time to Delegate to the International Criminal Court’ (2011) Cornell Law School Inter-University Graduate Student Conference Paper (Paper 52) <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1081&context=lps_clap>; O Bekou, R Cryer, ‘The International Criminal Court and Universal Jurisdiction: A Close Encounter?’ (2007) 56 ICLQ 49-68; P Xavier, ‘The Principles of Universal Jurisdiction and Complementarity: How Do the Two Principles Intermesh?’ (2006) 88 Intl Rev Red Cross 375-398; and A Abass, ‘The International Criminal Court and Universal Jurisdiction’ (2006) 6 Intl Crim L Rev 349-385.

⁶ Investigations on war crimes and crimes against humanity allegedly perpetrated in Ukraine have been opened, among others, in Canada, Estonia, Germany, Latvia and Lithuania. See, among others, Institute for War and Peace Reporting, ‘Universal Criminal Jurisdiction in Ukraine’ (20 September 2022) <<https://iwpr.net/global-voices/universal-criminal-jurisdiction-ukraine>>. Investigations on international crimes allegedly committed respectively in 2009 and 2014 in the State of Palestine and in the Occupied Palestinian Territories have been opened in Belgium, Germany, Switzerland and the United Kingdom: see information contained in the universal jurisdiction interactive map (n 4).

⁷ R O’Keefe, ‘The Grave Breaches Regime and Universal Jurisdiction’ (2009) 7 J Intl Crim Justice 811-831.

⁸ Where the absolute interpretation is applied, in absentia proceedings must be allowed pursuant to the applicable domestic legislation. See T Kluwen, ‘Universal Jurisdiction in Absentia Before Domestic Courts Prosecuting International Crimes: A Suitable Weapon to Fight Impunity?’ (2017) 8 Goettingen J Intl L 7-38.

⁹ In particular, see the 1949 Geneva Conventions: Art 49 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31; Art 50 Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (adopted 12 August 1949 entered into



plication must also overcome various obstacles and is subjected to criticism and disagreements on its actual scope, nature and potential reach, as shown also by the ongoing heated debates that take place annually at the Sixth Committee of the General Assembly since 2009.¹⁰

The principle of universal jurisdiction finds its roots in the context of piracy on the high seas and, in its ‘modern’ conception (i.e. concerning crimes under international law), it gained momentum after World War II. Besides the prominent example of the prosecution of Adolf Eichmann by Israel in 1961, it is towards the end of the 1990s that universal jurisdiction saw its heyday, culminating in 1998 with the arrest of former Chilean dictator Augusto Pinochet and the ensuing proceedings in the United Kingdom.

force 21 October 1950) 75 UNTS 85; Art 129 Geneva Convention (III) Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135; Art 146 Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287. See also art 6 of the Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 31; Arts IV and V of the International Convention on the Suppression and Punishment of the Crime of Apartheid (adopted 30 November 1973, entered into force 18 July 1976) 1015 UNTS 243; Arts 5-7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85; and Arts 9-11 of the International Convention on the Protection of All Persons from Enforced Disappearances (adopted 23 December 2010, entered into force 23 December 2010) 2719 UNTS 3.

¹⁰ See, among others, ‘Debate Reveals Rift in Speakers’ Understanding of Universal Jurisdiction Scope, Application, as Sixth Committee Takes Up Report on Principle’ Press release GA/L/3692 (13 October 2023) <<https://press.un.org/en/2023/gal3692.doc.htm>>; ‘Speakers Disagree on How, When, Where Universal Jurisdiction Should be Engaged, as Sixth Committee Takes up Report on Principle’ Press release GA/L/3662 (12 October 2022) <<https://press.un.org/en/2022/gal3662.doc.htm>>; and ‘Concluding Debate on Universal Jurisdiction Principle, Sixth Committee Speakers Wrestle with Challenging Balance between State Sovereignty, Fighting Impunity’ Press release GA/L/3642 (22 October 2021) <<https://press.un.org/en/2021/gal3642.doc.htm>>. See also Secretary-General, ‘Report on the Scope and Application of the Principle of Universal Jurisdiction’ UN Doc A/70/125 (1 July 2015); and Amnesty International, ‘Universal Jurisdiction: the UN General Assembly Should Support This Essential International Justice Tool’ IOR 53/015/2010 (2010) <www.amnesty.org/en/wp-content/uploads/2021/07/ior530152010en.pdf>.



Two European countries – Belgium and Spain – were at the forefront of the expansion of universal jurisdiction during this period.¹¹ Under Organic Law 6/1985, Spanish courts had jurisdiction over genocide and any other offence that Spain is obliged to prosecute under international treaties to which it is a party. In 1993, Belgium passed the ‘Act Concerning Punishment for Grave Breaches of International Humanitarian Law’, which provided for the use of universal jurisdiction to prosecute individuals accused of war crimes, later extended to also cover crimes against humanity and genocide.

The increased use of universal jurisdiction was soon met by criticism, mostly revolving around its alleged ‘populist’ and ‘selective’ nature, and claims concerning its ‘politicised’ application and use as a lawfare tool and the ensuing risks of abuse.¹² This led to attempts by scholars and international organisations to establish guidelines to regulate such a powerful – and allegedly potentially perilous – tool,¹³ and repeated calls to limit it and adopt a ‘sensible notion’ that was not likely to backfire.¹⁴ In this regard, one may recall that the above-mentioned ongoing discussion of the principle before the General Assembly was triggered by a request lodged in 2009 by Tanzania on behalf of the African Group, originally entitled ‘the abuse of universal jurisdiction’ that only later turned into ‘the scope and application of the principle of universal jurisdiction’.¹⁵

¹¹ See, among others, D Vandermeersch, ‘Prosecuting International Crimes in Belgium’ (2005) 3 J Intl Crim J 400-421; and AI Pérez Cepeda, *El principio de jurisdicción universal: fundamentos y límites* (Tirant Lo Blanch 2012).

¹² See, among others, T Galli, ‘Universal Jurisdiction or Regional Lawfare’ EJIL:Talk! (1 June 2016) <www.ejiltalk.org/universal-jurisdiction-or-regional-warfare/>; and H Kissinger, ‘The Pitfalls of Universal Jurisdiction: Risking Judicial Tyranny’ (2001) 80 Foreign Affairs 86-96.

¹³ The Princeton Principles on Universal Jurisdiction (2001) <<http://hrlibrary.umn.edu/instree/princeton.html>>; and the Cairo/Arusha Principles on Universal Jurisdiction (2004) <<http://jurisdiccionaluniversal.org/wp-content/uploads/2018/07/The-Cairo-Arusha-Principles.pdf>>.

¹⁴ A-M Slaughter, ‘Defining the Limits: Universal Jurisdiction and National Courts’, in S Macedo (ed) *Universal Jurisdiction: National Courts and the Prosecution of Serious Crimes under International Law* (U Pennsylvania Press 2004) 168-190; and A Cassese, ‘Is the Bell Tolling for Universality? A Plea for a Sensible Notion of Universal Jurisdiction’ (2003) 1 Intl J Crim Justice 589-595.

¹⁵ Amnesty International, ‘Universal Jurisdiction’ (n 10) 5.



In parallel, the direct pressure from foreign Governments following the mounting tide of claims against high-ranking officials,¹⁶ led to significant reforms in the applicable legislation in Belgium (in 2003)¹⁷ and Spain (in 2009 and 2014).¹⁸ The reforms – regarded by some as an ‘amputation’ – resulted in significant restrictions to the possibility to exercise universal jurisdiction in both countries.¹⁹

At that point, some warned about the impending disappearance of universal jurisdiction, others even heralded its death.²⁰ Arguably, these cries were premature and, at the very least, one can detect a ‘wandering path’, between rise and fall, in the life and application of the principle.²¹ While it is indisputable that, for some years, the use of universal jurisdiction was rather subdued, it never truly ceased,²² and, since 2015, it is seemingly striving towards a new golden age. In this regard, the reported number of newly opened cases on crimes under international law under the principle of universal jurisdiction increased by 44% between 2016 and 2021 in Europe.²³ Between 2022 and 2023, they increased another

¹⁶ See, among others, ‘US Reaction to Belgian Universal Jurisdiction Law’ (2003) 97 *AJIL* 984-987.

¹⁷ A Baillieux, ‘L’histoire de la loi belge de compétence universelle. Une Valse à trois temps: ouverture, étroitesse, modestie’ (2005) 59 *Droit et société* 107-134.

¹⁸ A Sánchez Legido, ‘El fin del modelo español de jurisdicción universal’ (2014) 27 *Revista Electrónica de Estudios Internacionales* 1-40; and I de la Rasilla del Moral, ‘The Swan Song of Universal Jurisdiction in Spain’ (2009) 9 *Intl Crim L Rev* 777-808.

¹⁹ J Ríos Rodríguez, ‘La restriction de la compétence universelle des juridictions nationales: les exemples Belge et Espagnol’ (2010) 114 *Revue générale de droit international public* 563-595; and A Lagerwall, ‘Que reste-t-il de la compétence universelle au regard de certaines évolutions législatives récentes?’ (2009) 55 *Annuaire Français de Droit International* 743-763.

²⁰ R Ben-Ari, ‘Universal Jurisdiction: Chronicle of a Death Foretold?’ (2015) 43 *Denver J Intl L and Policy* 165-198; and D Luban, ‘After the Honeymoon: Reflections on the Current State of International Criminal Justice’ (2013) 11 *J Intl Crim Justice* 505-515.

²¹ M Langer, ‘Universal Jurisdiction is Not Disappearing: The Shift from ‘Global Enforcer’ to ‘No Safe Haven’ Universal Jurisdiction’ (2015) 13 *J Intl Crim Justice* 245-256; L Reydam, ‘The Rise and Fall of Universal Jurisdiction’, in W Schabas, N Bernaz (eds), *Routledge Handbook of International Criminal Law* (Routledge 2011) 377-354; and N Roht-Arriaza, ‘Universal Jurisdiction: Steps Forward, Steps Back’ (2004) 17 *Leiden J Intl L* 375-389.

²² W Kaleck, ‘From Pinochet to Rumsfeld: Universal Jurisdiction in Europe 1998-2008’ (2009) 30 *Michigan J Intl L* 927-980.

²³ TRIAL International, Civitas Maxima, Center for Justice and Accountability, European Center for Constitutional, International Federation for Human Rights,



33%.²⁴ In particular, 2023 saw a steep increase in the number of investigations opened, trials held and convictions handed down pursuant to the principle of universal jurisdiction, thus reviving global interest and, alongside it, expectations.

Compared to the end of the 1990s, the ‘geographical landscape’ in the use of universal jurisdiction has somewhat changed.²⁵ At the forefront, there are today Germany, Sweden, France, Switzerland, The Netherlands and the United Kingdom and, outside Europe, Argentina.²⁶

Landmark convictions were obtained, including with regard to persons responsible for crimes under international law perpetrated in Iran, Iraq, Syria, Liberia and The Gambia.²⁷ Ground-breaking investigations were launched and are ongoing, and trials concerning crimes allegedly

Redress, ‘Universal Jurisdiction Annual Review 2023’ <https://trialinternational.org/wp-content/uploads/2023/11/UJAR-2023_13112023_updated.pdf> 5.

²⁴ ‘Universal Jurisdiction Annual Review 2024’ (n 4) 11.

²⁵ For an assessment of where the application of universal jurisdiction in Belgium stands, see TRIAL International and Open Society Justice Initiative, ‘Droit et pratique de la compétence universelle en Belgique’ (2022) <<https://trialinternational.org/wp-content/uploads/2022/05/UJ-Belgium-FR-1.pdf>>. Indeed, despite the restrictions in the use of the principle, trials still took place and significant achievements were made in recent years. For instance, in December 2023, the Court of Assizes in Leuven sentenced five former Guatemalan ministers and high-ranking officers to life imprisonment for crimes against humanity committed in Guatemala in the 1990s. See, among others, <www.vrt.be/vrtnws/en/2023/12/15/former-guatemalan-ministers-and-army-officers-convicted-of-the-m/>.

²⁶ ‘Universal Jurisdiction Annual Review 2024’ (n 4) 11-12. On Argentina, see also MM Márquez Velásquez, ‘The Argentinian Exercise of Universal Jurisdiction 12 Years after its Opening’ *Opinio Juris* (4 February 2022) <<https://opiniojuris.org/2022/02/04/the-argentinian-exercise-of-universal-jurisdiction-12-years-after-its-opening/>>.

²⁷ Among the main achievements in the past years, one can mention the conviction, in January 2022, of Mr Anwar Raslan and Mr Eyad al-Gharib in Germany for crimes against humanity perpetrated in Syria; the conviction, in July 2022, by the Stockholm District Court of Mr Hamid Noury for war crimes perpetrated in Iran in the 1980s; in November 2022, the Paris Criminal Court found Mr Kunti Kamara guilty of crimes against humanity committed in Liberia in the 1990s: see ‘Universal Jurisdiction Annual Review 2023’ (n 23) 31, 56-57 and 67. In November 2023, Mr Bai Lowe was convicted in Germany for crimes perpetrated in The Gambia in 2003 and 2006 respectively. In December 2023, Mr Manuel Benedicto Lucas García, Mr Manuel Antonio Callejas y Callejas, Mr Pedro García Arredondo, Mr Ángel Aníbal Guevara Rodríguez, and Mr Donaldo Álvarez Ruiz were sentenced to life imprisonment by the Leuven Criminal Court for crimes against humanity committed in Guatemala in the Eighties against Belgian missionaries: see ‘Universal Jurisdiction Annual Review 2024’ (n 4) 28-29. In March 2024, an ISIL member was convicted in Portugal for crimes committed in Iraq.



committed in Syria, The Gambia and Rwanda began in 2024, among others, in France, Switzerland and Germany.

The above-mentioned data and figures indicate that universal jurisdiction is alive and kicking. But, what contributed to what has been referred to as a true ‘re-birth’?²⁸ Bearing in mind past experiences, are there any looming risks to the survival of the principle of universal jurisdiction?

As a matter of fact, even in this new rise in the use of universal jurisdiction, some significant ‘defeats’ have been registered,²⁹ and, in several countries, including Germany and Spain, reforms on the applicable legislation have been proposed or are in the making, thus offering a chance for further improvement, but, at the same time, could lead to some setbacks.³⁰ Significant challenges to the use of universal jurisdiction remain,

²⁸ D Adhab, ‘The Rebirth of Universal Jurisdiction’ (n 4); M Langer, M Eason, ‘The Quiet Expansion of Universal Jurisdiction’ (2019) 30 *Eur J Intl L* 779-817; and Y Han, ‘Rebirth of Universal Jurisdiction?’ *Ethics & International Affairs* (31 August 2017) <www.ethicsandinternationalaffairs.org/online-exclusives/rebirth-of-universal-jurisdiction>.

²⁹ For instance, in Germany, the complaint filed in January 2023 for atrocities committed by Myanmar generals was dismissed in November 2023 by the Federal Public Prosecutor (<www.fortifyrights.org/mya-inv-stm-2023-11-30/>). In other cases, trials that raised significant expectations, such as that of a former Belarusian State agent which took place in September 2023 in St Gallen (Switzerland) ended in an acquittal that generated much frustration and is currently being considered in appeal (<www.justiceinfo.net/en/122454-surprise-move-swiss-court-acquits-belarusian-enforced-disappearances.html>). On the latter, see A Srovin Coralli, ‘All Eyes on Switzerland: Enforced Disappearances in Belarus and the Application of the Principle of Non Retroactivity’ *Opinio Juris* (19 September 2023) <<https://opiniojuris.org/2023/09/19/all-eyes-on-switzerland-enforced-disappearances-in-belarus-and-the-application-of-the-principle-of-non-retroactivity/>>.

³⁰ M Boe, ‘Progress or Patchwork? – Increasing the Impact and Outreach of German Universal Jurisdiction Trials’ *Völkerrechtsblog* (17 January 2024) <<https://voelkerrechtsblog.org/progress-or-patchwork/>>; K Ambos, ‘International Criminal Law in Germany: An Overdue but Incomplete Reform’ *EJIL:Talk!* (4 January 2024) <www.ejiltalk.org/international-criminal-law-in-germany-an-overdue-but-incomplete-reform/?utm_source=mailpoet&utm_medium=email&utm_campaign=ejil-talk-newsletter-post-title_2>; and W Kaleck, A Schüller, ‘Room for Improvement: A Critical Assessment of 20 Years of the Code of Crimes Against International Law in Germany from an NGO Perspective’ (2023) 21 *J Intl Crim Justice* 857-870. In Spain, in 2023, proposals to amend the existing legislation have been lodged (<www.elmundo.es/espana/2023/10/26/653a45bae85ece1a148b4585.html>).



especially concerning the collection of evidence and the applicable criteria of assessment,³¹ the requirement of double criminality,³² the application of immunities, and the use of universal jurisdiction to establish – beyond individual responsibility – also corporate responsibility.³³ The ‘recipe’ for the effective – and undisputed – use of universal jurisdiction remains to be determined.³⁴

Time seems ripe for a stocktake, as suggested also by the proposal to include the study of the topic in the long-term programme of work of the International Law Commission.³⁵

Against the backdrop of an increasingly rich practice, QIL asked Ana Srovin Coralli and Luca Gervasoni to reflect on where we stand with regard to the use of universal jurisdiction to hold perpetrators of crimes under international law accountable, what it took to get there, and how far it is possible to stretch the limits (if any).

In her thought-provoking contribution, Ana Srovin Coralli critically analyses how the very notion of universal jurisdiction has been and should be interpreted, and how this might realistically reshape the expectations towards its potential and the assessment of its success (or lack thereof).

In his contribution, Luca Gervasoni traces the main achievements in the use of universal jurisdiction over the past years and assesses what the enablers of these successes were, including in terms of domestic legislation and the creation of dedicated prosecutorial units. Also identifying remaining challenges, the author offers a critical assessment of what it

³¹ TRIAL International, REDRESS, European Center for Constitutional and Human Rights, International Federation for Human Rights and the International Foundation Baltasar Garzón, ‘Evidentiary Challenges in Universal Jurisdiction Cases’ (2019) <https://trialinternational.org/wp-content/uploads/2019/03/Universal_Jurisdiction_Annual_Review2019.pdf>.

³² See, among others, M. Ghyoot, W. Mahmoud Elfarss, ‘Universal Jurisdiction: Arguments for a More ‘Universal Double Criminality Requirement in France’, *Opinio Juris* (21 July 2023) <<https://opiniojuris.org/2023/07/21/universal-jurisdiction-arguments-for-a-more-universal-double-criminality-requirement-in-france/>>.

³³ See, among others, ‘Universal Jurisdiction Annual Review 2023’ (n 23) 11; and K Magraw, ‘Universally Liable - Corporate-Complicity Liability Under the Principle of Universal Jurisdiction’ (2009) 58 *Minnesota J Intl L* 458-497.

³⁴ Amnesty International, 14 Principles on the Effective Exercise of Universal Jurisdiction (1999) <www.amnesty.org/fr/wp-content/uploads/2022/03/ior530011999en.pdf>.

³⁵ CC Jalloh, ‘Universal Criminal Jurisdiction, Annex to the Report of the International Law Commission on the work of its Seventieth Session’ UN Doc A/73/10 (2018).



takes to ensure the effective exercise of universal jurisdiction and, possibly, even extend its scope of application.

At a time where the identification of effective pathways to justice to ensure that perpetrators of crimes under international law do not go unpunished is more necessary than ever, the use of universal jurisdiction holds great potential, but can essentially be regarded as fragile. Yet, in the face of rampant impunity worldwide and with the aim of preventing further atrocities, it is crucial to gear up and make the best use of this powerful tool. We do not know if sky is the limit to the application of universal jurisdiction, but in the meantime, QIL aims at identifying what it would take to get there... and even beyond.

