



UNIVERSAL JURISDICTION

A PRACTICE GUIDE

A NOTE FROM THE EXECUTIVE DIRECTOR



JUST ATONEMENT INC.



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JUST ATONEMENT INC. (“JAI”) is a non-partisan international nonprofit that unites lawyers in order to defend democracy and build a durable, sustainable and global peace. JAI was created with the vision that international human rights legal academics and practitioners must use their research, skills and knowledge of the law at the local, national and international level to defend democracy, resist overgrown executive power and fight for a peaceful world. JAI holds the view that impunity for governmental officials must no longer be tolerated. Instead, JAI focuses its efforts on challenging executive power in the areas of war and peace and the mitigation of anthropogenic climate change.

In an effort to educate and provide human rights practitioners and activists with the legal tools needed to help rid the world of governmental indemnity, JAI has created this *Practice Guide to Using Universal Jurisdiction*. The Practice Guide is meant for human rights practitioners all over the world, to assist litigators with advancing and winning arguments related to universal jurisdiction.

Lastly, JAI would like to extend a special thanks to the many people whose inputs, ideas and commitment have made this practice guide possible.

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JUST ATONEMENT INC.



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PREFACE

This *Practice Guide to Using Universal Jurisdiction* is a practitioner’s manual designed to assist attorneys in litigating human rights doctrines through the ancient vehicle of universal jurisdiction.

THE PURPOSE OF THE PRACTICE GUIDE

The purpose of the *Practice Guide to Using Universal Jurisdiction* is to inform readers—whether attorneys, scholars, advocates, students, victims, or merely individuals interested in how the law shapes global governance—about the theory, use and practice of universal jurisdiction domestically, regionally, and internationally.

Though the doctrine of universal jurisdiction is implemented within domestic and regional judiciary systems, its core is founded on principles of international law, making the concept a complex, complicated, and often ambiguous, as well as frustrating area of international law. Such characteristics inevitably result in contradictory scholarly publications and judicial opinions. Nevertheless, the principle of universal jurisdiction carries the potential of being an extremely effective tool of justice. It has the ability to provide justice by holding the world’s most powerful individuals accountable for crimes committed of the most heinous character.

The authors of the *Practice Guide* are attempting to provide its readers with essential information about the past and present use of universal jurisdiction in an effort to help revive this constantly overlooked vehicle for change, as well as make it easier on those who do not have the time to sift through thousands of pages of literature on the topic.



PRACTICE GUIDE ROADMAP

Universal Jurisdiction is divided into three sub-guides:

The Theory of Universal Jurisdiction

United States Practice

and

Special Considerations Regarding Universal Jurisdiction