The following is a brief summary of Amnesty International’s 14 Principles on the effective exercise of universal jurisdiction (AI Index: IOR 53/01/99). For further detail of the principles and legal arguments in favour of them, please refer to the full document.

Amnesty International’s 14 Principles on the Effective Exercise of Universal Jurisdiction:

1. States should ensure that their national courts can exercise universal jurisdiction over genocide, crimes against humanity, war crimes, torture, extrajudicial executions and “disappearances.”

2. National laws should ensure that the national courts can prosecute anyone suspected or accused of the crimes whatever their official capacity at the time of the alleged crime or anytime thereafter.

3. National laws should ensure that the national courts can exercise universal jurisdiction over the crimes no matter when the crimes occurred, including crimes committed before the universal jurisdiction law is enacted.

4. National laws should ensure that there is no time limit after which a person accused of the crimes cannot be prosecuted.

5. National laws should ensure that persons on trial in national courts can only raise defences that are consistent with international law. In particular, claiming that the person was acting on superior orders, under duress or out of necessity should not be permissible defences.

6. National laws should ensure that national courts can exercise jurisdiction over the crimes in cases where the suspect or accused is shielded from justice in any other national jurisdiction (for example, a person who has been granted amnesty by the authorities where the crime took place).

7. Decisions to start or stop an investigation or prosecution should be made only by the prosecutor, subject to judicial scrutiny, which does not impair the prosecutor’s independence, based solely on legal considerations, without outside political interference.

8. National laws should require national authorities exercising universal jurisdiction to investigate the crimes and, where there is sufficient admissible evidence, to prosecute, without waiting for a complaint by a victim or any other person with a sufficient interest in the case.

9. National laws should ensure that the trial will be fair and prompt in strict accordance with international law and standards for fair trials. All branches of government, including the police, prosecutor and judges must ensure that these rights are fully respected.

10. Intergovernmental and non-governmental organizations should be permitted to attend and monitor trials.

11. National courts must protect victims, witnesses and their families. Investigation of crimes must take into account the special interests of vulnerable victims and witnesses, including children. Courts
must award appropriate redress to victims and their families.

12. National law should ensure that the crimes are not punishable by the death penalty or other cruel, inhuman or degrading punishment.

13. States should cooperate fully with other states exercising universal jurisdiction.

14. Judges, prosecutors and investigators should receive effective training in human rights law, international humanitarian law and international criminal law.