



UNIVERSAL JURISDICTION UPDATES **(April – June 2023)**

April 2023

1. Trial International has released its Annual UJ review (2023). There is no update on the Rohingya case in Argentina filed by AJC member BROUK - the investigation is ongoing (p. 22). A Sri Lankan national's case is under investigation in the US for the alleged crimes committed in 200-2001 (p. 92). The full review is [available here](#).
2. On 14 April, the [Indonesian Constitutional Court rejected the judicial review petition](#) of Law No. 26 of 2000 on the Human Rights Court filed by Marzuki Darusman, Muhammad Busyro Muqoddas, and the Alliance of the Independent Journalists (AJI). The Petitioners argued that the phrase 'by an Indonesian citizen' in Article 5 of Law No. 26 of 2000 and its elucidation was unconstitutional and they requested that it be declared unconstitutional so that universal jurisdiction can be applied in Indonesia.

Amongst other things, the Court asserted that 'universal jurisdiction is not absolute, but must be balanced with international obligations and other interests of the state, so the state can refuse to exercise universal jurisdiction if the global political, social, and economic dynamics or other needs and interests (rapidly changing situation) do not allow. On the one hand, especially it could potentially interfere with national interests, and on the other hand, it is also not necessarily able to effectively provide a sense of justice for victims of gross human rights violations.'

3. AJC member Pavani Bhat (Legal Associate, Fortify Rights) spoke with Asymmetrical Haircuts concerning the UJ case filed in Germany against the Myanmar military. Listen to the [podcast here](#).
4. A new [Private Member bill](#) has been tabled in the UK by Mr Brendon O'Hara. The bill provides that offences of genocide, crimes against humanity and war crimes may be tried in the UK regardless of the nationality or residence of the offender; and for connected purposes.
5. The former Gambian Interior Minister [Mr Ousman Sonko has been indicted](#) by a Swiss Court for the alleged commission of crimes against humanity (2000-2016).

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6. Rohingya UJ case- The Argentinian Court will hold a week-long hearing (closed session) in the [universal jurisdiction case against the Myanmar military](#) brought by Asia Justice Coalition member Burmese Rohingya Organisation UK (BROUK) for the crimes committed against the Rohingya.
7. On 19 May, a US citizen, Ross Roggio, was [convicted by the US court](#) under the 1994 anti-torture statute among other charges, for the acts committed in Iraq. (a non-UJ update but a significant development in US jurisprudence since the Charles Taylor's case)
8. On 23 May, Eurojust marked the EU Day Against Impunity and held a panel discussion on '[Stepping up the fight against impunity – national, EU & global response](#)' - discussing the good practices, lessons, and potential in investigation and prosecution of universal jurisdiction cases.
9. In May, [French Supreme Court gave two rulings](#) on universal jurisdiction.

First, in a case concerning a Syrian reservist, the court reversed the 2021 panel decision by giving a wider interpretation of the double criminality rule and made way for the prosecution. In doing so, it penned down certain limitations as well.

Second, in a case against Islam A, the court interpreted the facts of the case to read acts committed by non-State actors within the torture provision under French law that recognises acts committed by 'public official/official capacity'.

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10. On 8 June, the Syria Justice and Accountability Centre (SJAC) has [published a list of best practices](#) for the CSOs pursuing universal jurisdiction matters.
11. On 1 June, a [Swiss Court convicted the former ULIMO commander](#) of Liberia, Alieu Kosiah, for 20 years for war crimes and crimes against humanity committed in the early 1990s.