

LEGAL

Study Guide

Universal Jurisdiction

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I. Letter from the Secretary-General

Highly Esteemed Delegates,

First and foremost, I would like to express my sincere gratitude for your interest and enthusiasm regarding our conference. My name is Yaren Keçili, and I have the honor of serving as your Secretary-General for the 8th edition of the Troy Model United Nations Conference this year. I embrace this role with immense appreciation. Similar to previous years, we have dedicated our efforts to creating a range of engaging and diverse committees for your benefit. We take great pride in the work we have prepared for you and sincerely hope that you will find it beneficial as well. Both the academic and operations teams have been working very hard to serve you to the best of their abilities and give you an unforgettable experience.

I wish to show my gratitude to the chair board and Zeynep Kayalaçın, who is going to serve as your Under-Secretary-General. All my teammates made great efforts in the process leading up to the conference. Hence, they need all the praise for their hard work.

I trust that all our delegates will engage in enlightening discussions throughout the three days they are with us, cultivate creative solutions to global challenges, be at the forefront of diplomacy and academia, and enjoy the experience in the process. Once again, I would like to welcome you all to both the conference and the committee. Buckle up and get ready because we have prepared an incredible ride for you.

Yours Sincerely,

Yaren Keçili

Secretary-General of Troy Model United Nations 2025

II. Letter from the USG

Greetings, I am the USG of Legal in TroyMun 25 conference, Zeynep Kayalaçin. I believe that in these three days, with my experience and your enthusiasm we can experience academic enriching and fun three days.

Me and my lovely co-chair İdil, İrem and İda have prepared the most easily understood and helpful study guide that we could create. At any time you can find us to ask conference related questions, we will be ready to help you.

If you have any prior questions about the guide or the committee, you can email me and I will respond as quickly as possible.

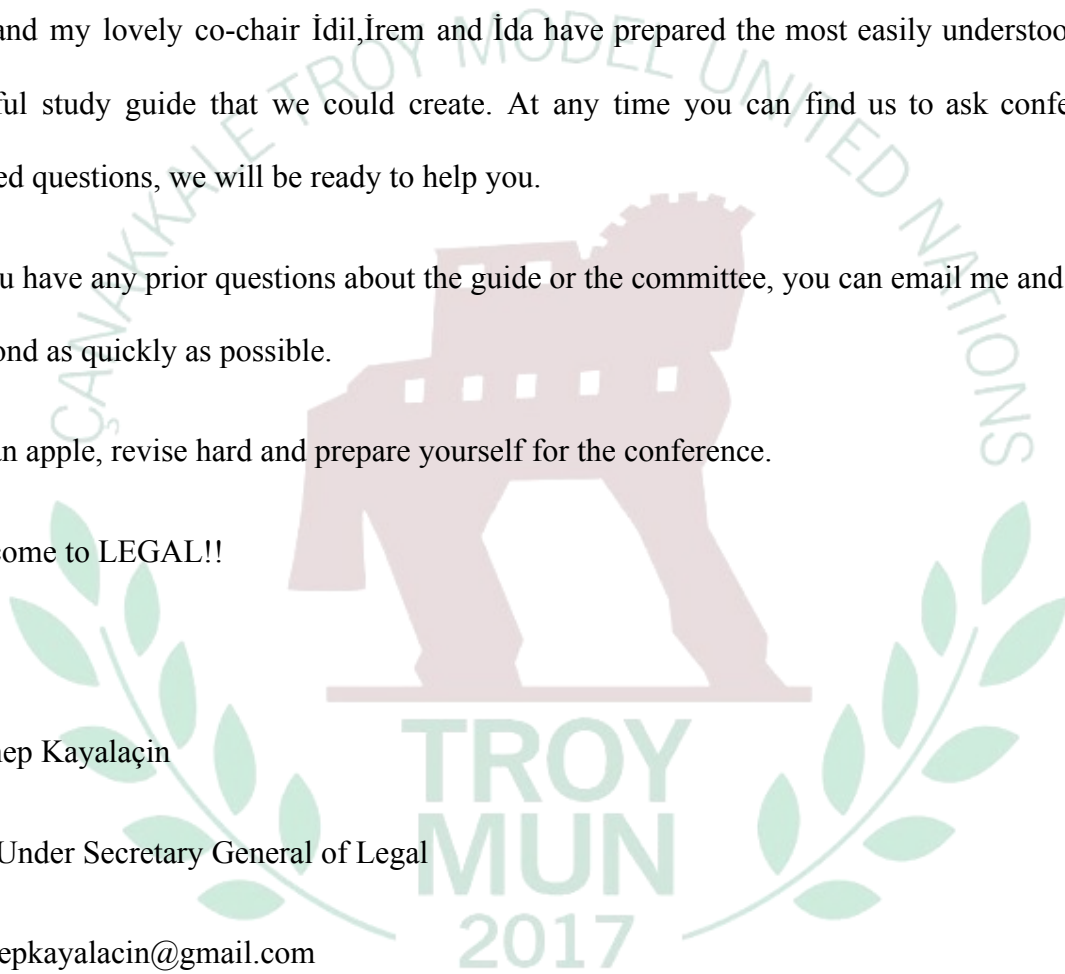
Eat an apple, revise hard and prepare yourself for the conference.

Welcome to LEGAL!!

Zeynep Kayalaçin

The Under Secretary General of Legal

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III. Introduction to the Committee: LEGAL (The General Assembly Sixth Committee)

The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the United Nations Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.



Founded in 1945 by the United Nations Charter, the General Assembly serves as the main deliberative, policymaking, and representative body of the United Nations. Made up of all 193 UN Member States, it offers a distinct platform for multilateral discussions on a wide range of international topics addressed by the Charter. Additionally, it is crucial in establishing standards and codifying international law.

According to the Charter of the United Nations, the General Assembly may:

- Consider and approve the United Nations budget and establish the financial assessments of Member States
- Consider and make recommendations on the general principles of cooperation for maintaining international peace and security
- Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it
- Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations

- Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields

IV. Introduction to the Agenda Item: Universal Jurisdiction

A. What is Universal Jurisdiction

Universal jurisdiction is a legal principle that allows states or international organizations to claim criminal jurisdiction over an accused person, regardless of where the alleged crime was committed and irrespective of the accused nationality, country of residence, or any other connection to the prosecuting entity. This principle pertains to the notion that a national court has the authority to prosecute individuals for grave offenses against international law — including crimes against humanity, war crimes, genocide, and torture — grounded in the belief that these offenses inflict harm on the international community or the international order itself, which individual States are entitled to safeguard. Generally, universal jurisdiction is invoked where other conventional bases for criminal jurisdiction are unavailable, for example: the defendant is not a citizen of the State, the defendant did not perpetrate an offense within the territory of that State or against its citizens, or the national interests of the State are not negatively impacted.

History of Universal Jurisdiction

Most of the core international crimes were formally defined and codified in the aftermath of World War II. These include war crimes, genocide, and crimes against humanity — includes acts such as rape, forced disappearances, extrajudicial executions, torture, mass murder, ethnic cleansing, and the use of banned weapons of war. In response to the atrocities

committed during the war, the Allied powers established international tribunals to prosecute individuals for war crimes and crimes against humanity. For the first time in legal history, state leaders and military officials were held personally accountable under international law. The establishment of the United Nations in 1945 marked a turning point in global governance, with the organization aiming to prevent future conflicts, uphold human rights, and develop a framework for international justice. To achieve these goals, the UN has signed international peace contracts and banned major crimes against humanity. Universal jurisdiction emerged from these efforts, driven by the need to create a safer world and to ensure the prosecution of serious international crimes.

The Importance of Universal Jurisdiction

Universal jurisdiction finds its fundament in the nature of the infraction, that is of such a severity that these crimes affect the fundamental interests of the international community as a whole. Neither the location of the crime, the nationality of the offender, nor that of the victim is relevant in this context.

Universal jurisdiction has emerged as a significant tenet of international law following World War II. It has been acknowledged in the Geneva Conventions (1949), which outline the regulations of warfare. As time has progressed, this principle has been solidified and incorporated into other key international treaties, including the Convention against Torture (1984).

Historically, the absence of a permanent international criminal tribunal has heightened the likelihood that individuals committing such crimes could operate without fear of consequences. To counter this, the States Parties to the Geneva Conventions pledge to engage in the search, prosecution, and punishment of those responsible for war crimes and crimes against humanity. The stipulations of the Geneva Conventions extend far beyond the

traditional mutual assistance typically provided between States, aimed at preventing criminals from evading prosecution merely by crossing borders. The responsibilities of States regarding mutual assistance in criminal matters generally necessitate a choice between the duty to prosecute and the duty to extradite.

In principle, victims of torture, war crimes, or crimes against humanity have the right to submit complaints to foreign domestic courts based on universal jurisdiction, as outlined in the 1949 Geneva Conventions concerning its serious violations and the 1984 Convention against Torture. The application of this universal jurisdiction represents the most effective means available at the international level today for addressing the gravest offenses.

D. Compulsory Criminal Universal Jurisdiction

This means that a country has to prosecute someone who has committed a serious international crime, even if the crime didn't happen in that country or involve its citizens. The country doesn't have a choice—they're required to take action.

The idea is that these crimes are so serious that they affect the whole world, so no one should get away with them, even if they're outside the country where the crime was committed.

1. Torture

Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. The prohibition against torture is a bedrock principle of

international law. Torture, as well as cruel, inhuman or degrading treatment, is banned at all times, in all places, including in times of war. No national emergency, however dire, ever justifies its use. No one may ever be returned to a place where they would face torture

Since the end of World War II, torture has been rejected as a violation of basic human rights and publicly condemned by most countries in the world; international treaties such as the United Nations Convention Against Torture (CAT) require signatory parties to end torture within their territorial jurisdiction and to criminalize all acts of torture. Another important feature of the CAT is Article 5 (2), which ensures universal jurisdiction over crimes of torture. It reads: "Each State Party shall [...] take such measures as may be necessary to establish its jurisdiction over offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him [...]." The CAT thus sets in place a regime based on the principle of *aut dedere aut judicare*, where states parties are obliged to either prosecute an alleged torture perpetrator, or to extradite such a person to a state that claims jurisdiction because the act of torture was committed on its territory or by or against a national.

Torturers are more frequently motivated by fear or constrained resources rather than by sadistic tendencies. While it is believed that most torturers acquire knowledge of torture methods informally and seldom receive direct orders, they are supported by organizations that promote and endorse their actions. Once a torture program is initiated, it typically escalates beyond its original scope and often results in the involved agencies becoming less effective. The objective of torture is to undermine the victim's will, obliterate their sense of agency and identity, and it is recognized as one of the most detrimental experiences a person can endure. Many victims endure both physical harm—chronic pain being particularly prevalent—and psychological repercussions. Although survivors of torture exhibit some of

the highest rates of post-traumatic stress disorder, many demonstrate significant psychological resilience.

2. War Crimes

A war crime is a violation of the laws of war that gives rise to individual criminal responsibility for actions by combatants in action, such as intentionally killing civilians or intentionally killing prisoners of war, torture, taking hostages, unnecessarily destroying civilian property, deception by perfidy, wartime sexual violence, pillaging, and for any individual that is part of the command structure who orders any attempt to committing mass killings (including genocide or ethnic cleansing), the granting of no quarter despite surrender, the conscription of children in the military, and flouting the legal distinctions of proportionality and military necessity.

The formal concept of war crimes emerged from countries fighting and the codification of the customary international law that applied to warfare between sovereign states, such as the Lieber Code (1863) of the Union Army in the American Civil War and the Hague Conventions of 1899 and 1907 for international war. Following the conclusion of the Second World War, the trials for war crimes involving the leaders of the Axis powers laid down the Nuremberg principles of law, which stipulate that international criminal law delineates the definition of a war crime. In 1899, the Geneva Conventions provided a legal definition for new war crimes and affirmed that states have the authority to exercise universal jurisdiction over individuals accused of war crimes. In the late 20th century and early 21st century, international courts extrapolated and defined additional categories of war crimes applicable to a civil war. War crimes are crimes that come under the collective name of 'core international crimes'. Core international crimes represent some of the most serious offenses in international

law. Examples of such crimes include genocide, crimes against humanity, war crimes, and torture.

In 1993, the Belgian legislature enacted a contentious law that granted its courts the authority to prosecute any individual accused of a war crime, regardless of their location. This law resulted in lengthy prison sentences for two Rwandan nuns convicted of genocide and prompted judicial complaints against numerous world leaders, including Israeli Prime Minister Ariel Sharon, Cuban President Fidel Castro, and Palestinian leader Yasser Arafat. However, in 2002, the International Court of Justice invalidated the law. The following year, the Belgian government repealed the law and introduced a new statute stipulating that either the victim of the war crime or the accused must be a Belgian citizen or resident.

In 1998, approximately 150 countries convened in Rome to establish a permanent international criminal court. The negotiations ultimately culminated in the adoption of the Rome Statute by 120 countries, which established the International Criminal Court (ICC) to be permanently situated in The Hague. The statute granted the ICC jurisdiction over crimes of aggression, genocide, crimes against humanity, and war crimes. The court was officially established on July 1, 2002, and by 2019, the statute had been ratified by over 120 countries; however, three of the permanent members of the UN Security Council-China, Russia, and the United States-had not endorsed it.

E. Optional Criminal Universal Jurisdiction

Optional universal jurisdiction is a bit more flexible. In this case, a country can choose whether or not to prosecute someone for certain crimes, even if the crime was committed in another country or by people with no connection to that country. So the country has the option to take action, but it doesn't have to.

Compulsory jurisdiction means a country must act (prosecute or extradite), while optional jurisdiction means a country can choose whether to act or not. Compulsory jurisdiction mostly applies to the most serious crimes, like genocide or war crimes, which are seen as crimes against the whole world. Optional jurisdiction applies to crimes that may be serious but not considered globally urgent or universally agreed upon.

1. Terrorism

Terrorism, in its most comprehensive definition, refers to the employment of violence against non-combatants to fulfill political or ideological objectives. This term is primarily utilized to denote deliberate violence occurring during peacetime or within the framework of war directed at non-combatants. Numerous definitions of terrorism exist, yet there is no consensus on a singular definition. Various interpretations of terrorism highlight its arbitrary nature, its purpose of inducing fear, and its extensive repercussions that extend beyond the immediate victims.

Contemporary terrorism, which has developed from previous forms, utilizes a range of strategies to achieve political aims, frequently exploiting fear as a tactical instrument to sway decision-makers. By targeting crowded public spaces such as transportation hubs, airports, shopping malls, tourist sites, and nightlife locations, terrorists seek to create a pervasive sense of insecurity, thereby instigating policy alterations through psychological means and eroding trust in security protocols.

The terms "terrorist" and "terrorism" emerged during the French Revolution in the late 18th century, but they gained widespread international usage and garnered global attention in the 1970s amid the Troubles in Northern Ireland, the Basque conflict, and the Israel-Palestinian conflict.

Terrorists may seek to leverage the media to disseminate their message or influence their intended audience. Shamil Basayev utilized this strategy during the Budyonnovsk hospital hostage situation and once more in the Moscow theater hostage crisis.

Stabbing attacks, a historical tactic, have reemerged as a prevalent form of terrorism in the 21st century, notably during the 2010s and 2020s. This resurgence originated with the GIA in the 1990s and later expanded among Palestinian terrorists and Islamic State militants. The trend gained momentum with a wave of "lone wolf" terrorist stabbing attacks by Palestinians targeting Israelis beginning in 2015. Subsequently, this pattern extended to Europe during the surge of Islamic terrorism in the 2010s, witnessing "at least" 10 stabbing attacks allegedly motivated by Islamic extremism by the spring of 2017, with France experiencing a notable concentration of such incidents.

F. Offences Committed in High Seas

Universal jurisdiction stands as a pivotal, albeit exceptional, principle within international criminal law, empowering states to prosecute individuals for the most egregious crimes, irrespective of where the offenses were committed or the nationality of the perpetrator or victim.

This report provides a comprehensive analysis of its evolution, legal underpinnings, scope with a particular focus on transnational offenses and crimes on the high seas and the persistent challenges that temper its application. Originating from the ancient concept of *hostis humani generis* applied to piracy, universal jurisdiction expanded significantly post-World War II to encompass core international crimes such as genocide, war crimes, crimes against humanity, and torture.

It is firmly rooted in both customary international law and a growing body of international treaties, which often impose an *aut dedere aut judicare* (extradite or prosecute) obligation on signatory states. While its application to piracy on the high seas is well-established under the UN Convention on the Law of the Sea (UNCLOS), ambiguities in defining "private ends" pose challenges for contemporary maritime threats, such as attacks on undersea cables. Practical impediments, including a lack of political will, insufficient resources, and difficulties in evidence collection and securing custody, further complicate its effective implementation.

Despite these limitations, national courts are increasingly recognized as crucial actors in the global fight against impunity, complementing and, at times, effectively reversing the complementarity principle of international tribunals like the International Criminal Court (ICC) when territorial states are unable or unwilling to act. The report concludes with recommendations for strengthening domestic legal frameworks, enhancing international cooperation, and navigating the complexities of immunities to foster a more consistent and effective application of universal jurisdiction in an evolving international legal landscape.

1. Piracy

Piracy is the oldest international crime, and yet despite considerable global efforts, it persists and continues to evolve in various ways and contexts. The international community is equally persistent in its response, building on longstanding international legal frameworks and adopting new approaches to meet the challenge. Piracy has significant impacts on multiple aspects of sustainability.

Piracy has a long history under international law, and over time, rules around it have developed to deal with different global challenges. One of the key principles that emerged is universal jurisdiction over piracy. This means that any state can take action against pirates, no

matter where the crime happened or what nationality the pirates are. This idea has been part of customary international law and is reflected in treaties like the Hague Suppression of Piracy Convention (HSC) and the United Nations Convention on the Law of the Sea (UNCLOS). However, even though this kind of jurisdiction existed for a long time, it wasn't really put into practice until the rise of Somali piracy in the early 2000s.

Compared to the time when the HSC and UNCLOS were first adopted, both the nature of piracy and the global demand for maritime security have changed. As a result, the legal system designed to fight piracy should also evolve to match current realities. This is important not just for stopping piracy, but also for protecting marine security more broadly and supporting the sustainable development of the shipping industry and the oceans.

To build a more sustainable anti-piracy legal system, it's important to strengthen universal jurisdiction in a way that makes sense today.

At the same time, political and economic sustainability should be considered too. For example, different states might have different interests, so finding a balanced approach is important. In the end, piracy is a crime under international law that's subject to universal jurisdiction. All states need to keep working toward a more complete legal system to prosecute pirates in line with international law. But it's also clear that universal jurisdiction alone isn't enough. As the UN Security Council has pointed out, solving piracy requires a broader set of actions, including addressing the root causes behind it. This is an essential part of building a truly sustainable solution to piracy.

2. UNCLOS

'Law of the sea' is basically a set of international rules. It tells countries near the ocean what they can do in different parts of the sea, and what everyone's rights and responsibilities are

when using the ocean and its stuff, like fish or oil. The main thing people think of when they hear 'law of the sea' is this big international agreement called UNCLOS. The United Nations helped make it. Lots of countries (117, actually) signed it in 1982, and it officially started in 1994. Now, 133 countries have signed and agreed to it, but some big ones like Canada, Israel, Turkey, the USA, and Venezuela haven't. This treaty basically wrote down some old international rules and also made up new ones for the ocean and how things work there. Think of UNCLOS as a starting point, like a basic rulebook for the oceans. Other, more specific agreements and how countries actually act over time are adding more details and making the law of the sea even bigger and more complicated than just UNCLOS by itself.

The convention has been ratified by 168 parties, which includes 167 states (164 United Nations member states plus the UN Observer state Palestine, as well as the Cook Islands and Niue) and the European Union. An additional 14 UN member states have signed, but not ratified the convention.

The United Nations Convention on the Law of the Sea (UNCLOS) is a major international treaty that provides a legal framework for how countries use and manage the world's oceans. It covers a wide range of topics, such as territorial waters, fishing rights, navigation, and protection of the marine environment. Because of how broad and detailed it is, UNCLOS is often called the "constitution of the oceans."

UNCLOS was completed in 1982 and officially came into force in 1994. Before it was finalized, some developed countries had concerns about how the treaty dealt with deep-sea mining and the sharing of seabed resources. To address these concerns, the "1994 Agreement" was created to modify certain parts of the treaty, especially those related to the deep seabed. These changes made UNCLOS more acceptable to countries with advanced economies, including the United States.

Some argue that since U.S. laws already follow most of the treaty's rules, becoming a party wouldn't change much in practice. Others believe that not joining limits the U.S.'s ability to influence international decisions, especially when negotiating with countries that are already part of UNCLOS. Some experts also argue that current U.S. laws take a case-by-case approach to managing marine resources, while UNCLOS would give the U.S. a more unified and consistent framework to work with.

Overall, UNCLOS plays a major role in shaping global ocean law, and while the U.S. follows many of its principles in practice, the debate continues about whether formally joining would offer more benefits for ocean policy, diplomacy, and marine resource management.

G. Fights Against Impunity

When impunity is pervasive, it has profound consequences for societies, especially for those with authoritarian governments, experiencing conflict, and economic oppression. Impunity fuels inequality, disproportionately affecting the most vulnerable and undermining trust in political institutions. Following violent conflict, it diminishes the chances of meaningful and peaceful change.

Impunity also has a detrimental effect on victim participation, as it allows perpetrators to impose their narrative, undermining the right of victims to be recognised as such and to have their voices heard. This is why strengthening victims and survivors' ability to fight impunity through both formal and informal transitional justice processes is crucial.

While fighting against impunity can feel like an impossible task, the determination of survivors and civil society to make justice work has proven that by uniting forces, the tides can be turned against impunity.

Progress in the fight against impunity

In the last decades, significant efforts have been made to confront the rise of impunity in response to human rights, humanitarian law, and international criminal law violations. International and hybrid tribunals, special courts established at the national level, and ordinary national courts have been used to prosecute and punish perpetrators.

Progress has also been made with transitional justice mechanisms such as Colombia's Special Jurisdiction for Peace, which has sought to adopt a victim-centred approach that incorporates restorative and reparative measures in order to realise the right to justice and the recognition of individual responsibility.

H. Crimes Against Humanity

Crimes against humanity refer to specific crimes committed in the context of a large-scale attack targeting civilians, regardless of their nationality. These crimes include murder, torture, sexual violence, enslavement, persecution, enforced disappearance, etc.

Crimes against humanity have often been committed as part of State policies, but they can also be perpetrated by non-State armed groups or paramilitary forces. Unlike war crimes, crime against humanity can also be committed in peacetime, and contrary to genocide, they are not necessarily committed against a specific national, ethnical, racial or religious group. Crimes against humanity appeared for the first time in a treaty in the 1945 Nuremberg Charter at the end of the Second World War.

Since the 1990s, crimes against humanity have been codified in different international treaties such as the Statute of the International Criminal Tribunal for the former Yugoslavia (1993), the Statute of the International Tribunal for Rwanda (1994) and the Rome Statute of the

International Criminal Court (1998). The Rome Statute provides the most recent and most expansive list of specific criminal acts that may constitute crimes against humanity.

1. Crime of Aggression

ICC defines the crime of aggression as the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

The relationship between the crime of aggression and universal jurisdiction is one of the most debated areas in international criminal law. Universal jurisdiction allows states to prosecute certain grave international crimes—such as genocide, war crimes, and crimes against humanity—regardless of where the crime was committed or the nationality of the perpetrator.

However, the crime of aggression, by its nature, is a leadership crime that involves the use of state force against another state, and can only be committed by individuals in positions of high authority. This makes its application under universal jurisdiction particularly limited. Moreover, under the Rome Statute, the prosecution of aggression requires specific conditions—such as the acceptance of the aggression amendments by the states involved and, in many cases, a referral or determination by the UN Security Council. Because the government who's not a member of ICC doesn't count that type of crime as the crimes of aggression and gets judged by it.

2. Child Labor

Child labour is a complex and multifaceted phenomenon that refers to the involvement of children in economic activities that are mentally, physically, socially, or morally harmful and that interfere with their education and overall development. Child labour is typically

characterized by its exploitative nature, long working hours, hazardous environments, and lack of legal protection, particularly when it involves children below the legal minimum age for employment

Children may be driven into work for various reasons. Most often, child labour occurs when families face financial challenges or uncertainty – whether due to poverty, sudden illness of a caregiver, or job loss of a primary wage earner. The consequences are staggering. Child labour can result in extreme bodily and mental harm, and even death. It can lead to slavery and sexual or economic exploitation. And in nearly every case, it cuts children off from schooling and health care, restricting their fundamental rights.

In some cases, child labour intersects with the worst forms of exploitation, such as child trafficking, slavery, forced labour, or the use of child soldiers, and these acts may become crimes that fall within the scope of universal jurisdiction. Though if these acts amount to crimes against humanity or other serious international crimes, states could potentially invoke universal jurisdiction to prosecute those responsible, especially when the state where the crimes occurred is unwilling or unable to act. While universal jurisdiction is not commonly applied to typical cases of child labour, its potential as a tool for accountability in extreme cases of exploitation highlights the evolving nature of international criminal justice and the growing recognition of children's rights in global legal discourse.

3. Sexual and Gender-Based Crimes

Gender based crimes are those crimes committed against persons, whether male or female, because of their sex and/or socially constructed gender roles. These crimes encompass a wide range of offenses, including but not limited to sexual violence (such as rape and sexual slavery), intimate partner violence, forced marriage, female genital mutilation, forced sterilization, and gender-based persecution.

One of the difficulties in prosecuting these crimes is the society's gender norms. Such as feel safe reporting crimes or be believed or taken seriously usually leads to victims of sexual violence to not file complaints due to shame, stigma, or safety concerns. When men are also subjected to sexual violence, they have difficulty speaking out due to social norms. Also LGBTQ+ individuals face more obstacles due to both legal loopholes and discrimination.

For this case The Rome Statute requires that the ICC prosecutor appoint advisers with legal expertise on sexual and gender violence. The Courts victims and witnesses unit include staff with experience in trauma related to sexual crimes. The Statute also requires states, in electing judges, to take into account the need for fair representation of female and male judges, and requires that the prosecutor and registrar do the same when hiring staff.

I. Genocide

The legal term “genocide” refers to certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group by means such as;the disintegration of] political and social institutions, of culture, language, national feelings, religion, and economic existence The acts that constitute genocide fall into five categories:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group

Genocide is a serious international crime. It means doing certain acts with the goal of destroying all or part of a group based on their nationality, ethnicity, race, or religion.

What's counted as genocide

1. Killing members of the group
2. Causing serious physical or mental harm
3. Creating conditions that are meant to destroy the group (like starvation or forced relocation)
4. Preventing births within the group
5. Forcing children from the group to be raised by another group

The legal definition of genocide comes from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

While the term "genocide" is often used in news and conversations, it's not as commonly committed as other international crimes, such as war crimes or crimes against humanity, which don't require proof of intent to destroy a group.

On December 9, 1948, the United Nations officially adopted the Genocide Convention, making genocide a legally recognized international crime.

This was largely thanks to Raphael Lemkin's efforts. By the 1950s, over 65 countries had signed the agreement. As of April 2022, 153 countries have ratified it (agreed to follow it). Even countries that haven't signed it are still expected to follow its rules. The Convention says that all countries must try to prevent genocide and punish those who commit it. However, stopping and punishing genocide remains a challenge, and it's a responsibility shared by governments, international organizations, and individuals.

1. Genocide Conventions

The Genocide Convention, adopted in 1948, was the first-ever human rights treaty created by the United Nations. It was introduced just before the Universal Declaration of Human Rights, and even 75 years later, these two documents are still closely connected. Both represent the global effort to protect basic human dignity and prevent horrific crimes like those seen during the Holocaust.

Even though the Convention was born out of the horrors of World War II and the world's promise of "never again," genocide has sadly happened many times since then in places like Rwanda, Bosnia, Darfur, and more. Each time, it has caused immense suffering and long-lasting damage to societies. That's why preventing genocide and punishing those responsible is so important not just for justice, but also for upholding human rights and protecting future generations.

The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) was the first international human rights treaty adopted by the United Nations General Assembly. It establishes genocide as a crime under international law, whether committed in time of peace or in time of war, and not only obliges States to not commit genocide, but also to prevent and punish it.

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided :

The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948, establishes genocide—whether

committed in peace or war—as a crime under international law that States Parties are obliged to prevent and punish. It defines genocide as specific acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, including killing, causing serious harm, inflicting destructive living conditions, preventing births, and forcibly transferring children, and extends criminal liability to conspiracy, incitement, attempts, and complicity. The Convention removes immunity for perpetrators regardless of official position, requires States to enact implementing legislation with effective penalties, and mandates that trials occur before competent national or accepted international tribunals.

International Court of Justice jurisdiction over disputes regarding interpretation, application, or state responsibility. Procedurally, it sets rules for signature, ratification, accession, and territorial extension; stipulates that it enters into force ninety days after the twentieth ratification; and provides for automatic renewal, denunciation, and termination if membership falls below sixteen. The Convention also allows for revision requests, requires the UN Secretary-General to maintain records and communicate relevant notifications, and preserves equally authentic texts in five languages, with the original deposited in UN archives. Through these provisions, the Convention codifies genocide as a distinct international crime, creates binding obligations for its prevention and punishment, and establishes mechanisms for jurisdiction, enforcement, and treaty administration, thereby constituting a cornerstone of modern international criminal and human rights law.

J. The International Core Crimes

Core international crimes are the most serious categories of offenses defined under international law, which threaten international peace and security and cause severe harm to the shared values of humanity. Genocide, crimes against humanity, war crimes, and the crime of aggression fall within this scope. Pursuant to the principle of universal jurisdiction, these

crimes may be prosecuted by national or international judicial bodies regardless of the place of commission or the nationality of the perpetrator.

As core international crimes are not statute-barred, a number of investigations concerning cases pertaining to the Second World War or to the former communist regimes of Eastern Europe remain ongoing. Additionally, there are ongoing cases relating to the war in former Yugoslavia. Jurisdiction for cases committed in the Member States is based on the principle of territoriality.

CICED stands for Core *International Crimes Evidence Database*. It is a unique, tailor-made judicial database set up by Eurojust to preserve, analyse and store evidence of core international crimes (genocide, crimes against humanity and war crimes). CICED enables the Agency to support national judicial authorities in identifying evidence located in another country that may be relevant to their own investigation. This evidence can be used to corroborate individual offences and events or to unveil systematic actions and provide contextual information.

Competent national authorities from EU Member States and countries with Liaison Prosecutors at Eurojust can submit evidence to CICED via secure file transfer. Evidence submission is voluntary and the submitting authority remains in control of how the evidence or information about the evidence is shared.

Possible types of evidence include, but are not limited to, videos, photographs, audio recordings, satellite images, witness statements, victim testimonies, and medical and forensic documents.

Based on CICED, Eurojust can:

- maintain a complete overview of all evidence collected;

- strengthen the coordination of national and international investigations;
- perform targeted searches for evidence related to a specific event or location;
- identify evidentiary gaps;
- identify parallel investigations;
- advise on prosecution strategies;
- facilitate evidence and information exchange on core international crimes; and
- prepare thematic reports on specific aspects of core international crime investigations (e.g. on sexual and gender-based violence).

K. Racism

Racism is the belief or behavior that treats people unfairly because of their race. It is based on the false idea that humans are divided into separate biological groups called “races,” and that some races are naturally better or more intelligent than others. Racism can show up in actions, beliefs, or systems that treat people as inferior just because of their skin color or background.

Racism played a big role in slavery in North America and in European colonization in the 18th century. In the United States, the idea of race was used to make African people and their descendants seem less human. This was done to justify slavery, even while the U.S. claimed to stand for freedom, democracy, and equal rights. In order to keep slavery going, many people had to believe that Black people were somehow less worthy of those rights.

By the 19th century, racist ideas had spread around the world. Unlike ethnic identity which is based on culture, language, or traditions and can be learned race is often seen as something

unchangeable, based on physical features like skin color. That's why racism is different from ethnocentrism, which is more about thinking your own culture is better than others.

In many conflicts during the 20th century, people described the violence in racial terms, even if the root causes were ethnic tensions (for example, between Arabs and Jews, or English and Irish).

Racism is one of the most extreme ways of dividing people. It promotes the idea that differences between groups are so big that they can never be overcome, which leads to discrimination, conflict, and injustice.

1. Colorism

Colorism refers to the social system where people with lighter skin tones are treated more favorably than those with darker skin tones, even if they belong to the same racial or ethnic group. It goes beyond just personal preferences and includes unfair treatment, bias, and stereotypes based on skin color. Colorism can show up in many areas of life, such as in media, the workplace, schools, and relationships. It can affect how people are seen by others and how they see themselves.

Colorism comes from racism, and both started during early European colonialism. One of the first major events leading to colonialism was the Crusades in 1095. During this time, the Pope encouraged Christians to fight Muslims, and many Europeans believed they were doing God's work by attacking non-Christians. This made Europeans feel superior to other races and religions.

Later, in the 15th century, Europeans used the same ideas of religious and racial superiority to justify colonizing the Americas and killing Native Americans. When they expanded into Africa, they began the Atlantic Slave Trade, where Africans were kidnapped, enslaved, and

treated as less than human. Europeans often used religion to excuse their actions, claiming that Black people were cursed and evil based on false interpretations of the Bible.

As European colonialism spread to Asia and Latin America, they continued using racism and the belief that they were better than others to justify violence, exploitation, and control.

After colonizing the Americas and Africa, colorism discrimination based on skin tone developed from racism, especially during slavery. Slaveowners created divisions between Black people with lighter and darker skin. A British slaveowner named Willie Lynch once said the best way to control enslaved people was to turn them against each other based on skin color.

In the U.S., lighter-skinned slaves often the children of white slaveowners and Black women were given easier jobs inside the house. Darker-skinned slaves were forced to work in the fields and were often treated more harshly. This system encouraged colorism within the Black community. Over time, similar systems of colorism were used by colonizers in other parts of the world to divide and control people.

Research has shown that darker-skinned individuals are more likely to experience discrimination, which can lead to stress, anxiety, and fewer opportunities in areas like jobs and education. In addition, colorism can divide people within the same community. It can lead to jealousy, shame, or feelings of competition based on skin tone, rather than unity and support.

A clear example of colorism can be seen in the beauty and fashion industries. For many years, makeup companies mainly made products for people with lighter skin, while people with darker skin had fewer options that matched their skin tones. This made many darker-skinned individuals feel left out or less valued. In the entertainment industry,

lighter-skinned actors are often given leading roles, while darker-skinned actors are less likely to be cast in major parts. This sends the message that lighter skin is more beautiful or talented, which is unfair and harmful.

2. Immigrations

Immigration is the process where people move to another country to live there permanently or to become citizens. Throughout history, immigration has brought many social, economic, and cultural benefits to countries. The journey of immigration is different for everyone and can take a long time. In many cases, it has helped create multicultural societies, where people from different backgrounds, cultures, and ethnic groups live together. Today, many countries are made up of diverse populations because of immigration.

After World War II, many people moved to new countries as refugees. During the 1950s and 1960s, when many countries in Asia and Africa gained independence, more people began moving to places like the United Kingdom and France, which had once ruled them. For example, in the UK, the 1948 British Nationality Act allowed people from former colonies to become British citizens this included up to 800 million people from the Commonwealth.

Immigrants and guest workers were very important in helping rebuild Europe after the war. They worked in industries like construction, healthcare, and transportation. However, many faced discrimination, which often led to minority communities becoming isolated.

Some countries responded by trying to limit immigration. Others took a more inclusive approach, encouraging immigrants to blend into one national culture often called the "melting pot" idea. This idea has been especially important in the United States, where immigrants become citizens by pledging loyalty to the country.

However, some people criticize this approach because it can push immigrants to give up their original cultures. In this way, immigration is closely connected to citizenship and the rights and responsibilities that come with it.

For many centuries, people became refugees because of religious or racial intolerance. Entire groups were forced to leave their homes by governments or religious leaders who wanted everyone to follow the same beliefs. Some examples include the Jews being expelled from Spain in the late 1400s, the Huguenots leaving France after 1685, and the removal of Jews from Germany, Austria, and parts of what is now the Czech Republic in the 1930s.

In more recent times, many refugee movements have been caused by politics. When governments became strong enough to control or harm groups that disagreed with them, many people were forced to flee.

L. Extrajudicial Execution

The right to life constitutes the most fundamental of all human rights, forming the indispensable basis upon which the enjoyment of all other rights depends. Any deliberate deprivation of life outside a legal framework — such as extrajudicial, summary, or arbitrary executions — represents a grave violation of this core right. Such executions, defined as the intentional killing of an individual by a State agent, or with the State's consent, without a prior judgment that affords all judicial guarantees, including a fair and impartial trial, undermine the rule of law and the principles of justice. In accordance with international human rights law, States bear the obligation to protect and promote the right to life, as well as to investigate, prosecute, and punish perpetrators of such acts. Nonetheless, reports by the United Nations indicate a concerning increase in “targeted killings” carried out by States, often justified on the grounds of counterterrorism, highlighting the urgent necessity to combat the practice of extrajudicial executions. In this context, the United Nations General

Assembly, through its Resolution 67/168 of 20 December 2012, urged all States to prevent such executions and to comply with their commitments under relevant international human rights instruments.

1. Forced Disappearance

An enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. Enforced disappearance is a violation not only of the rights of the direct victim, but also those of his or her relatives. That is why international law recognizes that, just like the disappeared persons, families are full victims too. Sudden separation, a lack of news, uncertainty and fear of reprisal makes the mourning of a loss impossible and causes indelible suffering.

It is characterized by three cumulative elements (defined in A/HRC/16/48/Add.3):

1. Deprivation of liberty against the will of the person;
2. Involvement of government officials, at least by acquiescence;
3. Refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person.

A disappearance has a doubly paralysing impact: on the victim, who is removed from the protection of the law, frequently subjected to torture and in constant fear for their lives; and on their families, ignorant of the fate of their loved ones, their emotions alternating between hope and despair, wondering and waiting, sometimes for years, for news that may never come.

Enforced disappearance has frequently been used as a strategy to spread terror within societies. The feeling of insecurity generated by this practice is not limited to the close relatives of the disappeared, but also affects their communities and society as a whole.

Enforced disappearance is a serious violation of human rights. Systematically perpetrated against civilians, it is considered a crime against humanity.

V. Further Reading

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