

**FORUM:** Legal Committee (GA6)

**QUESTION OF:** Evaluating State's obligation to extradite international criminals to bodies operating under the principle of universal jurisdiction

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**POSITION:** Co-Chair

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## INTRODUCTION

The state's obligation to extradite international criminals to bodies operating under the principle of universal jurisdiction revolves around a critical issue in international law: the ability to prosecute individuals for heinous crimes such as genocide, war crimes, and crimes against humanity, regardless of where these crimes were committed or the nationality of the perpetrators or victims.<sup>1</sup> This principle seeks to ensure that serious international crimes do not go unpunished due to jurisdictional limitations.

Extradition, the formal process of surrendering a suspected or convicted criminal to another country or international body for trial or punishment, becomes particularly complex when countries face conflicting obligations. When a country must decide whether to extradite someone to an international tribunal operating under universal jurisdiction or to another nation with its own claim, complications arise. These conflicts can stem from various factors, including political alliances, concerns about unfair trials, or the lack of specific extradition treaties between countries. For example, a country might hesitate to extradite an individual to an international court due to fears of political bias or concerns that the individual might not receive a fair trial. Similarly, the absence of an extradition treaty can create legal and procedural barriers. These conflicts can lead to criminals evading justice, as some countries might refuse to extradite or delay the process, ultimately undermining global efforts to hold perpetrators of serious international crimes accountable. This undermines the effectiveness of international justice systems and complicates efforts to ensure justice and fairness for victims of grave offenses.

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<sup>1</sup>The Obligation to Extradite or Prosecute (Aut Dedere Aut Judicare): Preliminary Report, by Mr. Zdzislaw Galicki, Special Rapporteur. 2014, [legal.un.org/ilc/documentation/english/a\\_cn4\\_571.pdf](https://legal.un.org/ilc/documentation/english/a_cn4_571.pdf)

Universal jurisdiction is a legal principle that allows states or international bodies to claim criminal jurisdiction over an accused person regardless of where the alleged crime was committed, the nationality of the perpetrator, or the nationality of the victim. This principle is often invoked for crimes considered so heinous and universally condemned that they affect the international community. These crimes typically include genocide, war crimes, crimes against humanity, and torture. Universal jurisdiction aims to prevent safe havens for perpetrators of these serious crimes and ensure that they are held accountable.

## DEFINITION OF KEY TERMS

### Extradition

“The act of making someone return for trial to another country or state where they have been accused of doing something illegal.”<sup>2</sup>

### Genocide

“Genocide is an internationally recognized crime where acts are committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.”<sup>3</sup>

### International Crime

“The term "international crime" is a collective term for certain extremely serious violations of international law: genocide, war crimes, crimes against humanity, torture and enforced disappearances.”<sup>4</sup>

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<sup>2</sup>Cambridge Dictionary. “Extradition.” @CambridgeWords, 24 July 2024, [dictionary.cambridge.org/dictionary/english/extradition#google\\_vignette](https://dictionary.cambridge.org/dictionary/english/extradition#google_vignette).

<sup>3</sup>United States Holocaust Memorial Museum. “What Is Genocide?” *Ushmm.org*, United States Holocaust Memorial Museum, 2019, [www.ushmm.org/genocide-prevention/learn-about-genocide-and-other-mass-atrocities/what-is-genocide](https://www.ushmm.org/genocide-prevention/learn-about-genocide-and-other-mass-atrocities/what-is-genocide).

<sup>4</sup>Veiligheid, Ministerie van Justitie en. “What Are International Crimes? - International Crimes - Public Prosecution Service.” *Www.prosecutionservice.nl*, 22 Jan. 2020, [www.prosecutionservice.nl/topics/international-crimes/what-are-international-crimes#:~:text=The%20term%20%22international%20crime%22%20is](https://www.prosecutionservice.nl/topics/international-crimes/what-are-international-crimes#:~:text=The%20term%20%22international%20crime%22%20is).

## International Law

“International law is a set of rules and principles governing the relations and conduct of sovereign states with each other, as well as with international organizations and individuals. Issues that fall under international law include trade, human rights, diplomacy, environmental preservation, and war crimes.”<sup>5</sup>

## Non-Refoulement

“Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm.”<sup>6</sup>

## 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 regardless of the accused's nationality, country of residence, or any other relation to the prosecuting entity.”<sup>7</sup>

## BACKGROUND INFORMATION

### Historical Background

Universal jurisdiction has its roots in the 17th century when pirates, considered enemies of all mankind, could be prosecuted by any country regardless of where the crime occurred.<sup>8</sup> This early application of universal jurisdiction showed that some crimes pose such a significant threat to all nations that they require a collective legal response. The concept evolved significantly after World War II with the Nuremberg Trials, where top Nazi leaders were prosecuted for crimes that had profound impacts on humanity as a whole, such as

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<sup>5</sup>“International Law.” *LII / Legal Information Institute*, [www.law.cornell.edu/wex/international-law#:~:text=International%20law%20is%20a%20set](http://www.law.cornell.edu/wex/international-law#:~:text=International%20law%20is%20a%20set).

<sup>6</sup>“What Is Non-Refoulement? - UK in a Changing Europe.” *UK in a Changing Europe*, 15 Nov. 2023, [ukandeu.ac.uk/the-facts/what-is-non-refoulement/#:~:text=The%20principle%20of%20non%2Drefoulement](http://ukandeu.ac.uk/the-facts/what-is-non-refoulement/#:~:text=The%20principle%20of%20non%2Drefoulement).

<sup>7</sup>International Justice Resource Center. “Universal Jurisdiction | International Justice Resource Center.” *Ijrcenter.org*, 2012, [ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/](http://ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/).

<sup>8</sup>Paige, Tamsin. *PIRACY and UNIVERSAL JURISDICTION*. [www.austlii.edu.au/au/journals/MqLawJl/2013/17.pdf](http://www.austlii.edu.au/au/journals/MqLawJl/2013/17.pdf).

genocide and war crimes.<sup>9</sup> These trials set an example that individuals, regardless of their nationality or position, could be held accountable for actions that violated critical human rights and international law.

The Geneva Conventions of 1949 further advanced the principle of universal jurisdiction by mandating that signatory states prosecute or extradite individuals responsible for breaches, such as torture and willful killing.<sup>10</sup> This requirement emphasized the idea that certain violations of international humanitarian law are so appalling that they must be addressed by the global community to maintain justice and human dignity. In the 1990s, the establishment of ad hoc international tribunals for the former Yugoslavia and Rwanda marked another crucial development. These panels were created to prosecute individuals responsible for genocide, war crimes, and crimes against humanity during specific conflicts. Their implementation demonstrated a global commitment to ensuring that those who commit crimes cannot escape justice, even when national courts are unable or unwilling to act.

These events collectively established that universal jurisdiction is crucial for addressing crimes that threaten the international community. By prosecuting such crimes universally, the global community ensures that justice is served and that this law is upheld across borders

## Legal Context

The legal context surrounding a state's obligation to extradite international criminals under universal jurisdiction involves various international and domestic legal frameworks. Internationally, universal jurisdiction allows states or international bodies to prosecute serious crimes, such as genocide and war crimes, regardless of where the crime occurred or the nationality of those involved. States must align their domestic laws with these

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<sup>9</sup>"The Nuremberg Trials." *The National WWII Museum* | New Orleans, [www.nationalww2museum.org/war/topics/nuremberg-trials](http://www.nationalww2museum.org/war/topics/nuremberg-trials).

<sup>10</sup>American Red Cross. "Summary of the Geneva Conventions of 1949 and Their Additional Protocols." *American Red Cross*, Apr. 2011, [www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IH\\_L\\_SummaryGenevaConv.pdf](http://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IH_L_SummaryGenevaConv.pdf).

international obligations, incorporating provisions for universal jurisdiction into their legal systems and ensuring proper procedures for handling extradition requests. Additionally, existing extradition treaties and bilateral agreements can influence the process, but these must be managed in a way that respects both international legal standards and national interests. The principle of non-refoulement also plays a crucial role, in preventing extradition to countries where there is a risk of torture or inhumane treatment. Balancing these legal requirements with political and diplomatic considerations is essential to address international crimes while maintaining international cooperation and trust effectively.

### **Ethical and Legal Considerations and Implications**

The obligation of a state to extradite international criminals under the principle of universal jurisdiction involves balancing ethical and legal considerations. Ethically, states have a duty to support global justice by ensuring that those who commit serious crimes like genocide and war crimes are held accountable, giving victims the justice they deserve and deterring future crimes. However, this can conflict with national sovereignty and raise concerns about ensuring fair trials and respectful treatment.

Legally, states must comply with international laws and treaties that mandate extradition, incorporate these obligations into their domestic laws, and navigate any existing bilateral extradition agreements.<sup>11</sup> Additionally, they must respect principles that in turn prevent sending individuals to countries where they risk torture or inhumane treatment including various forms of mistreatment and other cruel or degrading conditions that undermine human dignity. Extradition requests can also impact international relations, requiring careful management to maintain diplomatic relationships while fulfilling legal and ethical responsibilities. Effective extradition relies on strong international cooperation and trust between states to combat impunity and uphold the rule of law.

### **The Legal and Ethical Dimensions of Extraditing International Criminals Under Universal Jurisdiction**

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<sup>11</sup>"The Intricacies of Extradition Laws in the U.S.: FAQs." *The Fernandez Firm*, 11 Sept. 2023, [thefernandezfirm.com/extradition-laws/#:~:text=Extradition%20between%20the%20United%20States%20and%20other%20nations](https://thefernandezfirm.com/extradition-laws/#:~:text=Extradition%20between%20the%20United%20States%20and%20other%20nations)

Extradition of international criminals operating under the principle of universal jurisdiction is a complex scenario of legal obligations, ethical considerations, and international cooperation. States are mandated by international treaties and customary international law to either prosecute or extradite individuals accused of serious crimes like genocide, war crimes, and crimes against humanity. This obligation reflects a collective commitment to justice and human rights, acknowledging that such grave offenses transcend national borders and require a unified global response. However, the process involves balancing this duty with respect for national sovereignty and human rights principles, such as the prohibition against sending individuals to countries where they face a risk of torture or an unfair trial. The effectiveness of extradition hinges on international collaboration and adherence to fair trial standards, ensuring that accused individuals are held accountable while safeguarding their fundamental rights.

### **Notable Extradition Cases**

#### **The Extradition of Joaquín "El Chapo" Guzmán**

One significant case demonstrating the U.S.'s role in international extradition is that of Joaquín "El Chapo" Guzmán, the infamous Mexican drug lord. Guzmán, leader of the Sinaloa Cartel, was involved in extensive drug trafficking operations, leading to his arrest in Mexico. After escaping from prison twice, he was recaptured and extradited to the U.S. in 2017.<sup>12</sup> The U.S. Department of Justice worked closely with Mexican authorities to ensure his transfer, showcasing how international cooperation can bring criminals to justice. Guzmán was subsequently tried and sentenced to life in prison in the U.S., highlighting the effectiveness of extradition in addressing transnational crime.

#### **The Extradition of Viktor Bout**

Another notable case is that of Viktor Bout, a notorious Russian arms dealer often referred to as the "Merchant of Death." Bout was arrested in Thailand in 2008 after a sting

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<sup>12</sup>"Office of Public Affairs | Joaquin 'El Chapo' Guzman Loera Extradited to United States | United States Department of Justice." *Www.justice.gov*, 19 Jan. 2017, [www.justice.gov/opa/pr/joaquin-el-chapo-guzman-loera-extradited-united-states](http://www.justice.gov/opa/pr/joaquin-el-chapo-guzman-loera-extradited-united-states)

operation led by the U.S. Drug Enforcement Administration (DEA). He was accused of conspiring to sell weapons to terrorist groups. Despite strong opposition from the Russian government, the U.S. successfully negotiated his extradition from Thailand in 2010. Bout was tried and convicted in the U.S., receiving a 25-year prison sentence. This case illustrates the complexities and diplomatic challenges involved in extradition but also underscores the commitment to international law enforcement cooperation.<sup>13</sup>

### **The Extradition of Julian Assange**

The case of Julian Assange, the founder of WikiLeaks, further highlights the extradition process. Assange was arrested in the UK in 2019 after spending several years in the Ecuadorian Embassy in London to avoid extradition. The U.S. requested his extradition on charges of conspiracy to commit computer intrusion and other offenses related to the publication of classified information. This ongoing case demonstrates the legal and diplomatic intricacies involved in extradition, especially when issues of press freedom and political asylum are at play. Assange's potential extradition from the UK to the U.S. continues to be a contentious and closely watched process.<sup>14</sup>

These three cases showcase how the extradition process works in practice, reflecting the collaboration between countries to uphold the rule of law and ensure that individuals involved in serious crimes are brought to justice. They also highlight the challenges and complexities that can arise, from diplomatic negotiations to legal hurdles, showcasing the multifaceted nature of international extradition efforts.

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<sup>13</sup>“Viktor Bout Extradited to the United States to Stand Trial on Terrorism Charges.” *Www.justice.gov*, 17 Nov. 2010, [www.justice.gov/opa/pr/viktor-bout-extradited-united-states-stand-trial-terrorism-charges](http://www.justice.gov/opa/pr/viktor-bout-extradited-united-states-stand-trial-terrorism-charges).

<sup>14</sup>“UK Julian Assange Extradition Case Concludes | the Crown Prosecution Service.” *Cps.gov.uk*, 25 June 2024, [www.cps.gov.uk/cps/news/uk-julian-assange-extradition-case-concludes#:~:text=Following%20the%20withdrawal%20of%20the](http://www.cps.gov.uk/cps/news/uk-julian-assange-extradition-case-concludes#:~:text=Following%20the%20withdrawal%20of%20the)

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### Spain

Spain is greatly involved in the topic of extradition under universal jurisdiction because of its legal history and geographical location. Spain has been majorly involved in using universal jurisdiction to prosecute international crimes. For example, in 1998, Spain tried to extradite former Chilean dictator Augusto Pinochet from the United Kingdom (UK) for human rights abuses. This case showed Spain's commitment to international justice and set an important precedent for other countries.<sup>15</sup>

Spain's role is supported by its strong legal system and commitment to human rights. Spain is also a member of the European Union (EU), which means it follows EU laws on extradition. This helps Spain work closely with other EU countries to handle extradition requests efficiently and fairly. Spain's legal and regional connections make it a key player in global efforts to bring international criminals to justice.

### United Kingdom

The UK has a long tradition of upholding the rule of law, making it a trusted partner in international extradition matters. The UK has handled many high-profile extradition cases, such as the attempt to extradite Pinochet, highlighting its commitment to international justice.<sup>16</sup>

The United Kingdom's role is further strengthened by its extensive network of legal agreements with other countries. For example, even after Brexit, the UK remained committed to international cooperation on extradition through bilateral treaties and its active participation in global legal organizations. The UK's legal expertise and diplomatic

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<sup>15</sup>Human Rights Watch. "The Pinochet Precedent | How Victims Can Pursue Human Rights Criminals Abroad."

*Human Rights Watch*, Nov. 1998, [www.hrw.org/report/1998/11/01/pinochet-precedent/how-victims-can-pursue-human-rights-criminals-abroad](http://www.hrw.org/report/1998/11/01/pinochet-precedent/how-victims-can-pursue-human-rights-criminals-abroad).

<sup>16</sup>"ICD - Pinochet - Asser Institute." [www.internationalcrimesdatabase.org](http://www.internationalcrimesdatabase.org), [www.internationalcrimesdatabase.org/Case/855/Pinochet/](http://www.internationalcrimesdatabase.org/Case/855/Pinochet/).

connections help it play a significant role in fighting transnational crime and ensuring that criminals are held responsible for their wrongdoings.

## France

France plays a crucial role in international extradition due to its proactive legal stance and strong diplomatic presence. France has a robust legal system that supports international cooperation in criminal matters, including extradition.<sup>17</sup> French courts have handled important cases involving universal jurisdiction, showing the country's support and will to prosecute serious international crimes like genocide and war crimes.

France is also actively involved in international organizations and treaties that facilitate extradition such as the European Arrest Warrant (EAW) within the EU which enables efficient and simplified extradition procedures among Member States.<sup>18</sup> Additionally, France's participation in The International Police Organization (INTERPOL) and bilateral extradition treaties with numerous countries worldwide strengthens its ability to track and extradite international criminals.

## Uganda

Uganda's involvement in extradition under universal jurisdiction is significant due to its own experiences with conflict and international justice. Uganda has been involved with the International Criminal Court (ICC) in cases against the Lord's Resistance Army (LRA)<sup>19</sup>, whose leaders have been charged with war crimes and crimes against humanity. This cooperation with the ICC shows Uganda's commitment to addressing international crimes.

Uganda's participation in these processes showcases its willingness and to work with international legal bodies for the sake of improving this matter. By cooperating with the ICC

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<sup>17</sup>Corso, Lori. "LibGuides: French Legal Resources: French Legal System." *Libguides.law.villanova.edu*, 16 May 2023, [libguides.law.villanova.edu/FrenchLegalResources](https://libguides.law.villanova.edu/FrenchLegalResources).

<sup>18</sup>European Commission. "European Arrest Warrant." *Commission.europa.eu*, [commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant\\_en](https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en).

<sup>19</sup>NCTC. "National Counterterrorism Center | Groups." *Dni.gov*, 2010, [www.dni.gov/nctc/groups/lra.html](https://www.dni.gov/nctc/groups/lra.html).

and other international organizations, Uganda demonstrates its commitment to upholding international legal standards and ensuring justice for serious crimes. Uganda's role is important for setting an example for other countries facing similar issues.

### **United States of America**

The U.S.A. has many extradition treaties with countries around the world, making it central to international criminal justice efforts. The U.S. handles numerous high-profile cases involving terrorism, drug trafficking, and financial crimes, showing its commitment to fighting transnational crime.

The U.S. also supports international legal efforts through its participation in global organizations and advocacy for the rule of law. Although the U.S. has a complex relationship with the ICC, it still assists in international efforts to combat impunity. A notable example is the extradition of notorious drug lord Joaquin "El Chapo" Guzmán. In 2017, the U.S. worked closely with Mexico to ensure Guzmán faced justice for his crimes, highlighting the critical role the U.S. plays in international extradition efforts.<sup>20</sup>

### **International Criminal Court (ICC)**

The International Criminal Court (ICC) is essential for extradition under universal jurisdiction because it prosecutes individuals for serious international crimes like genocide, war crimes, and crimes against humanity. The ICC steps in when national courts are unable or unwilling to prosecute these crimes, ensuring that perpetrators are held accountable.<sup>21</sup>

The ICC relies on member states to arrest and extradite suspects, as it does not have its own police force. This cooperation is vital for the ICC to function effectively. The ICC's work emphasizes the importance of international collaboration and strong legal frameworks to bring international criminals to justice.

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<sup>20</sup>Ahmed, Azam. "El Chapo, Mexican Drug Kingpin, Is Extradited to U.S." *The New York Times*, 19 Jan. 2017, [www.nytimes.com/2017/01/19/world/el-chapo-extradited-mexico.html#:~:text=MEXICO%20CITY%20%E2%80%94%20Joaqu%C3%ADn%20Guzm%C3%A1n%20Loera](https://www.nytimes.com/2017/01/19/world/el-chapo-extradited-mexico.html#:~:text=MEXICO%20CITY%20%E2%80%94%20Joaqu%C3%ADn%20Guzm%C3%A1n%20Loera).

<sup>21</sup>Cervasio, Christine E. "Extradition and the International Criminal Court: The Future of the Political Offense Doctrine." *Pace International Law Review*, vol. 11, no. 2, Sept. 1999, pp. 419–19, <https://doi.org/10.58948/2331-3536.1241>.

## United Nations On Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime (UNODC)<sup>22</sup> is a major organization in the field of extradition because it helps countries fight serious crimes like drug trafficking, corruption, and terrorism. The UNODC provides technical assistance, policy advice, and training to help countries improve their legal systems and cooperate on extradition matters.

The UNODC also develops international conventions and protocols that form the basis for extradition agreements. By promoting these international standards, the UNODC helps create a more unified and effective global legal system. Its support is crucial for countries to meet their international obligations and handle extradition requests efficiently.

### TIMELINE OF EVENTS

19 November 1754	The Extradition Treaty between the United States and the United Kingdom was signed and was one of the first formal agreements between two countries to manage the process of extraditing criminals.
9 December 1948	The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly.
25 March 1957	The EU Convention on Extradition was adopted.
25 May 1993	The UN Security Council Resolution 827, was adopted and set up the International Criminal Tribunal for the former Yugoslavia (ICTY).
17 July 1998	The Rome statute was adopted by international agreement.

<sup>22</sup>fromiti. "Organized Crime Module 11 Key Issues: Extradition." *Www.unodc.org*, [www.unodc.org/e4j/en/organized-crime/module-11/key-issues/extradition.html](http://www.unodc.org/e4j/en/organized-crime/module-11/key-issues/extradition.html).

8 October 1999	Spain extradited former Chilean dictator Augusto Pinochet from the United Kingdom (UK) for human rights abuses.
1 July 2002	The International Criminal Court (ICC) was established.

## UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

### Convention on the Prevention and Punishment of the Crime of Genocide (1948)

The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on December 9, 1948, is a key international treaty aimed at preventing and punishing the crime of genocide. This convention defines genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. It establishes legal obligations for member states to prevent and punish genocide, including measures to criminalize such acts, bring perpetrators to justice, and provide protection to potential victims.<sup>23</sup>

This convention significantly improved the problem of genocide by creating a clear international legal framework to address it. By defining genocide and obligating states to take action against it, the convention set a standard for international accountability and prevention. It also provided a basis for international prosecution and intervention, helping to ensure that those responsible for committing or planning genocide could be held accountable. This framework has guided subsequent international efforts to prevent and respond to genocide, strengthening global commitment to protect human rights and uphold justice.

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<sup>23</sup>*Convention on the Prevention and Punishment of the Crime of Genocide*. United Nations, 9 Dec. 1948, pp. 1–4, [www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf).

### **UN Security Council Resolution 827 (1993)**

UN Security Council Resolution 827, adopted on May 25, 1993, set up the International Criminal Tribunal for the former Yugoslavia (ICTY). This was the first major international war crimes tribunal since the Nuremberg and Tokyo trials after World War II. The ICTY was created to prosecute people responsible for serious crimes like genocide, war crimes, and crimes against humanity that occurred in the former Yugoslavia starting in 1991. The resolution aimed to ensure that those who committed these terrible acts were held accountable.<sup>24</sup>

Resolution 827 helped address the problem of people escaping justice for international crimes by establishing a specific court to deal with these cases. The ICTY showed that the international community was serious about punishing serious offenders, no matter where they were or how powerful they were. By setting up this tribunal, the resolution also supported the idea that countries should work together to enforce justice for the most severe crimes, leading to the creation of other international courts and strengthening global efforts to ensure accountability and justice.

### **Establishment of the International Criminal Court (2002)**

The International Criminal Court (ICC) was established on July 1, 2002, following the adoption of the Rome Statute in 1998. The ICC is an international tribunal designed to prosecute individuals for serious crimes such as genocide, war crimes, and crimes against humanity. Unlike previous tribunals, the ICC is a permanent institution, meaning it operates continuously and can address crimes from any part of the world, as long as the crimes fall within its jurisdiction or involve its Member States.<sup>25</sup>

The creation of the ICC helped improve the problem of impunity for international crimes by providing a permanent and independent court to handle cases that national courts might not be able to address. The ICC reinforces the principle that individuals who commit the most serious crimes should face justice, even if they try to avoid prosecution by fleeing

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<sup>24</sup>"Resolution 827 (1993) /." *United Nations Digital Library System*, May 1993, [digitallibrary.un.org/record/166567?ln=en](https://digitallibrary.un.org/record/166567?ln=en).

<sup>25</sup>*The ICC at a Glance*. [www.icc-cpi.int/sites/default/files/ICCAtAGlanceEng.pdf](https://www.icc-cpi.int/sites/default/files/ICCAtAGlanceEng.pdf)

or if their home countries are unable or unwilling to act. By offering a reliable and ongoing means of bringing perpetrators to trial, the ICC strengthens global efforts to uphold human rights and ensure accountability, encouraging international cooperation in fighting serious crimes.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

### **European Convention on Extradition**

The European Convention on Extradition<sup>26</sup>, adopted in 1957, was an early attempt to streamline and simplify the process of extraditing criminals between European Union Member States.<sup>27</sup> This convention aimed to make it easier for countries within the EU to send suspects or convicted criminals to each other for trial or punishment, improving cooperation and efficiency in handling cross-border crime within Europe.

The convention was partly successful in enhancing extradition processes within the EU, but it had limitations. It laid important groundwork for later, more effective agreements, such as the European Arrest Warrant, which was introduced in 2002.<sup>28</sup> The older convention faced issues like differing legal systems and procedures among member states. While it improved cooperation to some extent, it highlighted the need for more streamlined and uniform approaches, which were addressed by subsequent reforms that made extradition faster and more effective across the EU.

### **Extradition Treaty between the United States and the United Kingdom (1794)**

The Extradition Treaty between the United States and the United Kingdom, signed in 1794, was one of the first formal agreements between two countries to manage the process of extraditing criminals. This treaty aimed to facilitate the return of individuals accused of

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<sup>26</sup> *European Convention on Extradition*. [rm.coe.int/1680064587](https://rm.coe.int/1680064587).

<sup>27</sup> *European Treaty Series -No. 24*. [rm.coe.int/1680064587](https://rm.coe.int/1680064587)

<sup>28</sup> "European Arrest Warrant." *Commission.europa.eu*, [commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant\\_en](https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en).

serious crimes from one country to another, promoting cooperation between the two nations in addressing cross-border crime.<sup>29</sup>

This treaty was an important early step in establishing a formal extradition process, but it had limitations due to its age and the evolving legal standards over time. While it set a precedent for international extradition agreements, it was eventually updated and replaced by more modern treaties and arrangements. The treaty laid the foundation for future agreements and helped improve legal cooperation between the US and the UK, but the system has since been refined to better address contemporary legal and procedural challenges.

## POSSIBLE SOLUTIONS

### Strengthening international Treaties and Conventions

Strengthening and enhancing international treaties and conventions involves improving existing agreements and recreating new ones to address the complexities of extradition under universal jurisdiction. This approach guarantees that the legal frameworks are robust and comprehensive, enclosing modern international crimes and evolving legal standards.

By establishing more specific guidelines and more robust mechanisms, countries can better handle extradition requests, ensuring that international criminals cannot avoid justice by crossing borders. This also helps in creating a unified legal framework that reduces uncertainty and inconsistencies in how different countries handle extradition.

The United Nations Office on Drugs and Crime (UNODC) can lead these efforts by aligning the revision of current treaties and the creation of new ones. With its expertise, the UNODC can also develop compliance monitoring systems to ensure member states stick to their obligations.<sup>30</sup> Such systems can include regular reviews and reports on how states are

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<sup>29</sup>*Extradition - Penn Law: Legal Scholarship Repository*, [scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5486&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5486&context=penn_law_review).

<sup>30</sup>UNODC. "About UNODC." *United Nations : Office on Drugs and Crime*, [www.unodc.org/unodc/en/about-unodc/index.html](https://www.unodc.org/unodc/en/about-unodc/index.html).

implementing their extradition obligations, providing transparency and accountability in the process.

### **Enhancing International cooperation and mutual Legal Assistance**

Enhancing international cooperation and mutual legal assistance is crucial for efficient extradition processes. This solution involves fostering better communication, coordination, and legal collaboration between states. These agreements can establish clear procedures for mutual legal assistance, overcoming legal and procedural barriers that often delay extradition. These agreements help ensure that requests are handled promptly and effectively, promoting trust and cooperation between countries. Establishing international task forces consisting of legal experts, law enforcement officials, and diplomats can further simplify the process by providing specialized and coordinated efforts in handling complex extradition cases.

International Criminal Police Organization (INTERPOL) can play an important role in facilitating international police cooperation and providing the necessary support for the extradition of international criminals.<sup>31</sup> By taking advantage of their extensive databases and networks, Interpol can help countries share critical information quickly and efficiently. Interpol's expertise in coordinating international law enforcement efforts can enhance countries' capabilities in responding to extradition requests effectively, ensuring that justice is served promptly and fairly.

### **Promoting Harmonization of National Legal Frameworks with International Standards**

Promoting the harmonization of national legal frameworks with international standards ensures consistency in the extradition process. Aligning domestic laws with international standards helps create a unified approach to handling extradition requests, reducing conflicts between national and international laws. This coordination facilitates smoother extradition processes and ensures that countries can effectively participate in the global extradition system. Legislative reforms at the national level are necessary to incorporate these standards into domestic law, enhancing countries' ability to comply with international extradition obligations.

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<sup>31</sup>INTERPOL. "What Is INTERPOL?" *Interpol*, 2017, [www.interpol.int/en/Who-we-are/What-is-INTERPOL](http://www.interpol.int/en/Who-we-are/What-is-INTERPOL).

The UN Office on Drugs and Crime (UNODC) can assist countries in developing model laws and providing legislative support to ensure national laws reflect international standards. By offering legislative assistance and training programs, the UNODC can help countries align their legal frameworks with international standards, improving the efficiency and fairness of the extradition process.<sup>32</sup> Such harmonization efforts can lead to a more predictable and reliable international legal environment, facilitating better cooperation among states.

### **Using Innovation and Technology for data sharing and ensuring fair and Efficient systems of Extradition**

Using innovation and technology can significantly enhance the efficiency, transparency, and fairness of the extradition process. Modern technology can facilitate the secure exchange of information between states, making the process faster and more reliable. For instance, secure data sharing platforms can enable countries to exchange critical information about extradition cases rapidly, reducing delays and improving coordination. Blockchain technology can be employed to maintain tamper-proof records of extradition requests, proceedings, and outcomes, ensuring transparency and building trust in the process.<sup>33</sup> Additionally, Artificial Intelligence and machine learning tools can analyze and process legal data, predict outcomes, and ensure compliance with legal standards, therefore improving overall efficiency.

The United Nations International Computing Centre (UNICC) can provide technological support and develop secure data-sharing platforms. By leveraging its technological expertise, the UNICC can help create systems that are not only efficient and secure but also capable of maintaining the integrity and confidentiality of sensitive information.<sup>34</sup> Through these technological innovations, the international community can create a more efficient, transparent, and fair extradition system that upholds the principles of justice and the rule of law.

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<sup>32</sup>UNODC. "About UNODC." *United Nations : Office on Drugs and Crime*, [www.unodc.org/unodc/en/about-unodc/index.html](http://www.unodc.org/unodc/en/about-unodc/index.html).

<sup>33</sup>"What Is Blockchain? - Blockchain Technology Explained - AWS." *Amazon Web Services, Inc.*, [aws.amazon.com/what-is/blockchain/#:~:text=Blockchain%20technology%20is%20ananced,linked%20together%20in%20a%20chain](https://aws.amazon.com/what-is/blockchain/#:~:text=Blockchain%20technology%20is%20ananced,linked%20together%20in%20a%20chain).

<sup>34</sup> "About Us." *UNICC*, [www.unicc.org/who-we-are/about-us/](http://www.unicc.org/who-we-are/about-us/).

## BIBLIOGRAPHY

The Obligation to Extradite or Prosecute (Aut Dedere Aut Judicare): Preliminary Report, by Mr. Zdzislaw Galicki, Special Rapporteur. 2014, [legal.un.org/ilc/documentation/english/a\\_cn4\\_571.pdf](https://legal.un.org/ilc/documentation/english/a_cn4_571.pdf)

The Obligation to Extradite or Prosecute (Aut Dedere ...), [www.amnesty.org/fr/wp-content/uploads/2021/07/ior400012009en.pdf](https://www.amnesty.org/fr/wp-content/uploads/2021/07/ior400012009en.pdf)

United States Holocaust Memorial Museum. "What Is Genocide?" Ushmm.org, United States Holocaust Memorial Museum, 2019, [www.ushmm.org/genocide-prevention/learn-about-genocide-and-other-mass-atrocities/what-is-genocide](https://www.ushmm.org/genocide-prevention/learn-about-genocide-and-other-mass-atrocities/what-is-genocide).

"Trafficking in Persons & Smuggling of Migrants Module 2 Key Issues: Positive and Negative Obligations of the State." Wwww.unodc.org, [www.unodc.org/e4j/en/tip-and-som/module-2/key-issues/positive-and-negative-obligations-of-the-state.html#:~:text=The%20State%20is%20required%20to](https://www.unodc.org/e4j/en/tip-and-som/module-2/key-issues/positive-and-negative-obligations-of-the-state.html#:~:text=The%20State%20is%20required%20to).

Cambridge Dictionary. "Extradition." @CambridgeWords, 24 July 2024, [dictionary.cambridge.org/dictionary/english/extradition#google\\_vignette](https://dictionary.cambridge.org/dictionary/english/extradition#google_vignette).

Veiligheid, Ministerie van Justitie en. "What Are International Crimes? - International Crimes - Public Prosecution Service." [www.prosecutionservice.nl](https://www.prosecutionservice.nl), 22 Jan. 2020, [www.prosecutionservice.nl/topics/international-crimes/what-are-international-crimes#:~:text=The%20term%20%22international%20crime%22%20is](https://www.prosecutionservice.nl/topics/international-crimes/what-are-international-crimes#:~:text=The%20term%20%22international%20crime%22%20is).

Universal Jurisdiction – CJA.

[cja.org/what-we-do/litigation/legal-strategy/universal-jurisdiction/#:~:text=What%20is%20Universal%20Jurisdiction%3F](https://www.cja.org/what-we-do/litigation/legal-strategy/universal-jurisdiction/#:~:text=What%20is%20Universal%20Jurisdiction%3F).

“International Law.” LII / Legal Information Institute,  
[www.law.cornell.edu/wex/international\\_law/#:~:text=International%20law%20is%20a%20set](https://www.law.cornell.edu/wex/international_law/#:~:text=International%20law%20is%20a%20set)

“Book Review.” *Tourism Management*, vol. 64, Feb. 2018, pp. 20–21,

<https://doi.org/10.1016/j.tourman.2017.07.017>

The Obligation to Extradite or Prosecute (Aut Dedere Aut Judicare) Final Report of the

International Law Commission 2014.

[legal.un.org/ilc/texts/instruments/english/reports/7\\_6\\_2014.pdf](https://legal.un.org/ilc/texts/instruments/english/reports/7_6_2014.pdf).

“Resolution 827 (1993) /.” United Nations Digital Library System, May 1993,

[digitallibrary.un.org/record/166567?ln=en](https://digitallibrary.un.org/record/166567?ln=en).

International Criminal Court. The ICC at a Glance.

[www.icc-cpi.int/sites/default/files/ICCAtAGlanceEng.pdf](https://www.icc-cpi.int/sites/default/files/ICCAtAGlanceEng.pdf).

United Nations. Convention on the Prevention and Punishment of the Crime of Genocide.

United Nations, 9 Dec. 1948, pp. 1–4,

[www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

f.

American Red Cross. "Summary of the Geneva Conventions of 1949 and Their Additional Protocols." American Red Cross, Apr. 2011,

[www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IHL\\_SummaryGenevaConv.pdf](http://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf).

International Justice Resource Center. "Universal Jurisdiction | International Justice Resource Center." Ijrcenter.org, 2012,

[ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/](http://ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/).

Paige, Tamsin. PIRACY and UNIVERSAL JURISDICTION.

[www.austlii.edu.au/au/journals/MqLawJl/2013/17.pdf](http://www.austlii.edu.au/au/journals/MqLawJl/2013/17.pdf).

"The Nuremberg Trials." The National WWII Museum | New Orleans,

[www.nationalww2museum.org/war/topics/nuremberg-trials](http://www.nationalww2museum.org/war/topics/nuremberg-trials).

"The Intricacies of Extradition Laws in the U.S.: FAQs." The Fernandez Firm, 11 Sept. 2023,

[thefernandezfirm.com/extradition-laws/#:~:text=Extradition%20between%20the%20United%20States%20and%20other%20nations](http://thefernandezfirm.com/extradition-laws/#:~:text=Extradition%20between%20the%20United%20States%20and%20other%20nations)

UNODC. "About UNODC." *United Nations : Office on Drugs and Crime*,

[www.unodc.org/unodc/en/about-unodc/index.html](http://www.unodc.org/unodc/en/about-unodc/index.html).

INTERPOL. "What Is INTERPOL?" *Interpol*, 2017,

[www.interpol.int/en/Who-we-are/What-is-INTERPOL](http://www.interpol.int/en/Who-we-are/What-is-INTERPOL).

"What Is Blockchain? - Blockchain Technology Explained - AWS." *Amazon Web Services, Inc.*,

[aws.amazon.com/what-is/blockchain/#:~:text=Blockchain%20technology%20is%20an](http://aws.amazon.com/what-is/blockchain/#:~:text=Blockchain%20technology%20is%20an)

"About Us." UNICC, [www.unicc.org/who-we-are/about-us/](http://www.unicc.org/who-we-are/about-us/).

*Contribution of Spain on the Topic "the Scope and Application of the Principle of Universal Jurisdiction."* 2016, [www.un.org/en/ga/sixth/71/universal\\_jurisdiction/spain\\_e.pdf](http://www.un.org/en/ga/sixth/71/universal_jurisdiction/spain_e.pdf).

Human Rights Watch. "The Pinochet Precedent | How Victims Can Pursue Human Rights Criminals Abroad." *Human Rights Watch*, Nov. 1998, [www.hrw.org/report/1998/11/01/pinochet-precedent/how-victims-can-pursue-human-rights-criminals-abroad](http://www.hrw.org/report/1998/11/01/pinochet-precedent/how-victims-can-pursue-human-rights-criminals-abroad).

"ICD - Pinochet - Asser Institute." [www.internationalcrimesdatabase.org](http://www.internationalcrimesdatabase.org), [www.internationalcrimesdatabase.org/Case/855/Pinochet/](http://www.internationalcrimesdatabase.org/Case/855/Pinochet/).

Andonian, Dr Bernard. "Extradition Treaty Partners of the UK." *Www.gulbenkian.co.uk*, 8 Feb. 2024, [www.gulbenkian.co.uk/extradition-treaty-partners-of-the-uk/](http://www.gulbenkian.co.uk/extradition-treaty-partners-of-the-uk/).

Corso, Lori. "LibGuides: French Legal Resources: French Legal System." *Libguides.law.villanova.edu*, 16 May 2023, [libguides.law.villanova.edu/FrenchLegalResources](http://libguides.law.villanova.edu/FrenchLegalResources).

European Commission. "European Arrest Warrant." *Commission.europa.eu*, [commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant\\_en](http://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en).

Ahmed, Azam. "El Chapo, Mexican Drug Kingpin, Is Extradited to U.S." *The New York Times*, 19 Jan. 2017,

[www.nytimes.com/2017/01/19/world/el-chapo-extradited-mexico.html#:~:text=MEXICO%20CITY%20%E2%80%94%20Joaqu%C3%ADn%20Guzm%C3%A1n%20Loera](http://www.nytimes.com/2017/01/19/world/el-chapo-extradited-mexico.html#:~:text=MEXICO%20CITY%20%E2%80%94%20Joaqu%C3%ADn%20Guzm%C3%A1n%20Loera).

Cervasio, Christine E. "Extradition and the International Criminal Court: The Future of the Political Offense Doctrine." *Pace International Law Review*, vol. 11, no. 2, Sept. 1999, pp. 419–19, <https://doi.org/10.58948/2331-3536.1241>.

fromiti. "Organized Crime Module 11 Key Issues: Extradition." *Www.unodc.org*, [www.unodc.org/e4j/en/organized-crime/module-11/key-issues/extradition.html](http://www.unodc.org/e4j/en/organized-crime/module-11/key-issues/extradition.html).

"Resolution 827 (1993) /." *United Nations Digital Library System*, May 1993, [digitallibrary.un.org/record/166567?ln=en](http://digitallibrary.un.org/record/166567?ln=en).

"European Arrest Warrant." *Commission.europa.eu*, [commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant\\_en](http://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en).

Extradition - Penn Law: Legal Scholarship Repository, [scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5486&context=penn\\_law\\_review](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5486&context=penn_law_review).