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The scope and application of the principle of universal jurisdiction

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution [76/118](#), in which the Assembly requested the Secretary-General to prepare a report on the basis of information and observations received from Member States and relevant observers, as appropriate, on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and on their national legal rules and judicial practice.

* [A/77/150](#).



I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution [76/118](#), on the basis of comments and observations submitted by Governments and observers. It contains a summary of such comments and observations received since the issuance of the previous report on the subject ([A/76/203](#)) and should be read together with it and with prior reports.¹
2. In accordance with resolution [76/118](#), section II of the present report, together with tables 1 to 3, focuses on specific information regarding the scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice. Information received from observers is provided in section III. Section IV contains a synopsis of issues raised by Governments for possible discussion.
3. Responses were received from Argentina, Armenia, Azerbaijan, Bahrain, Brazil, Burkina Faso, Colombia, Costa Rica, El Salvador, Germany, Italy, Malaysia, Morocco, New Zealand, Oman, the Republic of Korea and Togo.
4. The Organisation for the Prohibition of Chemical Weapons (OPCW) and the International Committee of the Red Cross (ICRC) also submitted responses.
5. The complete submissions are available on the website of the Sixth Committee of the General Assembly (www.un.org/en/ga/sixth).

II. Scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice: comments by Governments

A. Basic legal rules

1. Relevant national legal rules²

Argentina³

6. Argentina reiterated comments previously submitted regarding the exercise of the principle of universal jurisdiction in accordance with article 118 of its Constitution.

Armenia

7. Armenia reported that the principle of universal jurisdiction is contained in article 12.3 of its Criminal Code (see also section II.B below and tables 1 and 2).

Azerbaijan⁴

8. Azerbaijan reiterated previous comments regarding article 12.3 of its Criminal Code. It reported that, in accordance with article 27 of Law No. 958-IIQ (2008), citizens of Azerbaijan, foreign citizens or stateless persons who have committed

¹ [A/65/181](#), [A/66/93](#) and [A/66/93/Add.1](#), [A/67/116](#), [A/68/113](#), [A/69/174](#), [A/70/125](#), [A/71/111](#), [A/72/112](#), [A/73/123](#) and [A/73/123/Add.1](#), [A/74/144](#), and [A/75/151](#).

² Table 1 contains a list of crimes concerning which universal jurisdiction is established by various codes, as mentioned in the comments by Governments. Table 2 contains specific legislation relevant to the subject, based on information submitted by Governments.

³ For previous comments submitted by Argentina, see [A/73/123](#).

⁴ For previous comments submitted by Azerbaijan, see [A/66/93](#) and [A/70/125](#).

crimes related to human trafficking are subject to criminal liability under its Criminal Code, regardless of the place of commission of the crime.

9. Under article 17 of Law No. 687-IQ (1999), persons committing terrorist acts or participants of such acts, regardless of the place of their planning or execution, are subject to criminal liability and sentence under the legislation of Azerbaijan. Subject to inter-State agreements to which Azerbaijan is a party, such persons may be extradited to another State in order to be subject to criminal liability or to enforce sentence. In accordance with article 2.2 of Law No. 767-IIIQ (2009), activities related to the legalization of criminally obtained funds or other assets or to the financing of terrorism carried out outside the jurisdiction of Azerbaijan are subject to the law of Azerbaijan, in accordance with international agreements to which Azerbaijan is a party (see also tables 1 and 2 below).

Bahrain⁵

10. Bahrain reiterated previous comments regarding article 9 of its Penal Code. It also submitted that it has taken legislative measures to prosecute perpetrators of international crimes and expand the application of universal jurisdiction by means of Decree-Law No. 44 (2018), which establishes jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression. The jurisdiction of its national courts applies in relation to those crimes even if they are committed outside its territory, in conformity with international agreements ratified by Bahrain. Decree-Law No. 44 (art. 3) provides that the competent court, when interpreting and applying its provisions, shall consult relevant treaties and principles of international law. Moreover, Law No. 58 (2006) and Decree-Law No. 4 (2001) on terrorism and the financing of terrorism apply to nationals of Bahrain and foreigners who commit an act outside Bahrain which would qualify as a crime under such laws (see also tables 1 and 2 below). Bahrain further stated that it applies the principle when provided for in national law or in an agreement ratified by Bahrain and which has become part of its national legislative system (see table 3 below).

Brazil⁶

11. Brazil reiterated previous comments regarding the territoriality principle, the active nationality principle, article 7 (I) and (II) of its Criminal Code and Law No. 9455/1997 regarding torture (see tables 1 and 2 below).

12. Brazil further reported that according to article 5 of its Criminal Code, a crime committed in Brazilian territory, including its airspace and territorial sea, is subject to its domestic legal system, regardless of the nationality of the perpetrator or the victim. Under article 6, Brazil applies its laws both to acts initiated within its territory but completed outside the territory and to acts completed within its territory but initiated outside the territory. Under article 7, Brazil applies its laws to crimes committed outside its territory against the life or freedom of the President and against the public administration of Brazil.

Burkina Faso

13. Burkina Faso reported that its national courts may exercise universal jurisdiction as provided for in Act No.040-2019/AN (2019). Under articles 524-1 to 524-8 of its Code of Criminal Procedure, national courts can hear cases involving: (a) felonies or misdemeanours committed by nationals of Burkina Faso outside its territory; and (b) any felony or misdemeanour, regardless of the place of commission,

⁵ For previous comments submitted by Bahrain, see [A/74/144](#).

⁶ For previous comments submitted by Brazil, see [A/76/203](#).

subject to the criteria of double jeopardy and compliance with the *ne bis in idem* principle. Moreover, according to article 519-6 of its Code of Criminal Procedure and article 113-2 of its Criminal Code, Burkina Faso may exercise universal jurisdiction in case it refuses a request for extradition to a State where the individual concerned runs the risk of being subjected to torture or similar practices. In such cases, the courts have jurisdiction to try the individual concerned if the acts that are subject to the extradition request are contemplated in and punished by the laws of Burkina Faso, or if the acts constitute international crimes, such as crimes against humanity, genocide, war crimes and the crime of aggression.

Colombia⁷

14. Colombia reiterated that there is no explicit provision in Colombian law reflecting the principle of universal jurisdiction. However, the principle has been recognized in the jurisprudence of its high courts as a treaty rule reflected in various international instruments to which Colombia is a party. Colombia also reiterated previous comments regarding article 93 of its Constitution.

Costa Rica⁸

15. Costa Rica reiterated previous comments regarding Act No. 8272, as amended, and the application of universal jurisdiction.

El Salvador⁹

16. El Salvador stated that the national and international legal frameworks, as well as its national case law, support the application of the principle of universal jurisdiction. It reiterated that, under article 10 of its Criminal Code, its criminal law may be applied regardless of the place where the crime was committed or the individuals involved, provided that the crime affects internationally protected property or seriously undermines universally recognized human rights.

Germany¹⁰

17. Germany reiterated comments made previously regarding its Code of Crimes against International Law.

Italy

18. Italy reported that under article 6 of its Criminal Code, national authorities have jurisdiction over crimes committed in its territory. Nevertheless, article 7, establishes four categories of crimes which can be prosecuted and punished in Italy despite being committed abroad. Article 7.5 incorporates the principle of universal jurisdiction and provides for a fifth category of crimes aimed at protecting universal values, including those reflected in special legislation and international treaties. Articles 9 and 10 establish jurisdiction for ordinary crimes committed abroad against the Italian State and Italian nationals, as well as against foreign countries and nationals. Article 10 relates to the commission of crimes abroad by foreign nationals, where criminal prosecution presupposes the presence of the alleged perpetrator on Italian territory.

19. In line with article 1 of the Criminal Code and articles 25.2 and 25.3 of the Constitution, the criminalization of conduct, even when deriving from international

⁷ For previous comments submitted by Colombia, see [A/66/93](#), [A/68/113](#) and [A/76/203](#).

⁸ For previous comments submitted by Costa Rica, see [A/76/203](#).

⁹ For previous comments submitted by El Salvador, see [A/65/181](#), [A/66/93](#), [A/67/116](#), [A/69/174](#), [A/72/112](#), [A/73/123](#), [A/74/144](#), [A/75/151](#) and [A/76/203](#).

¹⁰ For previous comments submitted by Germany, see [A/65/181](#), [A/72/112](#), [A/74/144](#) and [A/76/203](#).

legal obligations, must be based on specific norms adopted by the Parliament. An Expert Committee established by the Minister of Justice is entrusted with the review of draft legislation on international crimes in the light of international treaty obligations and the preparation of a draft code of international crimes, which may eventually include provisions on universal jurisdiction regarding “core crimes” (for example, war crimes, crimes against humanity, genocide and aggression).

Malaysia¹¹

20. Malaysia reiterated previous comments regarding the crime of piracy and the Courts of Judicature Act 1964. Malaysia added that it is drafting its Maritime Security Bill, which will include universal jurisdiction to strengthen its regime against maritime offences, including piracy.

21. Regarding war crimes, Malaysia has enacted the Geneva Conventions Act (1962) to give effect to its obligations under the Geneva Conventions of 1949. Malaysia also reported that it has enacted legislation providing for extraterritorial jurisdiction for various offences, while emphasizing that such jurisdiction is based on other general principles of criminal jurisdiction, rather than the universality principle (see sect. II.B below).

Morocco

22. Morocco submitted that under chapter 10 of its Criminal Code, Moroccan legislation applies to anyone on Moroccan territory, barring the exceptions established in domestic and international public law.

23. According to paragraph 2 of article 704 of its Code of Criminal Procedure, the judiciary may exercise competence in respect of any offence if one component thereof was committed in Morocco; the offence as a whole is treated as though it had occurred on Moroccan territory. Under paragraph 3, the jurisdiction of courts to consider the principal act is extended to all associated acts of complicity or concealment, even if they were committed outside Morocco and by foreigners. Moreover, in accordance with articles 705 and 706, Moroccan law applies to Moroccan ships and aircraft wherever they are located, except for cases that are subject to foreign law by virtue of international law.

24. Moroccan courts also have competence to prosecute any Moroccan citizen who commits, outside Morocco, a major or minor offence under articles 707 and 708 of its Code of Criminal Procedure. Under article 710, Moroccan courts also have competence when a major offence is committed against a Moroccan citizen outside the territory of Morocco.

25. With respect to terrorism, according to article 711(1) of its Code of Criminal Procedure, and chapter 218 (1)(1) of its Criminal Code, specialized courts have the power to prosecute and try any individual who has committed a terrorist offence outside Morocco, whether as a perpetrator, accomplice or accessory, and whether or not the offence was intended to harm Morocco or its interests.

New Zealand

26. New Zealand reported that its Crimes of Torture Act (1989) allows for the prosecution for acts of torture committed within or outside New Zealand, provided that the individual concerned is located in New Zealand, is a New Zealand citizen or the acts occurred in New Zealand. The International Crimes and International Criminal Court Act (2000) allows for the prosecution of genocide, crimes against

¹¹ For previous comments submitted by Malaysia, see [A/75/151](#).

humanity, specified war crimes, committed within or outside New Zealand, regardless of the nationality of the accused or whether the accused was in New Zealand at the time the offence occurred or when the charging decision was made.

Oman

27. Oman reported that its application of the principle of universal jurisdiction is based on ratified international agreements and certain provisions of several national laws. Since 2015, Oman has acceded to numerous international conventions (see table 3 below) and issued a number of relevant laws, including: Royal Decree No. 30/2016 on money-laundering and terrorism financing; Royal Decree No. 7/2018 ratifying the revised Omani Penal Code; Royal Decree No. 4/2020 ratifying the internal security service law; and Royal Decree No. 125/2020 ratifying the law on the simplification of litigation procedures regarding some disputes.

Republic of Korea

28. The Republic of Korea reported that it has incorporated the principle of universal jurisdiction into domestic legislation by allowing the prosecution of certain crimes by foreign nationals that did not take place in its territory (see tables 1 and 2 below). A number of national laws contain universality clauses that provide a basis for the exercise of universal jurisdiction for related crimes when those crimes were committed abroad by foreigners. In order to implement the United Nations Convention against Transnational Organized Crime, the Criminal Act extends universal jurisdiction to crimes of trafficking in persons. In order to implement the Rome Statute of the International Criminal Court, the Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court provides for universal jurisdiction.

Togo¹²

29. Togo reiterated comments submitted previously regarding its Criminal Code of November 2015 and article 155 thereof (see tables 1 and 2 below). Togo further reported that article 207.3 criminalizes torture and other cruel, inhuman or degrading treatment or punishment and gives its courts jurisdiction over those offences regardless of the nationality of the alleged perpetrator or that of the victim, the place where the offence was committed or when the extradition of the alleged perpetrator from one State to another or to an international criminal court takes place. Article 1068 recognizes the jurisdiction of Togolese courts to hear cases concerning piracy committed beyond the limits of the territorial sea, regardless of the nationality of the perpetrators and regardless of the flag of the ships or platforms involved.

2. Applicable international treaties

30. On the basis of information received from Governments, a list of the treaties referred to by Governments is provided in table 3 below.

3. Judicial practice

Argentina

31. Argentina stated that its courts have exercised universal jurisdiction in the light of the gravity of the crimes (see tables 1 and 2 below) when such crimes are considered to have violated people's rights under article 118 of its Constitution and international human rights obligations relating to the right to legal protection, which in some cases have the status of constitutional rules. To date, there had been no cases

¹² For previous comments submitted by Togo, see [A/72/112](#).

where universal jurisdiction was exercised in respect of crimes committed in places outside the exclusive authority of a State. Argentina further reported that a number of cases involving serious violations of human rights perpetrated on its territory have been brought before foreign courts.

32. The judicial authorities in Argentina exercise universal jurisdiction as a complement and an exception to the territoriality, active and/or passive personality and protective principles. Before invoking universal jurisdiction and opening an investigation, judicial authorities first ensure that there are no ongoing investigations in the affected country or countries and that the International Criminal Court is not investigating the events.

Brazil¹³

33. Brazil reiterated comments regarding the findings of the Supreme Court of Justice in the judgment of *habeas corpus* 95.595/2018, as well as in various extradition cases. Its comments on the filing in the *Herzog* case before the Inter-American Court of Human Rights and the principle of “mitigated universal jurisdiction” were also reiterated.

Colombia¹⁴

34. Colombia submitted that its Constitutional Court, in judgment SU257/21 of 2021, held that crimes against humanity are subject to universal jurisdiction. It also held that universal jurisdiction accords judges with the duty and the obligation to value and protect victims of such crimes.

Costa Rica¹⁵

35. Costa Rica reiterated comments submitted previously regarding judgment No. 2019-012242 of 5 July 2019, issued by its Supreme Court. It also reiterated that the special protection of human rights is relevant to the topic of universal jurisdiction insofar as the latter applies to grave offences against international law.

El Salvador¹⁶

36. El Salvador reiterated its previous comments regarding judgment No. 44 2013/145-2013 of 13 July 2016 and decision No. 24-S-2016 of 24 August 2016, concerning the subsidiarity of universal jurisdiction and the non-applicability of amnesty to war crimes and crimes against humanity committed during the armed conflict in El Salvador. It further reported that the Constitutional Chamber of the Supreme Court of Justice, in its decision No.414-2021 of 5 January 2022, held that the non-applicability of statute of limitations to the most serious crimes of concern to the international community as a whole, recognized under international law and in particular under the Rome Statute, enables the application of universal jurisdiction to combat and end impunity and ensure justice, truth and full reparation for victims.

¹³ For previous comments submitted by Brazil, see [A/76/203](#).

¹⁴ For previous comments submitted by Colombia, see [A/66/93](#) and [A/68/113](#).

¹⁵ For previous comments submitted by Costa Rica, see [A/76/203](#).

¹⁶ For previous comments submitted by El Salvador, see [A/65/181](#), [A/66/93](#), [A/67/116](#), [A/69/174](#), [A/72/112](#), [A/73/123](#), [A/74/144](#), [A/75/151](#) and [A/76/203](#).

Germany¹⁷

37. Germany reported that German courts have issued verdicts in cases regarding torture in prisons in the Syrian Arab Republic. German courts have also issued verdicts on crimes committed by members of Da'esh.

38. Germany reiterated previous comments regarding the creation of specialized units within the Federal Criminal Police Office and the Office of the Federal Public Prosecutor General to investigate international crimes and investigations being conducted concerning crimes against humanity and war crimes committed in Iraq and the Syrian Arab Republic.

39. Germany provided the following information relating to cases before its national courts:

(a) A national of the Syrian Arab Republic was convicted on 24 February 2021 for complicity in crimes against humanity in the form of torture and sentenced to four years and six months in prison;

(b) A Syrian national was convicted on 13 January 2022 for crimes against humanity in the form of murder, torture, rape, sexual abuse and deprivation of liberty and sentenced to a lifelong sentence;

(c) A case against a Syrian national is being heard concerning crimes against humanity in the form of torture and murder;

(d) Germany reiterated comments made previously regarding trials and convictions concerning persons associated with Da'esh in Iraq and the Syrian Arab Republic who have returned to Germany;

(e) On 30 November 2021, a former member of Da'esh was convicted and given a lifelong sentence for genocide, crimes against humanity and war crimes. The accused and his wife, a German national, had abused a Yazidi woman and her daughter as slaves. In this case, the crime occurred outside Germany, the accused is an Iraqi citizen who did not live in Germany when the investigation began: the accused was extradited from Greece to Germany in 2019;

(f) Germany reiterated comments regarding the finding of 28 January 2021, in which it was explicitly established that officials of another State are not entitled to functional immunity (immunity *ratione materiae*) with regard to acts carried out within the scope of their duties.

40. German prosecutors are currently conducting over 100 investigations into international crimes.

Italy

41. Italy reported that sentencing No. 10/2017 was issued by the Corte d'Assise of Milan (confirmed in appeals proceeding No. 31/2020 and by the Court of Cassation in proceeding No. 480/2020) on the basis of article 10 of its Criminal Code. A Somali national was convicted and sentenced for participation in the activities of a transnational criminal organization outside the territory of Italy, on counts of kidnapping, killing, sexual violence and different forms of torture.

New Zealand

42. New Zealand reported that it has not exercised universal jurisdiction to date.

¹⁷ For previous comments submitted by Germany, see [A/65/181](#), [A/72/112](#), [A/74/144](#) and [A/76/203](#).

Republic of Korea

43. The Supreme Court of the Republic of Korea applied the Aviation Safety Act to a case of hijacking of foreign aircraft by foreign nationals. The Court held that the courts of the Republic of Korea can exercise jurisdiction as a landing country based on the Convention on Offences and Certain other Acts Committed on Board Aircraft and the Convention for the Suppression of Unlawful Seizure of Aircraft.

Togo

44. Togo reported that its courts have not yet been seized of a case on the basis of universal jurisdiction.

B. Conditions, restrictions or limitations to the exercise of jurisdiction**Constitutional and national legal framework****Armenia**

45. Armenia submitted that the principle of universal jurisdiction applies when the following cumulative conditions are present: (a) the person having committed the crime is a foreign national or an individual not permanently residing in Armenia; (b) the crime has been committed beyond its boundaries; (c) the crime is provided for by international treaties to which Armenia is a party; and (d) the person having committed the criminal offence has not been prosecuted in another State. Armenia also submitted that the principle applies regardless of whether the act is considered a crime in the State where it was committed.

Brazil¹⁸

46. Brazil reiterated comments regarding the conditions that need to be met under article 7 (II) (b) of its Criminal Code. It also reported that for Brazil to exercise its jurisdiction when a crime is committed by a foreigner against a Brazilian national abroad (passive personality principle), the following conditions must be met: (a) no extradition request (or the request must have been denied); and (b) a requisition by the Minister of Justice, according to article 7, paragraph 3 of the Brazilian Criminal Code.

47. Brazil further reiterated previous comments regarding the exercise of jurisdiction *in absentia* and the exercise of universal jurisdiction over serious crimes objectively recognized in international treaties.

Colombia¹⁹

48. Colombia reiterated previous comments and underlined that its Constitutional Court, in judgment C-1189/2000, affirmed that the principle of universal jurisdiction applies in Colombia only when it is expressly enshrined in a treaty, and that persons who are subject to universal jurisdiction, by virtue of the relevant treaty, must be in the country even if the act was not committed on Colombian territory.

¹⁸ For previous comments submitted by Brazil, see [A/76/203](#).

¹⁹ For previous comments submitted by Colombia, see [A/66/93](#) and [A/68/113](#).

El Salvador²⁰

49. El Salvador reiterated previous comments regarding article 10 of its Criminal Code (see sect. II.A.1 above).

Germany²¹

50. Germany reiterated previous comments regarding trials *in absentia* and stated that there are no material conditions to the applicability of universal jurisdiction for genocide, crimes against humanity and war crimes. Germany also reiterated previous comments regarding section 1 of its Code of Crimes against International Law and the fact that German law does not provide for the criminal liability of companies or other legal persons. Germany noted the need to take questions of immunity under international law into account.

Malaysia

51. Malaysia reported that for extraterritorial jurisdiction for various offences to apply, the offences in question, although committed outside Malaysia, still need to maintain a link or nexus with Malaysia (through active or passive nationality).

Republic of Korea

52. The Republic of Korea reported that the Act on Punishment of Crimes under Jurisdiction of the International Criminal Court and the Act on Punishment for Damaging Ships and Sea Structures condition universal jurisdiction on the presence of the perpetrator in its territory. Investigation authorities cannot open an investigation where the alleged perpetrator is not present in the country or where the alleged perpetrator has not been identified.

III. Scope and application of universal jurisdiction: comments by observers

Organisation for the Prohibition of Chemical Weapons²²

53. OPCW reiterated comments made previously regarding the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, while highlighting that, as at 1 April 2022, the number of States parties that had adopted implementing legislation to criminalize activities prohibited under the Convention was 146.

54. OPCW also reiterated previous observations that the use of chemical weapons constitutes a war crime. It noted that a number of criminal complaints related to the use of chemical weapons had been filed in domestic courts of countries exercising universal jurisdiction.

International Committee of the Red Cross²³

55. ICRC reiterated previous comments on several aspects of universal jurisdiction related to international humanitarian law. It stated that universal jurisdiction enables States to fulfil their duty to prosecute and punish perpetrators of war crimes. To make

²⁰ For previous comments submitted by El Salvador, see [A/75/151](#) and [A/76/203](#).

²¹ For previous comments submitted by Germany, see [A/65/181](#), [A/72/112](#), [A/74/144](#) and [A/76/203](#).

²² For previous comments submitted by OPCW, see [A/66/93](#), [A/67/116](#), [A/69/174](#) and [A/76/203](#).

²³ For previous comments submitted by ICRC, see [A/66/93](#), [A/68/113](#), [A/69/174](#), [A/70/125](#), [A/71/111](#), [A/72/112](#), [A/73/123](#), [A/74/144](#) and [A/75/151](#).

the principle effective, States are required to establish universal jurisdiction in their national legislation for certain violations of international humanitarian law treaties (mandatory universal jurisdiction) and have the right to establish universal jurisdiction for all other war crimes (permissive universal jurisdiction).

56. ICRC also reiterated the universal acceptance of the Geneva Conventions of 1949 (196 States parties), the continued ratification of or accession to Additional Protocol I (174 States parties) and the high rates of ratifications of and accessions to other relevant treaties.

57. ICRC further reiterated previous comments regarding the creation by States of specialized units to deal exclusively with the substantive and procedural specificities of international crimes. It noted that there have been a number of cases of suspected war criminals being tried by national courts on the basis of universal jurisdiction not linked with grave breaches of the Geneva Conventions.

58. ICRC reiterated its support for States in their implementation of international humanitarian law, including the obligation to repress serious violations of international humanitarian law through the exercise of universal jurisdiction. It further reiterated that its Advisory Service on International Humanitarian Law offered legal advice and technical assistance to government experts on national implementation of international humanitarian law. Its tools designed to assist States in understanding and implementing their obligations under international humanitarian law includes databases, reports and technical documents, as well as its Manual on International Humanitarian Law specifically addressed to judicial authorities.

59. ICRC also reiterated its support for the efforts of States in establishing appropriate national legislation to respond to serious violations of international humanitarian law on the basis of all grounds of jurisdiction, including universal jurisdiction, while recognizing the judicial, procedural and practical challenges that States faced regarding the principle.

IV. Nature of the issue for discussion: specific comments by States

Argentina²⁴

60. Argentina reiterated that universal jurisdiction is a critical component of the international criminal justice system, while stressing the need for clear rules governing its application to avoid conflicts of jurisdiction between States, subjecting individuals to procedural abuses or giving rise to politically motivated prosecutions. States have the primary obligation to investigate, prosecute and punish the perpetrators of the most serious crimes, over which they have both personal and territorial jurisdiction. When States are unwilling or unable to exercise their jurisdiction, other States can try to fill the gap by exercising universal jurisdiction. Universal jurisdiction is an additional and exceptional tool to prevent impunity.

61. Argentina submitted that some international instruments explicitly provide the basis for the exercise of some form of universal jurisdiction in addition to the customary character that may be attributed to the concept of universal jurisdiction.

Bahrain

62. Bahrain stated that the application of the principle of universal jurisdiction should be limited to cases in which the State with primary jurisdiction is unwilling or

²⁴ For previous comments submitted by Argentina, see [A/73/123](#).

unable to exercise jurisdiction and must be without prejudice to the principles of international law, customary international law and special rules on sovereign and diplomatic immunity.

Brazil²⁵

63. Brazil reiterated previous comments regarding the exercise of universal jurisdiction on the basis of clear and objective parameters, in order to prevent its abuse and misuse.

Costa Rica²⁶

64. Costa Rica reiterated comments previously submitted, emphasizing that the concept of universal jurisdiction has been understood as an exception in international law.

El Salvador²⁷

65. El Salvador reaffirmed its readiness to continue the discussions within the Sixth Committee to consider the role and purpose of the principle of universal jurisdiction. The scope of the application of the principle should be determined based on the case law and legislative practice of States to determine the extent to which a subsidiary character is attributed to it.

Italy

66. Italy noted that academic studies have identified the following crimes that may fall under the purview of universal jurisdiction: piracy, slavery, war crimes, crimes against humanity, crimes against peace, genocide and torture.

67. Italy stated that international treaty law provides for the obligation of States to apprehend alleged perpetrators of core international crimes who are present on their territory, regardless of their nationality (see also table 3 below). Moreover, certain international treaties provide for the *aut dedere aut judicare* obligation.

68. The existence of such an obligation is less clear under customary international law. According to Italy, the first international crime to which the principle of universal jurisdiction emerged is the crime of piracy. Additionally, international case law has identified an obligation for States to prosecute and punish perpetrators of genocide, as a result of the *jus cogens* nature of the prohibition of genocide and the resulting application of the principle of universal jurisdiction.

Germany²⁸

69. Germany reiterated that national jurisdictions can play an important part in achieving accountability, although it would be preferable for the Security Council to give the International Criminal Court more scope for trying the most serious crimes under international law.

²⁵ For previous comments submitted by Brazil, see [A/76/203](#).

²⁶ For previous comments submitted by Costa Rica, see [A/76/203](#).

²⁷ For previous comments submitted by El Salvador, see [A/73/123](#), [A/74/144](#), [A/75/151](#) and [A/76/203](#).

²⁸ For previous comments submitted by Germany, see [A/65/181](#), [A/72/112](#), [A/74/144](#) and [A/76/203](#).

Malaysia²⁹

70. Malaysia reiterated previous comments and highlighted the need to achieve consensus and understanding by Member States on the foundation and scope of the principle of universal jurisdiction, as well as the need for an in-depth legal analysis thereof. Malaysia recommended that the Sixth Committee consider the way forward to ensure progress on the topic.

Morocco

71. According to Morocco, to avoid the principle of universal jurisdiction being subjected to political considerations, action should be taken at the international level to: (a) emphasize in all relevant provisions and decisions respect for the judicial sovereignty of States; (b) give the national judiciary an opportunity to investigate offences at every stage; and (c) invoke the principle only when the competent national authorities expressly refuse to investigate the offences.

New Zealand

72. In the view of New Zealand, universal jurisdiction entitles any State to prosecute the most serious crimes of international concern in its national courts, regardless of where they were committed or the nationality of the perpetrators or the victims. The basis for universal jurisdiction is in treaties (piracy, war crimes and torture) and customary international law. The crimes of genocide, crimes against humanity and slavery are subject to a permissive form of universal jurisdiction under customary international law, as demonstrated by the number of States that have enacted universal jurisdiction in their domestic law for a number of those offences.

73. The primary responsibility for investigating and prosecuting serious international crimes rests with the territorial State or the State of nationality of the accused. Universal jurisdiction is a complementary framework to ensure that individuals can be held accountable when States with primary responsibility are unwilling or unable to exercise jurisdiction.

74. New Zealand stated that immunity *rationae personae* applies to certain office holders during their term of office, and would preclude prosecution under universal jurisdiction; however, immunity *rationae materiae* does not apply to the most serious international crimes (such as genocide, crimes against humanity, war crimes and torture), consistent with the principle of universal jurisdiction.

Togo³⁰

75. Togo reiterated that the application of the principle of universal jurisdiction is a measure to ensure that the most serious crimes that threaten the peace, security and well-being of the world do not go unpunished and are effectively prosecuted.

²⁹ For previous comments submitted by Malaysia, see [A/65/181](#) and [A/75/151](#).

³⁰ For previous comments submitted by Togo, see [A/69/174](#) and [A/72/112](#).

Table 1
List of crimes mentioned in the comments by Governments concerning which universal jurisdiction (including other bases of jurisdiction) is established by their codes

<i>Category</i>	<i>Crime</i>	<i>State</i>
Genocide and related offences	Genocide	Argentina, Armenia, Bahrain, Brazil, Burkina Faso, Costa Rica, Germany, Italy, Morocco, New Zealand, Republic of Korea, Togo
	Direct and public incitement to genocide	Armenia
	Publicly denying, justifying, propagating or mitigating genocide or crimes against humanity	Armenia
Crimes against humanity and related offences	Crimes against humanity	Argentina, Armenia, Bahrain, Burkina Faso, Costa Rica, El Salvador, Germany, ^a Italy, Morocco, New Zealand, Republic of Korea, Togo
	Crimes against peace and humanity	Azerbaijan
War crimes and related offences	War crimes	Argentina, Armenia, Azerbaijan, Bahrain, Burkina Faso, Costa Rica, Germany, Italy, Malaysia, Morocco, New Zealand, Republic of Korea, Togo
	Offences against international humanitarian law	Costa Rica
	Employing prohibited means and methods of warfare	Armenia
	Mercenarism	Armenia
	Inaction during an armed conflict	Armenia
	Initiating or carrying out aggressive military actions in the event of an epidemic or an imminent threat to the security of humanity	Armenia
	Appropriation of property	Germany
	Conscripting or enlisting children	Germany
Dereliction of duties by commanders	Republic of Korea	
Crimes against peace	Italy	

<i>Category</i>	<i>Crime</i>	<i>State</i>
Violations of fundamental rights recognized under international human rights law and international humanitarian law		Argentina
Offences against human rights		Costa Rica
Serious violations of human rights		El Salvador
Torture		Argentina, Armenia, Azerbaijan, Brazil, Italy, New Zealand, Togo
Aggression		Bahrain, Burkina Faso, Italy
	Direct public incitement to aggression	Armenia
Piracy		Argentina, Armenia, Azerbaijan, Costa Rica, Italy, Malaysia, New Zealand, Republic of Korea, Togo
Apartheid		Togo
Terrorism and related offences	Terrorism	Armenia, Azerbaijan, Bahrain, Costa Rica, Morocco, Republic of Korea
	Financing of terrorism	Armenia, Azerbaijan, Bahrain, Costa Rica, Oman
	Justifying, propagating or inciting terrorism, as well as disseminating materials or objects containing such acts	Armenia
	International terrorism	Armenia
	Membership of a terrorist organization	Germany
Enforced disappearances		Argentina
Slavery		Costa Rica, Italy, New Zealand
Killing-related offences	Killing	Italy
	Mass killings	Argentina
Offences related to transportation and communication	Aircraft hijacking	Azerbaijan
	Seizing, holding or hijacking an aircraft, ships or rail rolling stock	Armenia

<i>Category</i>	<i>Crime</i>	<i>State</i>
	Trespassing of computers, computer systems or computer networks	Armenia
	Modification of computer data	Armenia
	Computer sabotage	Armenia
	Misappropriation or illicit acquirement of computer data	Armenia
	Violating the rules of operation of computer systems or networks	Armenia
Trafficking in persons and related offences	Participation in trafficking in slaves, women or children	Costa Rica
	Trafficking in human beings	Armenia, Azerbaijan, Republic of Korea
	Illegal circulation of human embryo, foetus, human or corpse cells, tissues, organs or biological substances or fluids	Armenia
	Trafficking in or exploitation of human beings	Armenia
	Trafficking in or exploitation of children or other helpless persons	Armenia
	Organization of illegal migration	Armenia
Drug-related offences	Illegal trafficking of narcotic drugs or psychotropic substances	Azerbaijan
	Illegal circulation of narcotic drugs, psychotropic substances, their preparation substances or their analogous substances with the intention of selling them	Armenia
	Illegal circulation of narcotic drugs, psychotropic substances, their preparation substances or their analogous substances with no intention of selling them	Armenia
	Stealing narcotic drugs, psychotropic substances, their preparation substances or their analogous substances	Armenia
	Extortion of narcotic drugs, psychotropic substances, their preparation substances or their analogous substances	Armenia

<i>Category</i>	<i>Crime</i>	<i>State</i>
	Illegal circulation of highly active or toxic substances	Armenia
	Circulation or sale of counterfeit alcoholic beverages, infant food, biologically active additives, drugs, medicines, herbal raw materials, medicinal products or pharmaceutical products under examination	Armenia
	Trafficking in narcotics	Costa Rica
Violation of safety regulations or requirements at nuclear power plants		Armenia
Crimes connected to radioactive materials		Azerbaijan
Fiscal offences	Money-laundering	Armenia, Bahrain, Oman
	Manufacturing or sale of counterfeit currency or security documents	Azerbaijan
	Forgery of coins, securities, banknotes and other bearer instruments	Costa Rica
	Counterfeiting of a State seal, counterfeiting or forging national cash or banknotes	Morocco
Offences related to diplomatic personnel, protected persons or organizations	Attacks on protected persons or organizations	Azerbaijan
	Major offences against staff or diplomatic or consular missions or public offices	Morocco
Offences against the administration of justice		Republic of Korea
Offences related to arms and weapons	Creating, providing, testing or using weapons of mass destruction	Armenia
	Illegal carrying by civilians of firearms, gas, pneumatic guns, cold steel or shotguns	Armenia
	Illegal manufacture, alteration or repair of firearms, their main components, ammunition, explosives or explosive devices	Armenia

<i>Category</i>	<i>Crime</i>	<i>State</i>
	Theft of firearms, their main components, ammunition, explosives or explosive devices	Armenia
	Extortion of firearms, their main components, ammunition, explosives or explosive devices	Armenia
Offences related to the deprivation of liberty	Hostage-taking	Armenia, Azerbaijan
	Kidnapping	Italy
	Child abduction	Argentina
Violation of the duty of care towards one's children		Germany
Forced displacement		Argentina
Sexual violence offences	Sexual violence against minors	Armenia
	Coercion of a minor to sexual acts	Armenia
	Performing sexual acts on persons below the age of 16	Armenia
	Commission of lewd acts	Armenia
	Grooming	Armenia
	Sexual offences against minors	Costa Rica
	Sexual violence	Italy
Intellectual property-related offences	Infringement of copyright and related rights	Armenia
	Patent infringement	Armenia
Destruction of or damage to historic and cultural monuments or objects or documents of unique value		Armenia
Organized crime and related offences	Creating or directing a criminal organization or participating in a criminal organization	Armenia
	Participation in a transnational criminal organization	Italy
Ecocide		Armenia
Bribery and related offences	Receiving bribes in the private sector	Armenia
	Giving bribes	Armenia

<i>Category</i>	<i>Crime</i>	<i>State</i>
	Receiving bribes	Armenia
	Abuse of official powers or the influence conditioned thereby	Armenia
	Illicit enrichment	Costa Rica
	Criminal receipt, legalization or concealment of goods	Costa Rica
	Legislation or administration for personal gain	Costa Rica
	Irregular overpricing	Costa Rica
	Misrepresentation of the receipt of goods and services contracted	Costa Rica
	Irregular payment of administrative contracts	Costa Rica
	Influence peddling	Costa Rica
	Transnational bribery and influence against the Ministry of Finance	Costa Rica
	Offences covered by Act No. 8422 of 6 October 2004 on corruption and illicit enrichment in public service	Costa Rica
	Bribery in which the person being bribed commits acts not prohibited by law	Costa Rica
	Bribery in which the person being bribed commits acts constituting a criminal offence	Costa Rica
	Aggravated corruption	Costa Rica
	Acceptance of gifts for an accomplished act	Costa Rica
	Corruption of judges	Costa Rica
	Active bribery	Costa Rica
	Inappropriate business dealings	Costa Rica
	Embezzlement	Costa Rica
	Misappropriation	Costa Rica
	Embezzlement and misappropriation of private funds	Costa Rica

<i>Category</i>	<i>Crime</i>	<i>State</i>
Illegal provision of medical care and such services		Armenia
Trafficking of obscene publications		Costa Rica
Discrimination		Armenia
Public incitement to violence, public justification or propaganda thereof, as well as dissemination of materials or objects for the same purpose		Armenia
Crimes against the life or freedom of the President of Brazil and against the public administration		Brazil
Act against State security		Morocco

^a Germany mentioned the following offences as forms of crimes against humanity: enslavement; murder; torture; rape; sexual abuse; and deprivation of liberty.

Table 2
Specific legislation relevant to the subject, based on information submitted by Governments

<i>Category</i>	<i>Legislation</i>	<i>State</i>
Genocide and related offences	Constitution, art. 118	Argentina
	Criminal Law, arts. 133, 134 and 136	Armenia
	Decree-Law No. 44 (2018)	Bahrain
	Criminal Code, art. 7 (I) (d)	Brazil
	Act No. 025-2018/AN (2018), art. 113-2	Burkina Faso
	Criminal Code, art. 7	Costa Rica
	Code for Crimes against International Law, sect. 6	Germany
	International Crimes and International Criminal Court Act 2000 (NZ)	New Zealand
	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, art. 3 (5) (art. 8)	Republic of Korea
	Criminal Code, art. 155	Togo

<i>Category</i>	<i>Legislation</i>	<i>State</i>
Crimes against humanity and related offences	Constitution, art. 118	Argentina
	Criminal Law, arts. 135 and 136	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Decree-Law No. 44 (2018)	Bahrain
	Act No. 025-2018/AN (2018), art. 113-2	Burkina Faso
	Criminal Code, art. 7	Costa Rica
	Code for Crimes against International Law, sect. 7	Germany
	International Crimes and International Criminal Court Act 2000 (NZ)	New Zealand
	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, art. 3 (5) (art. 9)	Republic of Korea
	Criminal Code, art. 155	Togo
War crimes and related offences	Constitution, art. 118	Argentina
	Criminal Law, arts. 137, 140, 147, 148 and 150	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Decree-Law No. 44 (2018)	Bahrain
	Act No. 025-2018/AN (2018), art. 113-2	Burkina Faso
	Criminal Code, art. 7	Costa Rica
	Code for Crimes against International Law, sects. 8–12	Germany
	Geneva Conventions Act 162, Act 512	Malaysia
	International Crimes and International Criminal Court Act 2000 (NZ)	New Zealand
	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, art. 3 (5) (arts. 10–14)	Republic of Korea
Criminal Code, art. 155	Togo	

<i>Category</i>	<i>Legislation</i>	<i>State</i>
Dereliction of duties by commanders	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, art. 3 (5) (art. 15)	Republic of Korea
Violations of fundamental rights recognized under international human rights law and international humanitarian law	Constitution, art. 118	Argentina
Torture	Constitution, art. 118	Argentina
	Criminal Law, art. 450	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Criminal Code, art. 7 (II) (b); Law 9455/1997	Brazil
	Criminal Code, art. 10	Italy
	Crimes of Torture Act 1989 (NZ), sect. 3	New Zealand
	Criminal Code, art. 207.3	Togo
Aggression	Criminal Law, art. 151 (c)	Armenia
	Decree-Law No. 44 (2018)	Bahrain
	Act No. 025-2018/AN (2018), art. 113-2	Burkina Faso
Piracy	Criminal Law, art. 317	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Criminal Code, art. 7	Costa Rica
	Courts of Judicature Act 1964, Act 91	Malaysia
	Act on Punishment for Damaging Ships and Sea Structures, art. 3 (3) (arts. 5–13)	Republic of Korea
	Criminal Code, art. 1068, para. 4	Togo
	Criminal Code, art. 155	Togo
Terrorism and related offences	Criminal Law, arts. 152, 308, 310 and 313	Armenia
	Criminal Code, art. 12.3; Law No. 767-IIIQ (2009); Law No. 687-IQ (1999)	Azerbaijan

<i>Category</i>	<i>Legislation</i>	<i>State</i>
	Law No. 58 (2006) and Decree-Law No. 4 (2001)	Bahrain
	Criminal Code, art. 7	Costa Rica
	Code of Criminal Procedure, art. 711 (1); Criminal Code, chap. 218 (1)(1)	Morocco
	Royal Decree No. 30/2016	Oman
	Act on Counter-Terrorism for the Protection of Citizens and Public Security, art. 19 (art. 17)	Republic of Korea
Enforced disappearances	Constitution, art. 118	Argentina
Slavery	Criminal Code, art. 7	Costa Rica
Killing-related offences	Constitution, art. 118	Argentina
	Criminal Code, art. 10	Italy
Offences related to transportation and communication	Criminal Law, arts. 316, 359–362, 365	Armenia
	Criminal Code, art. 12.3	Azerbaijan
Trafficking in persons and related offences	Criminal Law, arts. 183, 188, 189 and 470	Armenia
	Criminal Code, art. 12.3; Law No. 958-IIQ (2008)	Azerbaijan
	Criminal Code, art. 7	Costa Rica
	Criminal Act, art. 296-2 (arts. 287–292 and 294)	Republic of Korea
Drug-related offences	Criminal Law, art. 393, 396–398, 405 and 409	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Criminal Code, art. 7	Costa Rica
Violation of safety regulations or requirements at nuclear power plants	Criminal Law, art. 351	Armenia
Crimes connected to radioactive materials	Criminal Code, art. 12.3	Azerbaijan
Fiscal offences	Criminal Law, art. 296	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Law No. 58 (2006) and Decree-Law No. 4 (2001)	Bahrain

<i>Category</i>	<i>Legislation</i>	<i>State</i>
	Criminal Code, art. 7	Costa Rica
	Code of Criminal Procedure, art. 710	Morocco
	Royal Decree No. 30/2016	Oman
Offences related to diplomatic personnel, protected persons or organizations	Criminal Code, art. 12.3	Azerbaijan
	Code of Criminal Procedure, art. 710	Morocco
Offences against administration of justice	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, art. 3(5) (art. 16)	Republic of Korea
Offences related to arms and weapons	Criminal Law, arts. 153, 334, 336 and 338–339	Armenia
Offences related to the deprivation of liberty	Constitution, art. 118	Argentina
	Criminal Law, art. 315	Armenia
	Criminal Code, art. 12.3	Azerbaijan
	Criminal Code, art. 10	Italy
Forced displacement	Constitution, art. 118	Argentina
Offences against minors	Criminal Code, art. 7	Costa Rica
Sexual violence offences	Criminal Law, arts. 198 (para. 2, clause 3), 199 (para. 2, clause 2), 200–202	Armenia
	Criminal Code, art. 10	Italy
Intellectual property-related offences	Criminal Law, arts. 227–228	Armenia
Destruction of or damage to historic and cultural monuments or objects or documents of unique value	Criminal Law, art. 301	Armenia
Organized crime and related offences	Criminal Law, arts. 318–319	Armenia
	Criminal Code, art. 10	Italy
Ecocide	Criminal Law, art. 154	Armenia
Bribery and related offences	Criminal Law, arts. 272, 436, 441 and 453	Armenia
	Criminal Code, art. 7	Costa Rica

<i>Category</i>	<i>Legislation</i>	<i>State</i>
Illegal provision of medical care and such services	Criminal Law, art. 407	Armenia
Discrimination	Criminal Law, art. 203	Armenia
Public incitement of violence, public justification or propaganda thereof, as well as dissemination of materials or objects for the same purpose	Criminal Law, art. 330	Armenia
Crimes against the life or freedom of the President of Brazil and against the public administration	Criminal Code, art. 7 (I)	Brazil
Act against State security	Code of Criminal Procedure, art. 710	Morocco

Table 3

Relevant treaties referred to by Governments, including treaties containing *aut dedere aut judicare* provisions

A. Universal instruments

<i>Category</i>	<i>Instrument</i>	<i>State</i>
Human rights	Slavery Convention, 1926	Costa Rica
	Universal Declaration of Human Rights, 1948	El Salvador
	Convention on the Prevention and Punishment of the Crime of Genocide, 1948	Bahrain
	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956	Costa Rica
	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Costa Rica
	International Covenant on Economic, Social and Cultural Rights, 1966	Costa Rica, Oman
	International Covenant on Civil and Political Rights, 1966	Costa Rica, El Salvador
	Optional Protocol to the International Covenant on Civil and Political Rights, 1966	Costa Rica

<i>Category</i>	<i>Instrument</i>	<i>State</i>
	1967 Protocol relating to the Status of Refugees	Costa Rica
	International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973	Argentina, Costa Rica
	Convention on the Elimination of All Forms of Discrimination against Women, 1979	Costa Rica
	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Argentina, Bahrain, Costa Rica, Italy, New Zealand, Oman, Togo
	Convention on the Rights of the Child, 1989	Costa Rica
	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	Costa Rica
	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000	Bahrain, Costa Rica
	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000	Bahrain
	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	Costa Rica
	International Convention for the Protection of All Persons from Enforced Disappearance, 2006	Argentina, Italy, Oman, Togo
	Convention on the Rights of Persons with Disabilities, 2006	Costa Rica
Law of armed conflict	Geneva Conventions, 1949	Argentina, Bahrain, Costa Rica, Italy, Malaysia, New Zealand, Togo
	Additional Protocol I to the Geneva Conventions, 1977	Italy

<i>Category</i>	<i>Instrument</i>	<i>State</i>
	Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954	Argentina, Bahrain, Costa Rica
	First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954	Bahrain
	Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1999	Bahrain, Costa Rica
Law of the sea	United Nations Convention on the Law of the Sea, 1982	Argentina, Bahrain, Costa Rica, Italy, Malaysia, New Zealand, Republic of Korea
	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988	Argentina
Aircraft or civil aviation safety	Convention on Offences and Certain Other Acts Committed on Board of Aircraft, 1963	Argentina
	Convention for the Suppression of Unlawful Seizure of Aircraft, 1970	Argentina, Costa Rica
	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971	Argentina, Italy
Penal matters	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973	Argentina, Costa Rica
	International Convention against the Taking of Hostages, 1979	Argentina, Bahrain, Costa Rica, Italy
	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Costa Rica
	International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1989	Argentina

<i>Category</i>	<i>Instrument</i>	<i>State</i>
	Convention on the Safety of United Nations and Associated Personnel, 1994	Argentina
	Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 1997	Oman
	Rome Statute of the International Criminal Court, 1998	Costa Rica, El Salvador, Italy, Republic of Korea
	United Nations Convention against Transnational Organized Crime, 2000	Bahrain, Costa Rica, Morocco, Republic of Korea
	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000	Bahrain, Costa Rica
	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000	Bahrain
	United Nations Convention against Corruption, 2003	Costa Rica, Morocco
Terrorism	International Convention for the Suppression of Terrorist Bombings, 1997	Bahrain, Costa Rica
	International Convention for the Suppression of the Financing of Terrorism, 1999	Bahrain
	International Convention for the Suppression of Acts of Nuclear Terrorism, 2005	Bahrain, Costa Rica

B. Regional instruments

<i>Category</i>	<i>Instrument</i>	<i>State</i>
Human rights	American Convention on Human Rights, 1969	Costa Rica, El Salvador
	Inter-American Convention to Prevent and Punish Torture, 1985	Costa Rica
	Inter-American Convention on the International Return of Children, 1989	Costa Rica
	Inter-American Convention on Forced Disappearance of Persons, 1994	Costa Rica
	Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 1994	Costa Rica
	Inter-American Convention on International Traffic in Minors, 1994	Costa Rica
	Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, 1999	Costa Rica
Terrorism	Arab Convention on the Suppression of Terrorism, 1998	Bahrain
	Cooperation Council for the Arab States of the Gulf Agreement to Combat Terrorism	Bahrain
	Council of Europe Convention on the Prevention of Terrorism, 2005	Italy
Penal matters	Council of Europe Convention on Action against Trafficking in Human Beings, 2005	Italy
	Council of Europe Convention on Cybercrime, 2001	Italy
Constitutive instruments	Charter of the Organization of American States, 1967	Costa Rica
	Statute of the Economic Judicial Authority of the Cooperation Council for the Arab States of the Gulf	Oman

C. Bilateral instruments

<i>Category</i>	<i>Instrument</i>	<i>State</i>
Security	Cooperation agreement between the Government of Oman and the Government of Qatar in the field of security	Oman
Civil defence	Cooperation agreement between the Government of Oman and the Government of the United Arab Emirates in the field of civil defence	Oman
