

The Exercise of Universal Jurisdiction as a Response to Terrorism

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The Conceptual Basis

- Universal Jurisdiction is ill-defined
- *Arrest Warrant Case* (Democratic Republic of the Congo v Belgium)
- ‘universal jurisdiction’, ‘pure universal jurisdiction’, ‘subsidiary universal jurisdiction’, ‘universal jurisdiction properly so called’, ‘universal jurisdiction in absentia’

The Three Branches of Jurisdiction

- Jurisdiction to prescribe.
- Jurisdiction to adjudicate.
- Jurisdiction to enforce.

Historical Development

- Piracy, Slavery, Genocide
- Distinction between State and non State actors
- Concerns for inter-state stability
- The influence of the WW II trials

Extension to Terrorism

- 1970s treaty developments
- Hague Convention of 1970
- Montreal Convention of 1971
- 1977 European Convention on the Suppression of Terrorism
- 1999 International Convention for the Suppression of the Financing of Terrorism

Conclusions

- Universal Jurisdiction firmly entrenched in treaty and customary international law
- Terrorism is an international crime leading to the applicability of universal jurisdiction
- Customary practice may be moving towards extraterritorial enforcement in cases of delinquent states