Houston Area Model United Nations
Standard Committee

LEGAL



Chair | Jordan Zheng
Topic A: Universal Jurisdiction
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Chair Letter

Delegates,

My name is Jordan Zheng, and Welcome to the Chair of the Sixth Committee (LEGAL)!

I am currently a sophomore at UT Austin studying government and Model UN has been a major part of my academic experience. What first drew me in was the chance to debate international issues, but what kept me involved was the opportunity to constantly learn from the people around me. Doing MUN taught me how to think more critically and communicate more effectively. Especially in my recent role, where I had the opportunity to work on James Talarico's campaign, where the skills I developed in MUN helped immensely in a volatile environment like political campaigns.

LEGAL remains one of my favorite committees because of its role in shaping and interpreting the legal frameworks that guide the international system. The Sixth Committee deals with questions that often sit at the intersection of law, diplomacy, sovereignty, and international cooperation. Its work asks countries not only what should be done about an issue, but also what obligations states already have under international law and how those laws should evolve as new challenges emerge.

As you prepare for the conference, I encourage you to look beyond your country's basic position on each topic. Examine relevant treaties and conventions, previous United Nations resolutions, international court decisions, and your country's broader approach to international law. Understanding the reasoning behind your country's position will make your contributions to the committee much stronger.

Most importantly, enjoy the experience. Take risks, speak even when you are unsure of yourself, challenge your own assumptions, and collaborate with people you might not initially expect to work with!

I'm incredibly excited to meet all of you, hear the perspectives you bring to the committee, and watch the debate develop throughout the conference.

Good luck, and I'll see you in February!



Jordan Zheng
Chair of LEGAL
jordanzheng

Background Information

International law establishes certain crimes as so serious that their consequences extend beyond the borders of any single country. Crimes such as genocide, war crimes, and crimes against humanity raise an important legal question: should individuals accused of these crimes be prosecuted by countries where the crimes did not occur?

Universal jurisdiction allows states, under certain circumstances, to prosecute serious international crimes even when they were committed outside their territory and involved neither their citizens nor their national interests. Unlike traditional criminal jurisdiction, which generally depends on a connection between a country and the alleged offense, universal jurisdiction recognizes that some crimes are of concern to the international community as a whole.

One of the strongest legal foundations for universal jurisdiction comes from the **1949 Geneva Conventions**, which require states to search for individuals accused of grave breaches and either prosecute them or hand them over to another state for prosecution. Customary international law also recognizes universal jurisdiction over war crimes, although its application to genocide, crimes against humanity, and proceedings conducted without the accused being present remains less uniformly established.

The **Genocide Convention** does not independently establish a general obligation of universal jurisdiction, while the **Rome Statute** created the International Criminal Court (ICC) as a separate institution responsible for prosecuting certain international crimes. Under the principle of complementarity, the ICC generally intervenes when relevant national authorities are unwilling or unable to genuinely investigate or prosecute a case. This differs from universal jurisdiction, where national courts may prosecute crimes committed abroad under their own applicable laws.

However, allowing countries to prosecute crimes committed elsewhere raises concerns about national sovereignty, diplomatic relations, and the potential misuse of judicial authority. For example, a government might pursue charges against foreign officials for political reasons rather than genuine concerns about international justice. Questions also arise regarding whether certain government officials should retain immunity from prosecution while serving in office.



The International Criminal Court headquarters located at The Hague, Netherlands

To address these concerns, countries have introduced safeguards such as requiring the accused to be present, establishing minimum evidentiary standards, and reviewing whether another government is already conducting a legitimate investigation. Although these measures can prevent politically motivated prosecutions, overly restrictive requirements may also allow perpetrators to escape accountability when their own governments refuse to pursue justice.

Ultimately, the challenge is not simply whether states should have the authority to prosecute international crimes committed abroad, but how universal jurisdiction can prevent impunity without undermining national sovereignty or becoming a tool for political retaliation.

Topic History

Universal jurisdiction has historically been associated with piracy, which countries could prosecute regardless of where the offense occurred. Because piracy often took place beyond the territory of any single state, it established an early example of crimes being treated as matters of international concern.

Following the Second World War, the practice became increasingly relevant to the prosecution of serious international crimes. One significant example was the **1961–1962 abduction and trial of Adolf Eichmann in Israel**, where Israeli courts relied partly on the international character of his crimes to justify prosecution despite the offenses having occurred outside Israeli territory.



The **1999 proceedings involving former Chilean dictator Augusto Pinochet** in the United Kingdom demonstrated how foreign courts could become involved in allegations of serious human rights violations committed by former government officials. However, these developments also raised concerns about whether universal jurisdiction could interfere with national sovereignty and diplomatic immunity.

In 2002, the International Court of Justice addressed some of these concerns in *Arrest Warrant (Democratic Republic of the Congo v. Belgium)*. The Court emphasized that a state's ability to claim jurisdiction and the immunity enjoyed by certain serving foreign officials were separate legal questions. Following growing diplomatic and legal controversies, Belgium restricted its universal jurisdiction laws in 2003, while Spain introduced major limitations culminating in 2014.

The modern debate focuses not only on whether states should exercise universal jurisdiction, but also on when and how they should exercise that authority. While broader jurisdiction may prevent perpetrators from avoiding justice, it can also create opportunities for selective enforcement and politically motivated prosecutions.

Case Examples

Arrest Warrant (DRC v. Belgium)

In 2000, a Belgian judge issued an international arrest warrant for **Abdoulaye Yerodia Ndombasi**, then Foreign Minister of the Democratic Republic of the Congo, alleging war crimes and crimes against humanity. The DRC challenged the warrant before the International Court of Justice (ICJ). In 2002, the ICJ held that Belgium had violated Yerodia's immunity as a serving foreign minister and ordered the warrant cancelled. Importantly, the Court treated **jurisdiction and immunity as separate legal questions** and did not decide the broader legality of Belgium's assertion of universal jurisdiction.



Hissène Habré 's trial in Senegal

Hissène Habré and Belgium v. Senegal

Former Chadian President **Hissène Habré** lived in Senegal after leaving office in 1990. In 2012, the ICJ ruled that under the **Convention Against Torture**, Senegal was required to submit Habré's case to its competent authorities for prosecution if it did not extradite him. Senegal and the African Union subsequently established the **Extraordinary African Chambers**, which convicted Habré in 2016 of crimes including crimes against humanity, torture, and war crimes and sentenced him to life imprisonment.

R v. Bow Street Stipendiary Magistrate, ex parte Pinochet Ugarte

In October 1998 former Chilean dictator Augusto Pinochet was arrested in London following an extradition request from Spain over allegations of torture and other human rights violations during his rule. Although the alleged crimes occured in Chile, Spanish authorities sought to prosecute Pinochet under universal jurisdiction. In March 1999, the United Kingdom's House of Lords ruled that Pinochet could not claim immunity as a former head of state against certain allegations, allowing the proceedings. However, Pinochet was ultimately released in 2000 on medical grounds and returned to Chile without facing trial in Spain.

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TOPIC A: QUESTIONS TO CONSIDER

- **What circumstances should states exercise universal jurisdiction over crimes committed abroad?** Should countries be allowed to prosecute serious international crimes without any connection to their territory, or should the accused be required to be physically present? How can states prevent impunity without unnecessarily interfering with another country's sovereignty?
- **How can universal jurisdiction be protected from politically motivated prosecutions?** Governments may use international criminal allegations to target political opponents or foreign officials. Should international law establish stronger safeguards involving independent prosecutors, evidentiary standards, and judicial oversight?
- **How should universal jurisdiction interact with investigations conducted by other countries?** If the country where a crime occurred is already investigating the allegations, should foreign courts be required to defer? How can the international community determine whether an investigation is genuine or merely intended to protect an accused individual?
- **Should government officials retain immunity when accused of serious international crimes?** International law provides certain protections to serving foreign officials, yet these protections may complicate efforts to pursue accountability. How should states balance the importance of diplomatic immunity with the need to prosecute genocide, crimes against humanity, and war crimes?
- **What role should the United Nations play in establishing common standards for universal jurisdiction?** Could greater international cooperation improve evidence sharing, extradition procedures, and accountability? Should the Sixth Committee recommend international guidelines governing how states exercise universal jurisdiction?
- **Should the international community establish a universal legal framework for universal jurisdiction?** Common international standards could prevent selective enforcement and provide clearer procedures for prosecution. However, countries differ in their legal systems, national interests, and interpretations of sovereignty. Would a binding international framework strengthen accountability, or could excessive restrictions make prosecuting serious international crimes more difficult?

TOPIC A APPENDIX & SOURCES

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