

Translated from Spanish

Bicentenary of national independence 1811-2011

Permanent Mission of Paraguay to the United Nations
New York

Report

From: Office of International Affairs and Foreign Legal Assistance, Public Prosecution
Service, Republic of Paraguay

Subject: The scope and application of the principle of universal jurisdiction

Concerning the request to submit information on the scope and application of the principle of universal jurisdiction, including information on the relevant international treaties, domestic legal rules and judicial practice, it is important to mention the need first to consider what is meant by "universal jurisdiction".

In that connection, it should be noted that under the principle of territoriality established in article 6 of the Code of Criminal Procedure, our country applies Paraguayan criminal law to all offences committed in Paraguay or aboard Paraguayan ships or aircraft. Application of the principle of universal jurisdiction is a clear break with traditional application of the principle of territoriality.

Specifically, application of the principle of universal jurisdiction makes it possible to prosecute the perpetrators of war crimes or crimes against humanity before the courts of any country, regardless of when or where the offences were committed and of the nationality of the victims or the accused.

This principle has been embodied in a series of international treaties. For example, the Republic of Paraguay is a signatory to the Rome Statute establishing the International Criminal Court, approved through Act No. 1.663/0.

Article 1 of this international instrument reads:

The Court

An International Criminal Court ("the Court") is hereby establis

requested, to open a criminal investigation so that the offences for which the requesting State sought extradition do not go unpunished.

The principle of universal jurisdiction has also been incorporated into our country's domestic law. Article 8 of the Penal Code reads:

Offences committed abroad against legal assets enjoying universal protection

1. Paraguayan criminal law shall also apply to the following offences committed abroad:

(a) Offences involving explosives, covered by article 203, paragraph 1 (2);

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1. Paraguayan criminal law shall only apply to other offences committed abroad where:
 - (a) The offence is criminalized in the place of commission; and
 - (b) At the time of commission, the perpetrator:
 - (i) Held Paraguayan nationality or acquired it after the offence was committed; or
 - (ii) Is not a Paraguayan national but is present in Paraguay and extradition has been refused even though the nature of the offence would have made it legally permissible.