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ZWYCZAJ MIĘDZYNARODOWY JAKO ŹRÓDŁO OBOWIĄZKU EKSTRADYCJI LUB ŚCIGANIA

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Adnotacja. Artykuł dotyczy kwestii zwyczaju jako źródła obowiązku ekstradicji lub ścigania. Autor ustala, że następujące główne argumenty są wykorzystywane do uzasadnienia istnienia zwyczajowego obowiązku ekstradicji lub ścigania: rezolucje Zgromadzenia Ogólnego ONZ; waga przestępstw międzynarodowych; istnienie społeczności międzynarodowej (*civitas maxima*). Autor konkluduje, że obecnie nie ma jednoznacznej odpowiedzi na pytanie, czy obowiązek *aut dedere aut judicare* wchodzi w zakres międzynarodowego prawa zwyczajowego. Komisja Prawa Międzynarodowego ONZ powstrzymała się od zajęcia stanowiska w kwestii istnienia obowiązku ekstradicji lub ścigania w ramach międzynarodowego prawa zwyczajowego. Wynika to głównie z faktu, że nie istnieje spójnej praktyki państowej lub *opinio juris* potwierdzających zwyczajowy charakter obowiązku ekstradicji lub ścigania.

Slowa kluczowe: Aut dedere aut judicare, ekstradicja lub ściganie, zwyczaj w prawie międzynarodowym, walka z bezkarnością.

INTERNATIONAL CUSTOM AS A SOURCE OF THE OBLIGATION TO EXTRADITE OR PROSECUTE

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Abstract. The article reveals the issue of the custom as a source of the obligation to extradite or prosecute. It was determined that to justify the existence of a customary obligation to extradite or prosecute the following primary arguments are used: UN General Assembly resolutions; the gravity of international crimes; and the existence of an international community (*civitas maxima*). It was concluded that for now, there are no clear answers whether or not an obligation *aut dedere aut judicare* falls within international customary law. The International Law Commission abstained from adopting a stance regarding the existence of a customary international law obligation to extradite or prosecute. This is mainly due to the fact that there is no consistent state practice or *opinio juris* to support the view of the customary nature of an obligation to extradite or prosecute.

Key words: Aut dedere aut judicare, obligation to extradite or prosecute, custom in international law, fight against impunity.

МІЖНАРОДНИЙ ЗВИЧАЙ ЯК ДЖЕРЕЛО ЗОБОВ'ЯЗАННЯ ВИДАВАТИ АБО ЗДІЙСНЮВАТИ СУДОВЕ ПЕРЕСЛІДУВАННЯ

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Анотація. У статті розкривається питання про звичай як джерело зобов'язання видавати або здійснювати судове переслідування. Встановлено, що для обґрунтuvання існування звичаєвого зобов'язання щодо видачі або судового переслідування використовуються наступні основні аргументи: резолюції Генеральної Асамблеї ООН; тяжкість міжнародних злочинів; існування міжнародної спільноти (*civitas maxima*). Зроблено висновок, що наразі немає чіткої відповіді на питання, чи підпадає зобов'язання *aut dedere aut judicare* під звичаєве міжнародне право. Комісія міжнародного права ООН утрималася від прийняття позиції щодо існування зобов'язання видавати або здійснювати судове переслідування за звичаєвим міжнародним правом. Головним чином це обумовлюється тим, що не існує поспільної державної практики чи *opinio juris*, які б підтверджували звичаєвий характер зобов'язання видавати або здійснювати судове переслідування.

Ключові слова: Aut dedere aut judicare, видавати або здійснювати судове переслідування, звичай у міжнародному праві, боротьба з безкарністю.

Introduction. The principle of *aut dedere aut judicare* (“extradite or prosecute”) is an important component of the international criminal justice system, which enables international cooperation in the fight against impunity. It is generally understood that the *aut dedere aut judicare* clause requires the state with jurisdiction to punish individuals who commit serious crimes when they are not extradited. Among other things, the principle *aut dedere aut judicare* contributes to the fight against international crime and serves humanitarian purposes in order to ensure fundamental human rights. UN Commission on Human Rights in its resolution (UN Commission on Human Rights resolution, 2003/72) urged states “to give necessary attention to the question of impunity for violations of international human rights and humanitarian law” (para. 1) as well as “take effective measures to implement their obligations to prosecute or extradite perpetrators” of such crimes as genocide, crimes against humanity, war crimes and torture (para. 10).

It is important to note that on May 26, 2023, in Ljubljana, Slovenia, 80 states approved the text of the Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and Other International Crimes (Ljubljana-Hague Convention)¹. This Convention outlines the obligations of states with respect to cooperation and extradition in the investigation of crimes under international law. In addition to cooperation between states, the Convention also lays down a fundamental legal principle for the prosecution of the most serious crimes by states in black and white: the obligation *aut judicare aut dedere* (Draft Article 14 of the Convention). According to this principle, every state has an obligation to prosecute anyone found on its territory who has allegedly committed international crimes. And if a state does not wish to prosecute on its territory, it is then obliged, according to this principle, to hand over the suspected person either to another state or to an international tribunal for prosecution. This article was hotly debated, and as a result, the right to formulate a reservation on the principle *aut judicare aut dedere* for a renewable period of three years was declared (Steps forward for international law in Ljubljana and Paris, 2023).

The implementation of the *aut dedere aut judicare* principle entails a number of complex issues, among which special attention should be paid to the question of the treaty and/or customary nature of the obligation to extradite or prosecute. The question of whether the obligation to extradite or prosecute is a customary nature is debatable and has both its supporters and opponents. At the General Assembly Sixth Committee’s sixty-eighth session (2013) some delegations expressed their position that under customary international law, there was no obligation to extradite or prosecute and that the obligation was derived from treaty provisions. Other delegations believed that the question merited further consideration and suggested that a review of state practice be conducted in order to address this issue (Topical summary of the discussion, 2014: para. 60). A further thorough investigation of the nature of the *aut dedere aut judicare* principle has essential theoretical and practical significance.

The purpose of the article is to consider the custom as a source of the obligation to prosecute or extradite and highlight the arguments in support of this idea. The article reveals the position of the International Law Commission, the doctrinal justifications of scientists and the existing judicial practice on this issue. The following main justifications of a customary obligation to extradite or prosecute are considered in the article: certain resolutions of the UN General Assembly; the nature of international crimes; and a *civitas maxima*.

There is a widespread point of view that the obligation to prosecute or extradite does not exist in customary international law, however, the argumentation in support of this position is not covered by the purpose of this article and requires its own detailed study.

Research materials and methods. The *aut dedere aut judicare* principle in general is studied in a number of works by such scholars as M. Bassiouni, A. Caligiuri, R. Cryer, K. S. Gallant, G. Gilbert, M. R. Mattarollo, S. Mitchell, M. Plachta, P. Scharf, R.V. Stenberge, C. Tiribelli, E. Wise, and others. At the same time, many important legal aspects of the application of the *aut dedere aut judicare* clause have not become the object of special analysis, which determines the relevance of further research on this topic, and, in particular, the question of the legal nature of the obligation to extradite or prosecute.

In order to provide a comprehensive and nuanced understanding of the subject matter, this study employs a variety of methodological approaches, including historical analysis, comparative legal analysis and interpretive analysis of legal norms.

Results and discussion. In the scientific literature, it can be found confirmation of the position according to which a duty to prosecute or extradite exists in customary international law and regardless of whether a state is a party to the treaty, this duty would apply (Cryer, Robinson, Vasiliev, 2019: 59).

Michael P. Scharf notes, that in principle, “the duty to extradite or prosecute can also be established by customary international law. Customary international law, which is just as binding upon states as treaty law, arises from a general and consistent practice of States followed by them from a sense of legal obligation referred to as *opinio iuris* (Scharf, 2012:751)”. A Caligiuri claims that treaties are also proof of custom since they “manifest a certain conception of the legal obligation of contracting states (*opinio juris*)..., contributing to the birth of one or more rules of customary law, especially if they are instruments with a universal or almost universal character” (Caligiuri, 2018: 265). According to R. Mattarollo, “the most evident conventional obligation, which has become a principle of customary international law, is the obligation to “prosecute or extradite” included in treaties that criminalize human rights violations such as torture or disappearances. This is so because such conventional norms codify principles well recognized in the doctrine for a long time. In 1758 Emmerich de Vattel recognized the duty to extradite persons accused of serious crimes” (Mattarollo, 1998: 87). Multilateral treaties have the potential to contribute to the formation of new customs.

¹ The Ljubljana – the Hague Convention is scheduled to be open for signature in the first quarter of 2024, after the final revision of the text.

The following main arguments are used to justify the existence of a customary obligation to extradite or prosecute: (1) the Resolutions of the UN General Assembly; (2) the nature of international crimes; (3) the existence of the international community (*a civitas maxima*).

Let's consider these provisions in more detail.

(1) For the purpose of justifying the customary duty to extradite or prosecute, some resolutions of the General Assembly are referred to as expressions of *opinio juris* (Cryer, Robinson, Vasiliev, 2019: 60). For instance, UNGA Resolution "Question of the punishment of war criminals and of persons who have committed crimes against humanity" (1971), UNGA Resolution "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity" (1973). In advocating the customary international law duty to prosecute or extradite, the 1967 UN Declaration on Territorial Asylum is frequently cited as "the earliest international recognition of a customary law obligation to prosecute perpetrators of crimes against humanity" (Scharf, 2012: 751). Art. 1 (2) Declaration on Territorial Asylum provides that "the right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes".

(2) Another argument is that the obligation to prosecute stems from the nature of international crimes. Core international crimes violate the *jus cogens* norms and entail *erga omnes* obligations to the entire international community. The obligation *erga omnes* is not to leave unpunished the perpetrators of such core international crimes and thus to carry out either prosecution or extradition. This argument finds support in the case law of the International Court of Justice in relation to genocide (Cryer, Robinson, Vasiliev, 2019: 60).

(3) The next argument is related to the previous one and concerns the existence of an international community – a *civitas maxima*. It should be noted that various names have been used to refer to the hypothetical international community. That popularized by Christian Wolff in the eighteenth century, speaks of a *civitas maxima*, a supreme state or body politic (Wise, 1991: 109).

In light of this position, the international community has a common interest in preventing international crimes. At the same time, every state has the right to prosecute international crimes. Subsequently, states have a legal obligation to prosecute or extradite. "Hence, shared moral values have turned into a legal obligation" (Cryer, Robinson, Vasiliev, 2019: 60-61). The common concern "both justifies and requires the extradition of offenders, or else their trial by a state that refuses extradition" (Wise, 1991: 116). This approach is consistent with the view that the international community is moving from a system where the nation State is the dominant element to one where the common good of the global community is more central (Mitchell, 2011).

The position of the ILC regarding the nature of the obligation to extradite or prosecute deserves special attention. Special Rapporteur Zdzislaw Galicki emphasized that the rules of the Draft Code of Crimes against Peace and Security of Mankind (1996) (Articles 8 and 9) were an expression of a codification of customary international law. Article 8 "Establishment of jurisdiction" of the Draft Code of Crimes Against the Peace and Security of Mankind states: "Without prejudice to the jurisdiction of an international criminal court, each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in articles 17, 18, 19 and 20, irrespective of where or by whom those crimes were committed. Jurisdiction over the crime set out in Article 16 shall rest with an international criminal court. However, a State referred to in article 16 is not precluded from trying its nationals for the crime set out in that article" (Draft Code, 1996).

Article 9 "Obligation to extradite or prosecute" of the Draft Code of Crimes Against the Peace and Security of Mankind says as follows: "Without prejudice to the jurisdiction of an international criminal court, the State Party in the territory of which an individual alleged to have committed a crime set out in Articles 17, 18, 19 or 20 is found shall extradite or prosecute that individual." These are such crimes as "Crime of genocide", "Crimes against humanity", "Crimes against the United Nations and associated personnel" and "War crimes".

These texts were the result of a codification exercise of customary international law rather than a work aimed at its progressive development, as confirmed by the adoption of the Statute of the International Criminal Court in 1998 (Caligiuri, 2018: 262).

Zdzislaw Galicki pointed out in his Third Report, that the number of international and regional treaties containing this obligation is growing every year and this could be an indication of state practice. The Special Rapporteur stated that "the development of international practice based on the growing number of treaties establishing and confirming such an obligation may lead at least to the beginning of the formulation of an appropriate customary norm" (Third report on the obligation to extradite or prosecute, 2008: para. 124).

In the context of the issue under consideration, the question arises whether there is a customary obligation to extradite or prosecute in relation to all international crimes or in relation to specific core crimes. The claim is sometimes made by reference to a particular crime, but sometimes by reference to all international crimes (Cryer, Robinson, Vasiliev, 2019: 59). The International Law Commission in Articles 8 and 9 of the Draft Code of Crimes against Peace and Security of Mankind of 1996 has recognized the existence of the obligation in question, it has done it, however, exclusively in relation to a strictly limited and defined group of offences, described generally as crimes against the peace and security of mankind (with exclusion of "Crime of aggression"). In any case, this recognition may be considered as a beginning point for further consideration of to what extent this obligation may be extended on other kinds of offences (Preliminary remarks by Zdzislaw Galicki, 2004: 315).

The Working Group on the obligation to extradite or prosecute (*aut dedere aut judicare*) did not express support for a position on the existence of a customary obligation to extradite or prosecute but did not reject such a possibility. The Working Group's final report did not exclude the possibility that the obligation to extradite or prosecute has become or is yet crystallising "into a rule of customary international law, be it a general or regional one" (Final report Working Group on the obligation to extradite or prosecute, 2014: para. 53).

There are several examples in court practice that demonstrate the customary status of the principle "aut dedere, aut judicare".

The Court of Justice of the European Union, in the *Petruhhin* case (Aleksei Petruhhin v. Latvijas Republikas Ģenerālprokuratūra: paras. 39-40), seems to consider the *aut dedere aut judicare* principle as a general principle of law applicable to any situation, in order to guarantee the effectiveness of international cooperation between states and to ensure an accused person is not left without punishment (Caligiuri, 2018: 269).

The ICTY Appeals Chamber in the *Blaškić* case has stated that "[n]ational courts of the states of the former Yugoslavia, like the courts of any State, are under a customary-law obligation to try or extradite persons who have allegedly committed grave breaches of international humanitarian law" (Prosecutor v. Tihomir Blaskic: para. 29).

In the case of the Native Title Amendment Act 1998 and Arabunna People, the Federal Court of Australia confirmed the customary character of the *obligation aut dedere aut judicare*. The Court noted that: "It follows from the obligation to prosecute or extradite, imposed by international customary law on Australia as a nation State, that it would be constitutionally permissible for the Commonwealth Parliament to enact legislation providing for the trial within Australia of persons accused of genocide, wherever occurring". It was noted, that the prohibition of genocide is a peremptory norm of customary international law, giving rise to a non-derogatable obligation by each nation State to the entire international community. This is an obligation independent of the Convention on the Prevention and Punishment of the Crime of Genocide. It existed before the commencement of that Convention in January 1951, probably at least from the time of the United Nations General Assembly resolution in December 1946. The obligation imposed by customary law on each nation State is to extradite or prosecute any person, found within its territory, who appears to have committed any of the acts cited in the definition of genocide set out in the Convention. It is generally accepted this definition reflects the concept of genocide, as understood in customary international law (Amnesty International, 2009: 25). In responding to the refusal by Guatemala to grant the five extradition requests, the investigating judge in Madrid asserted that "the *aut dedere aut judicare* obligation is based not only on conventional law but also on customary international law and it arises out of the *jus cogens* character of the prohibition of genocide and crimes against humanity" (Amnesty International, 2009: 28).

It should be noted that the issue concerning the customary character of the obligation *aut dedere aut judicare* is rarely addressed by international and national judicial practice.

Conclusions. To justify the existence of a customary obligation to extradite or prosecute the following primary arguments are used: UN General Assembly resolutions (these resolutions emphasize the importance of combating international crimes and seeking justice); the gravity of international crimes (these offences are so egregious that they must not go unpunished and that states have a duty to hold the perpetrators accountable); the existence of an international community (*civitas maxima*) (this concept refers to the idea that international law applies universally to all members of the international community; there should be no safe havens for criminals, and states should cooperate in bringing offenders to justice, regardless of where the crimes were committed or the nationality of the perpetrators).

For now, there are no clear answers as to whether or not an obligation *aut dedere aut judicare* with respect to international crimes falls within international customary law. The International Law Commission abstained from adopting a stance regarding the existence of a customary international law obligation to extradite or prosecute. This is mainly due to the fact that there is no consistent state practice or *opinio juris* to support the view of the customary nature of an obligation to extradite or prosecute.

List of sources:

1. UN Commission on Human Rights resolution 2003/72: Impunity. 25 April 2003. E/CN.4/RES/2003/72. URL: <https://www.refworld.org/docid/43f3134e3.html>.
2. Steps forward for international law in Ljubljana and Paris. 7th July 2023. URL: <https://civitas-maxima.org/2023/07/07/steps-forward-for-international-law-in-ljubljana-and-paris/>
3. Topical summary of the discussion held in the Sixth Committee of the General Assembly during its sixty-eighth session, prepared by the Secretariat A/CN.4/666. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/226/81/PDF/N1422681.pdf?OpenElement>.
4. Cryer R., Robinson D., Vasiliev, S. *An Introduction to International Criminal Law and Procedure* (4th ed.). Cambridge: Cambridge University Press, 2019. 640 p.
5. Michael P. Scharf. Aut dedere aut judicare. *Max Planck Encyclopedia of Public International Law*. Rudiger Wolfrum (ed). 2012. P. 749-754.
6. Caligiuri A. Governing International Cooperation in Criminal Matters: The Role of the aut dedere aut judicare Principle. *International Criminal Law Review*: 2018. № 18 (2). P. 244–274.
7. Mattarollo R. Impunity and international law. 11.1 *Revue québécoise de droit international*. 1998. URL: https://www.sqdi.org/wp-content/uploads/11.1_-_mattarollo.pdf.
8. Wise E.M. Extradition: the hypothesis of a civitas maxima and the maxim aut dedere aut judicare. *International Review of Penal Law*. 1991. № 62. P. 109–134.

9. Mitchell C. Aut Dedere, aut Judicare: The Extradite or Prosecute Clause in International Law. Graduate Institute Publications, 2011. 155 p. URL: <https://books.openedition.org/iheid/301>.
10. Draft Code of Crimes against the Peace and Security of Mankind with commentaries 1996. *Yearbook of the International Law Commission*. 1996. Vol. II, Part Two.
11. General Assembly. International Law Commission. Sixtieth session Geneva, 5 May-6 June and 7 July-8 August 2008. Third report on the obligation to extradite or prosecute (*aut dedere aut judicare*) by Zdzislaw Galicki, Special Rapporteur. A/CN.4/603. URL: <https://digitallibrary.un.org/record/632212?ln=en>
12. United Nations. Report of the International Law Commission. Fifty-sixth session (3 May-4 June and 5 July-6 August 2004). General Assembly Official Records. Fifty-ninth session. Supplement No. 10 (A/59/10). Annex. The obligation to extradite or prosecute ("aut dedere aut judicare") in international law. Preliminary remarks by Zdzislaw Galicki. URL: https://legal.un.org/ilc/documentation/english/reports/a_59_10.pdf.
13. International Law Commission. Sixty-sixth session Geneva, 5 May-6 June and 7 July-8 August 2014. Final report Working Group on the obligation to extradite or prosecute (*aut dedere aut judicare*) A/CN.4/L.844. URL: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G14/044/18/PDF/G1404418.pdf?OpenElement>
14. Aleksei Petruhhin v. Latvijas Republikas Ģenerālprokuratūra, Case C-182/15, CJEU (Grand Chamber), 6 September 2016. URL: curia.europa.eu/juris/liste.jsf?num=C-182/15.
15. Prosecutor v. Tihomir Blaskic. ICTY A. Ch. Judgement of 29 October 1997. URL: <https://www.icty.org/x/cases/blaskic/acdec/en/71029JT3.html>
16. Amnesty International. *International Law Commission: The Obligation To Extradite Or Prosecute (Aut Dedere Aut Judicare)*. Amnesty International Publications, 2009.

References:

1. UN Commission on Human Rights resolution (2003) 2003/72: Impunity. 25 April 2003. E/CN.4/RES/2003/72. URL: <https://www.refworld.org/docid/43f3134e3.html>.
2. Steps forward for international law in Ljubljana and Paris. 7th July 2023, URL: <https://civitas-maxima.org/2023/07/07/steps-forward-for-international-law-in-ljubljana-and-paris/>.
3. Topical summary of the discussion held in the Sixth Committee of the General Assembly during its sixty-eighth session, prepared by the Secretariat. 2014.
4. A/CN.4/666. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/226/81/PDF/N1422681.pdf?OpenElement>.
5. Cryer R., Robinson D., Vasiliev, S. (2019). *An Introduction to International Criminal Law and Procedure* (4th ed.). Cambridge: Cambridge University Press.
6. Michael P. Scharf (2012). Aut dedere aut judicare. *Max Planck Encyclopedia of Public International Law*. Rudiger Wolfram (ed), 749-754.
7. Caligiuri A. (2018). Governing International Cooperation in Criminal Matters: The Role of the aut dedere aut judicare Principle. *International Criminal Law Review*. № 18 (2), 244-274.
8. Rodolfo Mattarollo (1998). Impunity and international law. 11.1 *Revue québécoise de droit international*. URL: https://www.sqdi.org/wp-content/uploads/11.1_-_mattarollo.pdf.
9. Wise E.M. (1991). Extradition: the hypothesis of a civitas maxima and the maxim aut dedere aut judicare. *International Review of Penal Law*. № 62, 109-134.
10. Mitchell C. (2011). *Aut Dedere, aut Judicare: The Extradite or Prosecute Clause in International Law*. Graduate Institute Publications. URL: <https://books.openedition.org/iheid/301>.
11. Draft Code of Crimes against the Peace and Security of Mankind with commentaries (1996). Yearbook of the International Law Commission, 1996, vol. II, Part Two.
12. General Assembly. International Law Commission. Sixtieth session Geneva, 5 May - 6 June and 7 July - 8 August 2008. Third report on the obligation to extradite or prosecute (*aut dedere aut judicare*) by Zdzislaw Galicki, Special Rapporteur. A/CN.4/603. URL: <https://digitallibrary.un.org/record/632212?ln=en>
13. United Nations. Report of the International Law Commission. Fifty-sixth session (3 May-4 June and 5 July-6 August 2004). General Assembly Official Records. Fifty-ninth session. Supplement No. 10 (A/59/10). Annex. The obligation to extradite or prosecute ("aut dedere aut judicare") in international law. Preliminary remarks by Zdzislaw Galicki. URL: https://legal.un.org/ilc/documentation/english/reports/a_59_10.pdf.
14. International Law Commission. Sixty-sixth session Geneva, 5 May-6 June and 7 July-8 August 2014. Final report Working Group on the obligation to extradite or prosecute (*aut dedere aut judicare*) A/CN.4/L.844. URL: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G14/044/18/PDF/G1404418.pdf?OpenElement>
15. Aleksei Petruhhin v. Latvijas Republikas Ģenerālprokuratūra, Case C-182/15, CJEU (Grand Chamber), 6 September 2016. URL: curia.europa.eu/juris/liste.jsf?num=C-182/15.
16. Prosecutor v. Tihomir Blaskic. ICTY A. Ch. Judgement of 29 October 1997. URL: <https://www.icty.org/x/cases/blaskic/acdec/en/71029JT3.html>.
17. Amnesty International (2009). *International Law Commission: The Obligation To Extradite Or Prosecute (Aut Dedere Aut Judicare)*. Amnesty International Publications.