

STRENGTHENING UNIVERSAL JURISDICTION IN THE UK

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This briefing paper outlines the concept of universal jurisdiction, identifies gaps in the UK's legal framework that hinder its effective use, and makes recommendations to address them through amendments to the International Criminal Court Act 2001 (ICCA) to ensure accountability for the most serious international crimes.

WHAT IS UNIVERSAL JURISDICTION?

Universal jurisdiction is a **legal principle that allows states to prosecute the world's most serious crimes – genocide, war crimes, crimes against humanity, and torture – regardless of where they occurred or the nationality of those involved.**

Universal jurisdiction reflects a global consensus that some crimes are so serious that **they affect the international community as a whole and must not go unpunished.** In many cases, universal jurisdiction is the only way survivors and families can access justice, especially when domestic courts are unable or unwilling to act due to conflict, lack of independent judges, political obstruction, or lack of resources.

UK courts already have some powers to prosecute these crimes, even when committed abroad and with no link to the UK. But serious legal barriers mean these powers are rarely used.

WHAT IS THE PROBLEM?

Despite widespread atrocities around the world, there have only been three successful universal jurisdiction prosecutions in UK courts, and none in over a decade. This contrasts with Germany, France, Belgium and Sweden, where universal jurisdiction prosecutions have resulted in the conviction of [ISIS fighters](#), [Rwandan genocidaires](#), and [Syrian officials](#).

There are several legal and practical barriers to successful universal jurisdiction prosecutions in the UK. These include limits on who can be prosecuted, unclear timeframes, gaps in when leaders can be held responsible for crimes committed by subordinates, and the use of special mission immunity. For a full overview of the legal gaps, see [REDRESS's joint report with the Clooney Foundation for Justice](#). This briefing focuses on the most urgent issue: **residency and nationality requirements** under ICCA.

Under the ICCA, prosecutions can only be brought when acts are committed in England and Wales, or if they are committed abroad by a UK national, UK resident, or the armed forces. In contrast, the Criminal Justice Act 2003, which criminalises acts of torture committed in or after 1988, **does not require individuals to be residents or nationals of the UK, and it is sufficient for them to be merely present on UK territory.** As a result of this gap, suspects of genocide, war crimes, or crimes against humanity who are not UK nationals or residents are free to visit and transit through the UK, potentially for long periods of time, without any fear of prosecution by UK authorities.

There is no logical reason UK courts can prosecute a non-resident for torture, **but not for genocide or crimes against humanity.** This loophole means suspects can enter and remain in the UK freely. Unfortunately, this is not merely a hypothetical.

Case Study: Former Rwandan General James Kabarebe visits UK

In 2016, former Rwandan General James Kabarebe visited London to speak at a UN peacekeeping conference. Then-Prime Minister Boris Johnson reportedly granted him [special mission immunity](#). Kabarebe had been named in a [2012 UN report](#) as effectively directing the [M23 rebel group](#), which committed serious war crimes in the DRC, [including](#) executions, rape, and forced recruitment. Over [140,000 people](#) were displaced during M23's occupation of Goma. Kabarebe, now a Rwandan minister, was sanctioned by the [U.S.](#) in 2025 for his alleged ongoing role in the group's abuses. Despite the seriousness of the allegations, Kabarebe could not have been prosecuted in the UK under the ICCA, as he was neither a UK national nor resident – a limitation that remains in place today.

Case Study: Herzi Halevi's UK Visit Raises Accountability Concerns

On 25 November 2024, then-Chief of Staff of the Israel Defence Forces (IDF), Herzi Halevi, [visited the UK](#) for meetings with senior UK officials. The FCDO granted him [special mission immunity](#). Halevi, widely seen as the [public face](#) of Israel's military offensive in Gaza, commanded the IDF during operations alleged by a [2024 UN report](#) to involve war crimes and crimes against humanity – including starvation, torture, and attacks on civilians. Though [reportedly](#) considered for an ICC arrest warrant, he was not ultimately included. Despite his [notable exclusion](#) from the ICC arrest warrant, were Halevi to return to the UK without immunity, he could not be prosecuted under the ICCA since he is not a UK national or resident.

A TIMELY OPPORTUNITY FOR REFORM

These proposals are not a knee-jerk reaction to current events. Calls for universal jurisdiction reform go back at least to 2009, when the Joint Committee on Human Rights (JCHR) flagged these barriers to prosecution.

The new UK Government administration is a timely opportunity to fix the UK's outdated approach to prosecuting international crimes and bring it in line with other countries leading the way in prosecuting serious international crimes. REDRESS proposes an amendment to the ICCA that would remove the residency and nationality requirement so that anyone present in the UK can be prosecuted for genocide, war crimes, or crimes against humanity. This proposal aligns with recent recommendations from the JCHR in its Accountability for Daesh Crimes Report and the International Development Committee in its report Protection not permission.

Adopting this amendment would standardise the UK's approach across all international crimes, strengthen its ability to pursue justice for these offences when suspects are present on its territory, and ensure consistency in the UK's approach to international accountability.

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