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Lachezar Yanev, Harmen Van Der Wilt (eds.), *Universal Jurisdiction over Core International Crimes Law & Practice*,

Edward Elgar Publishing, Cheltenham/Northampton: 2025, pp. 615

It is rare for an academic book to be so beautifully produced: a hardcover book with a highly legible typeface and generous margins that ensure effortless reading. The texts are visually well-structured, featuring margin numbers that allow for seamless navigation from the index and footnotes located exactly where they belong: at the bottom of the page (rather than at the end of the text or, worse still, hosted separately on a website – which is absurd in my opinion). In short, the monograph reviewed herein represents a superb standard of publishing, and in this regard, Edward Elgar Publishing deserves the highest praise from a grateful reader.

However, the book is compelling not only because it represents a superb standard of publishing and looks beautiful on the shelf. What I consider to be its greatest asset is the theme of universal jurisdiction, which has surged in popularity over the last few years and is immensely important, if not pivotal, for states seeking to prosecute international crimes. Furthermore, universal jurisdiction features in the draft convention on the prevention and punishment of crimes against humanity, ensuring that related discussions will remain highly dynamic over the next few years as work on the convention progresses.

States have always struggled with universal jurisdiction, as it was a highly contested issue: not static or unified, but historically an evolving concept. As Boe summarised, "[r]ather than being an easily definable concept, the term [universal jurisdiction] turns out to be *a chiffre* for a complex normative framework of contested and controversial rules, justifications and conditions relating to special types of

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extraterritorial jurisdiction under international law."[1] As the book precisely shows, states are taking different positions in conceptualising universal jurisdiction. More than 100 states have introduced universal jurisdiction into their national penal regulations as grounds for prosecuting international crimes, while only a few dozen have actually sought to prosecute international crimes on this basis. Universal jurisdiction remains controversial: some states view it as an infringement on their sovereignty, sparking political and diplomatic pushback, while others highlight practical hurdles, namely the high costs and evidentiary challenges involved. Furthermore, only a few jurisdictions allow for trials *in absentia* for perpetrators of international crimes. Additionally, some states which are actually capable of initiating proceedings based on universal jurisdiction choose to act on different jurisdictional grounds.

Let's take Poland as an example. Article 113 of the Polish Penal Code incorporates universal jurisdiction. Pursuant to this provision,

> [r]egardless of the regulations in force in the jurisdiction where the offence was committed, Polish criminal law applies to a Polish national, or to a foreigner with regard to whom no extradition decision has been issued, in respect of an offence committed abroad, which the Republic of Poland is obliged to prosecute under international agreements, or of the offence referred to in the Rome Statute of the International Criminal Court, concluded in Rome on 17 July 1998 (Journal of Laws of 2003, item 708 and of 2018, item 1753).[2]

To date, this provision has been interpreted by legal scholars in the same manner as under the previous Penal Codes of 1932 and 1969. Even under the current legal framework, some scholars of criminal law maintain that the principle of universal jurisdiction can only apply to perpetrators who are currently on the territory of the Republic of Poland, as such provision was included in Art. 10 of the Penal Code of 1932:[3]

> § 1. The Polish criminal law shall apply to a foreigner who committed an offence not mentioned in (5), (8) and (9) abroad, if the perpetrator is in the territory of the Polish State and if no decision was made to extradite him/her, and the conditions under (6) or (7) are met.
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> § 2. The prosecution shall be ordered by the Minister of Justice.

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[1] L. Yanev, H. van der Wilt, *Universal Jurisdiction over Core International Crimes Law & Practice*, Edward Elgar Publishing, Cheltenham/Northampton: 2025, p. 25.

[2] Translated version of Polish Penal Code is available at: https://tinyurl.com/3pek7aku (accessed 30 June 2026).

[3] Translated Penal Code of 1932, available at: https://iura.uj.edu.pl/Content/1532/PDF/Penal%20Code%20ENG.pdf (accessed 30 June 2026).

Although this provision is no longer in force (and many proceedings under universal jurisdiction are *in absentia*), Polish prosecutors act as if it were; consequently, the principle of universal jurisdiction does not serve as grounds for prosecuting a perpetrator who is not on the territory of Poland. Additionally, Poland's Code of Criminal Procedure strictly guarantees the right of the accused to be present at the start of a trial. Therefore, investigations run by Poland in the context of the war in Ukraine can never result in a judicial verdict in Poland and can only serve as a helpful tool for other proceedings, such as those connected with a Joint Investigation Team investigating crimes committed as a result of Russia's aggression.

Summing up, it seems that Polish practice, and the necessary legislation, has to evolve. The book *Universal Jurisdiction over Core International Crimes Law & Practice* may be of great assistance, as it actually presents how different forms of extraterritorial jurisdiction developed under the rubric of universal jurisdiction and how states understand and justify universal jurisdiction differently.

The book begins with Yanev's "Introduction: The Search for 'Universal Justice'", which explains the purpose, aims and audience of the book, and with Boe's chapter, titled "Universal Jurisdiction Concept and Conceptions", which focusses on the interpretations of universal jurisdiction's scope, meaning, role and significance.

Part two, titled "States' Exercise of Universal Jurisdiction Law and Practice", can be referred to as the main body, as it contains analyses of the conceptualisation of universal jurisdiction as a basis for proceedings in international crimes cases (with at least one completed trial grounded on universal jurisdiction) – representing 13 states across three continents, listed in alphabetical order. The idea of those chapters was to present national legislation on core international crimes and the universal and extraterritorial jurisdiction jurisprudence of the core crimes. Australia is described by Monique Cormier, Austria by Andreas Sauermoser, Belgium by Mathias Holvoet, Canada by Joseph Rikhof, Denmark by Andreas Laursen, Finland by Mikaela Heikkilä, France by Caroline Fournet, Germany by Simon M. Meisenberg, the Netherlands by Lachezar Yanev, Norway by Carola Lingaas, Anette Gaaseby and Jo Stigen, Spain by Enrique Carnero Rojo, Sweden by Marc Klamberg and Switzerland by Res Jorge Schuerch and Andreas Mueller.

Among the above-mentioned states, there are clear leaders in their approach to universal jurisdiction. However, the authors highlight several reasons why states hesitate to apply this principle. The primary issue is not a paucity of potential cases, but rather various obstacles in investigating and prosecuting international crimes. These hurdles – which significantly diminish the appetite to invest in such cases – include political factors, a lack of personal and financial resources, a shortage of specialised investigators, difficulties in obtaining and protecting witnesses, the participation of victims and the requirement for the perpetrator to be present

on the territory. Interestingly, some authors also focus on states' deviations from international law, demonstrating how domestic courts adapted in such situations.

The concluding section of the monograph contains a chapter by Harmen van der Wilt titled "Universal Jurisdiction's Coming of Age", in which the findings are summarised. He addresses the scope and limitations of universal jurisdiction, as well as states' compliance with international standards and instances of deviation. In the final part, van der Wilt presents his reflections and recommendations, focussing on national legislation and domestic courts.

What the book lacks is a broader perspective on states that ultimately must dare to exercise universal jurisdiction, such as Ukraine, Poland or Lithuania, due to ongoing conflicts in their vicinity or because they have absorbed large numbers of refugees. Although their experience in prosecuting contemporary international crimes may be minimal, some of these states have experience in prosecuting international crimes in the aftermath of World War II; it would have been valuable to analyse why they are not leaders in universal jurisdiction today, and what obstacles they face.

The monograph is full of interesting considerations. It allows the reader to track states' approaches to universal jurisdiction, as well as their attempts – both successful and unsuccessful – to prosecute perpetrators of international crimes from a comparative perspective. Ultimately, it offers a broad overview of different states' experiences in this field. It will prove useful to students and seasoned academics alike, as well as to practitioners and theorists. My admiration for the book's visual presentation is matched by my appreciation of its substantive rigor. I would recommend it to anyone building a library in the field of international criminal law.