
location, Chile. This would be considered legal heresy according to traditional doctrine and legislation.

school of thought, must be prosecuted at the location where they were committed, or where they had any consequence. However, based on **the concept of the supranationality of human rights, any judge who might have an interest in prosecuting a crime (in this case there were Spanish citizens and the judge requesting the extradition was Spanish) could hear the case.** The matter was finally resolved through diplomatic channels, but it marked quite a revolution in the rubric

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The recognition of universal jurisdiction is not, however, tied to the recognition of supranationality, as shown by comparative constitutional law. The constit

treaty currently Some international treaties containing such an obligation to extradite or prosecute (the *aut dedere aut judicare* principle) are mentioned below.

(5) Treaties to which Paraguay is a party containing the *aut dedere aut judicare* principle

Universal jurisdiction can be applied through the *aut dedere aut judicare* principle, under which if the perpetrator of an offence that is so serious that it merits prosecution outside the territory of the State in which it was committed is apprehended in the territory of another State, that State shall be obligated to extradite the suspect to the State claiming jurisdiction to prosecute him or her, or to bring proceedings against that person in its courts. Although this is not the application of the principle of universal jurisdiction *strictu sensu*, because States can decide not to prosecute but to extradite, it is unquestionably one mechanism through which States can cooperate with one another in order to combat impunity for serious offences and to achieve the goal of universal jurisdiction. The following is a brief list of some international conventions in force in the Republic of Paraguay containing the principle of *aut dedere aut judicare*:

The four 1949 Geneva Conventions, which contain the following provision:

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a 'prima facie' case.²

The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

Article 7

² Art. 49 of the 1949 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Art. 50 of the Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Art. 129 of the Geneva Convention relative to the Treatment of Prisoners of War.

constitutional affairs; defence and public security; legislation, codification, justice and employment; and equity, gender and social development.

It should also be noted that Paraguay is a State party to the Rome Statute of the International Criminal Court, pursuant to Act. No. 1,663 of 17 April 2001. On 10 December 2002, by Decree No. 19,685, an executive branch inter-agency committee was established to consider and assess the adoption of legislation to ensure the proper functioning of the system and compliance with the obligations under the Rome Statute. Paraguay has also ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Through Act No. 3,941/10 and pursuant to the hierarchy of laws established in the Constitution, duly ratified and exchanged international instruments take precedence over domestic legislation, thus ensuring that people are protected against such offences.