

[1957 European Convention on Extradition](#)

[serious human rights violations](#). Guideline XII, on international co-operation in order to prevent and eradicate impunity, states must fulfil their obligations, notably with regard to mutual legal assistance, prosecutions and extraditions, in a manner consistent with respect for human rights, including the principle of *non-refoulement*, and in good faith. This Guideline also aims to intensify their co-operation beyond their existing obligations.

As regards relevant case-law from the European Court on Human Rights, we would like to highlight the Grand Chamber's judgment of 15 March 2018, in the case [Nait-Liman v. Switzerland](#) (application no. 51357/07). The case concerned the refusal of the Swiss civil courts to examine Mr Nait-Liman's claim for pecuniary damage caused by his alleged torture in a third State, Tunisia. The applicant, Mr Nait-Liman, was a Tunisian national who had acquired Swiss nationality. The Grand Chamber examined whether, as a matter of necessity or as a matter of universal civil jurisdiction, the Swiss courts were required by Article 6 § 1 of the *European Convention on Human Rights* (ECHR) to examine his civil claim for compensation against Tunisia. Like the previous Chamber judgment, the Grand Chamber found that this was not the case, considering that member States are under no international law obligation to provide universal civil jurisdiction for torture (paragraphs 203 and 217). The Court considered that, unlike in civil matters, universal jurisdiction is relatively widely accepted by the States with regard to criminal matters.

However, the Court underlined that *it does not call into question the broad consensus within the international community on the existence of a right for victims of acts of torture to obtain appropriate and effective redress, nor the fact that the States are encouraged to give effect to this right by endowing their courts with jurisdiction to examine such claims for compensation, including where they are based on facts which occurred outside their geographical frontiers*. The Court recognised the dynamic nature of this area and the possibility of developments in the future. It invited the Parties to the Convention to take account in their legal orders of any developments facilitating effective implementation of the right to compensation for acts of torture, while assessing carefully any claim of this nature so as to identify, where appropriate, the elements which would oblige their courts to assume jurisdiction to examine it.

I hope that you will find these elements of interest for your discussions. We remain available for any further input from us that you may require.

The Council of Europe avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

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