Spain Parliament Passes Law Limiting Reach of Universal Jurisdiction Statute

October 16, 2009

By [Jaclyn Belczyk](http://jurist.org/paperchase/2009/10/spain-parliament-passes-law-limiting.php)

Jurist

http://jurist.org/paperchase/2009/10/spain-parliament-passes-law-limiting.php

The Spanish [Congress of Deputies](http://www.congreso.es) [official website, in Spanish] on Thursday gave [final approval](http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre/151009) [press release, in Spanish] to a law limiting use of the country's [universal jurisdiction](http://www.amnesty.org/en/international-justice/issues/universal-jurisdiction) [AI backgrounder; JURIST [news archive](http://jurist.org/jurist_search.php?q=%22universal+jurisdiction%22)] statute to those offenses committed by or against Spaniards, or where the perpetrators are in Spain. The measure, which was [approved](http://www.elpais.com/articulo/espana/Cortes/recortan/jurisdiccion/universal/elpepiesp/20091016elpepinac_9/Tes) [El Pais report, in Spanish] by a vote of 319-5 with three abstentions, enjoyed support from the opposition [Popular Party](http://www.pp.es/) (PP) as well as the ruling [Socialist Party](http://www.estepartidosejuegaeneuropa.com/) (PSOE) [party websites, in Spanish], echoing a [non-binding resolution](http://jurist.org/paperchase/2009/05/spain-congress-passes-resolution-aimed.php) [JURIST report] passed by the Congress in May. The legislation was [approved](http://jurist.org/paperchase/2009/06/spain-lower-house-votes-to-limit-reach.php) [JURIST report] by the lower house in June and then amended in the [Senate](http://www.senado.es/) [official website, in Spanish]. The new law, which will take effect the day after it is published in the official gazette, will only apply prospectively, allowing cases currently being heard under universal jurisdiction to proceed, including investigations of [Israeli actions in Gaza in 2002](http://jurist.org/paperchase/2009/01/spain-court-to-investigate-israeli-role.php), detainee abuse at [Guantanamo Bay](http://jurist.org/paperchase/2009/04/spain-judge-opens-investigation-into.php) and allegations of war crimes and genocide in [Rwanda](http://jurist.org/paperchase/2008/02/spain-judge-indicts-40-rwanda-military.php), [Tibet](http://jurist.org/paperchase/2006/01/spain-high-court-to-rule-on-tibetan.php), [Guatemala](http://jurist.org/paperchase/2006/02/spain-court-to-try-guatemala-genocide.php), and [China](http://jurist.org/paperchase/2008/08/spain-court-to-hear-suit-against-china.php) [JURIST reports]  
  
Spain's current statute allows the exercise of universal jurisdiction over foreign torture, terrorism and war crimes if the case is not subject to the legal system of the country involved, regardless of its connection to Spain. In June, human rights groups [urged](http://jurist.org/paperchase/2009/06/rights-groups-urge-spain-to-continue.php) [JURIST report] the Spanish government to continue the broad exercise of universal jurisdiction, while some countries, including [Israel](http://www.haaretz.com/hasen/spages/1059964.html) [Haaretz report], have [argued](http://jurist.org/paperchase/2009/01/spain-may-legislate-to-limit-universal.php) [JURIST report] for changes to the practice. Universal jurisdiction has been used by prominent Spanish judge [Baltazar Garzon](http://jurist.org/jurist_search.php?q=Garzon) [JURIST news archive] to bring several high-profile cases, including those against [Osama bin Laden](http://www.jurist.org/currentawareness/binladen.php) and former Latin American dictator [Augusto Pinochet](http://jurist.org/currentawareness/pinochet.php) [JURIST news archives].