

*Translated from French*

offences when the perpetrator is present in its territory and it does not extradite him or her. Examples are the International Convention for the Protection of All Persons from Enforced Disappearance (art. 9.2), the International Convention for the Suppression of the Financing of Terrorism (art. 7.4), the United Nations Convention against Transnational Organized Crime (art. 15.4) and the Protocols thereto, and the United Nations Convention against Corruption (art. 42.4).

There is thus a legal framework for the adoption by the State of Senegal of legislative measures that would confer on the criminal courts jurisdiction over offences committed abroad, regardless of the nationality of the perpetrators, provided that they reside in its territory and it has decided not to extradite them.

While it is true that, in Senegalese criminal law, universal jurisdiction remains confined to international crimes and acts of terrorism, such jurisdiction could have the merit given the development of transnational organized crime of combating impunity and acting as a deterrent to offenders and criminals who might otherwise be tempted, after their crimes, to exile themselves in other countries in order to escape prosecution.

The fact that some countries have chosen to enshrine the principle in their national laws and others to retain the classic criteria for jurisdiction could be a source of significant disparities between the different criminal systems. To rectify that situation, it would be useful for the international community to take a more global approach to the issue, in particular by means of a specific text that could lead to harmonization of, or at least greater convergence between, national laws.

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