



(c) Judicial practice and applicable laws

(i) Argentine courts have exercised universal jurisdiction on a number of occasions in view of the gravity of the crimes (genocide, war crimes, violations of fundamental rights recognized under international human rights law and international humanitarian law, and crimes against humanity, including torture, enforced disappearances, child abduction, forced displacement and mass killings), when such crimes are deemed to violate people's rights under article 118 of the Constitution and international human rights obligations relating to the right to legal protection, which in some cases have the status of constitutional norms. To date, there have been no cases where universal jurisdiction has been exercised in respect of crimes committed in places that are outside the exclusive authority of a State (traditionally, piracy).

A number of cases involving serious violations of human rights perpetrated on the territory of Argentina have been brought before foreign courts.

(ii) In practice, the judicial authorities exercise universal jurisdiction as a complement and an exception to the territoriality, active and/or passive personality, and protective principles, after determining that the crimes were not prosecuted or could not be prosecuted by the States in whose territories they were committed or by the States of nationality of the perpetrator or of the victims.

(iii) Again, in practice, before invoking universal jurisdiction and opening an investigation, the Argentine judicial authorities first ensure that there are no ongoing investigations in the affected country or countries and that the International Criminal Court is not investigating the events.

---