



TERMS OF REFERENCE

1. CONTEXT

The project “Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations: Making Justice Work”, co-financed by the European Union, seeks to address an increasing climate of impunity for core international crimes and serious human rights violations through fostering comprehensive justice and accountability.

The consultancy services to be provided under this contract will support TRIAL International’s efforts to fight impunity for international crimes (genocide, crimes against humanity, war crimes, torture, enforced disappearances and the crime of aggression) through extraterritorial and universal jurisdiction. To contribute to a better understanding of national legal systems and support strategic decision-making related to the case-building and litigation of cases based on extraterritorial and universal jurisdiction, TRIAL International seeks to research the current legal framework and practice relevant to extraterritorial and universal jurisdiction in South Africa. This consultancy aims to produce and publish a briefing paper providing legal practitioners and civil society actors with in-depth analysis and practical guidance on the law and practice applicable to extraterritorial and universal jurisdiction in South Africa. This paper will be part of the [Universal Jurisdiction Law and Practice Briefing Papers series](#).

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

The objectives of this contract are to:

1. Collect information, through desk research and interviews, on the legal framework applicable to international crimes that may be prosecuted on the basis of extraterritorial and universal jurisdiction in South Africa;
2. Collect information, through desk research and interviews, on practice and case law directly related to or applicable to extraterritorial and universal jurisdiction in South Africa;
3. Analyze and compile the information collected;
4. Draft a report on “Universal Jurisdiction Law and Practice in South Africa”.

The results to be achieved by the consultant are:

5. A work schedule, research questions, methodology and tools, such as questionnaires, are developed, discussed with TRIAL International and finalized following the organization’s feedback;
6. A list of relevant practitioners/experts and organizations/institutions is prepared;
7. Contact with relevant stakeholders who could contribute to the research through interviews or partnerships is established and maintained for the purposes of the research, and consent forms and/or memoranda of understanding (MoUs) are drafted to conduct interviews and establish partnerships;
8. Desk research and interviews are conducted;
9. Research sources are compiled in a secure digital format;
10. A draft briefing paper of no fewer than 15,000 and no more than 20,000 words is written in English, in a format agreed with TRIAL International;
11. A final version is produced incorporating revisions provided by TRIAL International.