

Statement on behalf of the African Group

Mr. Chair,

I have the honour to deliver this statement on behalf of the African Group.

The African Group associates itself with the statement delivered on behalf of the Non-Aligned Movement.

We thank the Secretary-General for his statement on this item.

I have the honour to reiterate the great importance of the African Group, composed of 54 Member States of the United Nations, attaches to this agenda item entitled "The Abuse of the Principle of Universal Jurisdiction". As you may recall, the abuse in the resort to universal jurisdiction, particularly in relations to African officials, caused the African Group to request in February 2009 the inclusion of an additional item on the abuse of the principle of universal jurisdiction on the agenda of the 63rd session.

As a result of the aforementioned request, this item was included in the agenda of the sixty-fourth session of the General Assembly in 2009, at the request of the United Republic of Tanzania on behalf of the African Group and was allocated to the Sixth Committee. At the 25th meeting, on 12 November 2009, the representative of Rwanda, on behalf of the Bureau, introduced a draft resolution on the subject of challenging discussions in the Sixth Committee.

Mr. Chair,

Debates on this topic have been long and intense, however no significant steps have been taken. The real concerns which led to the inscription of the item on the Agenda of our Committee still remain to be resolved, hence the scope of universal jurisdiction remains uncertain.

We welcome the adoption of General Assembly resolution 64/112, which invites the working group of the Sixth Committee, to be established at its seventy-seventh session, to consider and comment on the question: "What should be the role and purpose of universal jurisdiction". We look forward to a further constructive debate on the question, as part of the process for the Sixth Committee to make progress on the topic.

The African Group reiterates its position that the principle of universal jurisdiction does not pertain to what is being done collectively through multilateral processes or the global community but rather to the indictments by individual judges in non-State actors [Government, Foreign Ministers and Other Senior Officials] who are

Africa through the Member States and the African Union Commission have engaged constructively and has been cooperative, including

Furthermore, universal jurisdiction shall be complementary to national jurisdiction of the country concerned, and shall not be applied in a manner inconsistent with the principles of international law or customary international law, including sovereignty, non-intervention in the internal affairs of states, sovereign immunity and diplomatic immunity.

In conclusion, Universal jurisdiction should be exercised in good faith and with due regard to other principles of international law, in order to avoid its misuse and abuse. In this context, agreed norms must be established regarding the scope and application of Universal Jurisdiction.

I thank you for your kind attention.