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STATEMENT

BY

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PERMANENT REPRESENTATIVE OF THE REPUBLIC
OF MOZAMBIQUE TO THE UNITED NATIONS**

ON AGENDA ITEM 83

**THE SCOPE AND APPLICATION OF THE PRINCIPLE
OF UNIVERSAL JURISDICTION**

New York, 15th October 2014

Mr. Chairman,

My delegation wishes to align itself with the statement made by Egypt on behalf of the African Group, and by the Islamic Republic of Iran on behalf of the Non-Aligned Movement. We would also like to take this opportunity to commend the Secretary-General's Report contained in document A/69/174 which gives us an overall view of Members State's practices on the application of the principle of universal jurisdiction in their domestic legal systems.

Mr. Chairman,

Mozambique continues to follow with interest the issue of the application of the principle of universal jurisdiction. This issue is of great concern to all Member States, in particular to the African States, since African leaders have been the major target of some individual European judges.

The unilateral prosecution of some Africans leaders by some courts in a clear violation of norms governing international law has generated international concerns over its legal and political consequences.

In this regard, we want to reiterate the call for a cautious consideration of the political and legal implications of this issue. Mozambique shares the view that any attempt for unilateral application of the principle of

universal jurisdiction is inappropriate as it would compromise and disrupt the existing legal system of the entire world.

Although fully committed to fight impunity and to strengthen the criminal justice system, Mozambique has been advocating the need for the regulation of the application of the universal jurisdiction at an international level.

This regulation should, first of all, establish the criteria for the application of the principle and for its compatibility with the relevant instruments of international law, as well as with the Charter of the United Nations. There is also a need for the international community to identify the crimes that would be subjected to universal jurisdiction and in which circumstances they could be invoked.

Because of its complex and sensitive nature, universal jurisdiction should be applied with much caution and within a well-established legal framework, in order to avoid any circumstances that may go against the universally recognized and accepted principle of sovereign equality of all states.

The application of the principle of universal jurisdiction can only gain legitimacy and universal acceptance if such application respects the principles enshrined in the Charter of the United Nations and in the international law, particularly those referred to the sovereign equality

and territorial integrity of all states, non-interference in internal affairs of other states and immunity of states officials mainly the immunity of heads of state. These principles cannot be negotiated and any judicial proceeding should fully observe and respect them.

Mr. Chairman,

While Mozambique strongly condemns the application of the principle of universal jurisdiction with political motivations, we do recognize that its application provides an important tool for the prosecution of perpetrators of certain hideous crimes under international treaties. Impunity should neither be condoned nor accepted.

In conclusion, I would like to stress that Mozambique remains open to share information and practices with all Member States in the issue of application of the principle of universal jurisdiction. We do believe that the right application of this principle would strengthen the rule of law at national and international levels.

I thank you!