

The Permanent Mission of Egypt
to the United Nations
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**STATEMENT BY EGYPT
ON BEHALF OF THE AFRICAN GROUP ON
“THE SCOPE AND APPLICATION OF
THE PRINCIPLE OF UNIVERSAL JURISDICTION”**

ITEM 84 - 17 OCTOBER 2012

Mr. Chairman,

I have the honour to deliver this statement on behalf of the African Group on agenda item 84 entitled “the Scope and Application of the Principle of Universal Jurisdiction”

The African Group thanks the Secretary-General for his report on this item (A/67/116). The Group looks forward to continue the thorough consideration of this item in the Sixth Committee in the framework of a working group to be established during this session.

Mr. Chairman,

As stated in decisions of many African Union Summits, African states recognize that universal jurisdiction is a principle of international law whose purpose is to ensure that individuals who commit grave offences, such as war crimes and crimes against humanity, do not enjoy impunity and are brought to justice. In that respect, the African Union Constitutive Act provides for the right of the Union to intervene, at the request of any Member State, in situations of genocide, war crimes and crimes against humanity. Furthermore, African States have adopted progressive human rights instruments including optional protocols that permit individual complaints or grievance procedures

against their own governments in addition to reporting obligations honoured by the African States under various United Nations human rights treaties.

However, the African Group wishes to stress the importance of respecting other international law norms in the application of universal jurisdiction, including the sovereign equality of states, the territorial jurisdiction and immunity of officials existing under customary international law. In this regard, the African Group recalls the view expressed by the International Court of Justice that the cardinal principle of immunity of heads of states should not be put to question, or be re-examined.

Mr. Chairman,

The concern of the African group lies in the abuse of the Principle of Universal Jurisdiction by non-African states, which is a development that could endanger international law and the fight against impunity.

The African Group is aware that some non-African States and domestic Courts in certain non-African Countries have sought to justify their arbitrary or unilateral application or interpretation of the principle of universal jurisdiction on customary international law. To those States, we wish to remind them that it is trite law recognized in all principal legal systems of the world, and reflected in the jurisprudence and decisions of the International Court of Justice, that a State which relies on a purported international custom practiced by States must, generally speaking, demonstrate to the satisfaction of the Court that the alleged custom has become so established as to be legally-binding on the other party.

Mr. Chairman,

What African countries and other like-minded States around the world are demanding is to call on the international community to adopt measures to put an end to the abuse of and political manipulation of the principle of universal Jurisdiction by judges and politicians from States outside Africa, including by violating the principle of the

immunity of Heads of State under international law. Most specifically, the African Group reiterates the call by the African Heads of State and Government to impose a moratorium on all pending arrest warrants and prosecutions filed against African leaders or other high-ranking officials, until discussions at the United Nations level are concluded and proper recommendations are made.

I thank you, Mr. Chairman