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**STATEMENT
BY
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PERMANENT REPRESENTATIVE OF THE REPUBLIC
OF MOZAMBICAN TO THE UNITED NATIONS**

ON AGENDA ITEM 84

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

NEW YORK, 17TH OCTOBER 2012

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/67/116, which it 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 application of the principle of universal jurisdiction. Indeed, this issue is of great concern to all Member States, in particular for the African States since they have been the major target of some individual judges especially from some European countries.

Mozambique is alarmed with the move initiated by some courts to unilaterally prosecute some Africans leaders in a clear violation of norms governing international law. Such move has generated international concerns over its legal and political consequences.

In this regard, we want to reiterate our call to all member States to reflect on this issue and consider its political and legal implications. Mozambique shares the view that any attempt for unilateral

application of such principle is inappropriate and would endanger and disrupt the whole legal system of the entire world.

Mozambique stresses that the application of universal jurisdiction should be regulated at the international level. This regulation should first of all establish the criteria for 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 those 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 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 full observe and respect it.

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 serious crimes under international treaties. Impunity should neither be condoned or accepted.

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.

In conclusion, my delegation would like to commit itself in the discussion of this important agenda item.

I thank you all.