

CHECK AGAINST DELIVERY



STATEMENT

BY

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

BEFORE THE

SIXTH COMMITTEE

(AGENDA ITEM 87)

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

NEW YORK, 11TH OCTOBER 2018

Mr. Chairman,

My delegation wishes to align itself with the statement made by the Representative of Gambia on behalf of the African Group and by 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/73/123** 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,

My country continues to follow with great interest the question of application of the principle of universal jurisdiction. This issue, is indeed, of the great importance and concern to all Member States, in particular for the African States since they have been confronted with some queries on the legal application of this principal of international law by some individual states.

Like many countries, Mozambique would not support any move aimed at application by some individual countries of this principle of international law while is still pending a universal consensus on the matter. Such move has shown inappropriate and has generated international concerns and controversy 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 cannot be encourage since it can endanger and disrupt the whole legal system recognized and accepted by the entire world.

In our view, the application of universal jurisdiction should be exercised with caution and only after being 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 existing instruments of international law as well as with the Charter of the United Nations. Yet, 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 by states or its courts.

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, otherwise it could be a tragedy.

Mr. Chairman,

Mozambique strongly condemns the application of the principle of universal jurisdiction with political motivations or other than those pursued by the international law. However, we do recognize that its application provides an important tool for the prosecution of perpetrators of certain serious crimes under international treaties such as crimes related to slave trade, trafficking in human beings, air and maritime piracy, terrorism and related acts, abduction, organized crime, genocide among other serious international crimes. Mozambique would never condone impunity.

As we stated before in this forum, Mozambique remains open to share experiences and best practices with all Member States in the issue of application of the principle of universal jurisdiction. The right application

of this principle would certainly strengthen the rule of law at national and international levels.

In conclusion, my delegation would like to commit itself once again in the discussion of this important agenda item and to take again this opportunity to commend and encourages the Secretary General for providing the Member States with regularly update on this important matter.

I thank you all.