



The Permanent Mission of Egypt  
to the United Nations  
New York

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نيويورك

**STATEMENT BY EGYPT ON BEHALF OF THE AFRICAN GROUP  
ON ITEM 86 “THE SCOPE AND APPLICATION OF  
THE PRINCIPLE OF UNIVERSAL JURISDICTION”  
17 OCTOBER 2013**

**Mr. Chairman,**

I have the honour to deliver this statement on behalf of the African Group on the agenda item entitled “the scope and application of the principle of universal jurisdiction”

The African Group thanks the Secretary-General for his report on this item. 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 the consecutive decisions of the 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 relevant 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. 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, nor be re-examined.

**Mr. Chairman,**

The concern of the African group lies in the abuse of the principle of universal jurisdiction by the domestic courts of non-African states, which is a development that endangers international law and the fight against impunity.

The African Group is aware that some non-African States and their domestic courts have sought to justify their arbitrary or unilateral application or interpretation of the principle of universal jurisdiction on customary international law. We wish to remind those States that it is trite law recognized in all principal legal systems, 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 as to put an end to the abuse and political manipulation of the principle of universal jurisdiction by judges and politicians from states outside Africa, including by violating the principle of immunity of heads of state under international law. Most specifically, the African Group reiterates the request by the African Heads of State and Government that the arrest warrants issued on the basis of the abuse of universal jurisdiction shall not be executed in any Member State. It is also to be noted that the African Union has urged its member states, in its latest decision on this issue, to use the principle of reciprocity to defend themselves against the abuse of universal jurisdiction.

**I thank you Mr. Chairman**