

ALGERIA



الجزائر

Permanent Mission of Algeria
to the United Nations
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بعثة الجزائر الدائمة
لدى الأمم المتحدة
نيويورك

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Statement by:

H.E. Mr. Mourad BENMEHIDI,

Ambassador Permanent Representative

of Algeria

to the United Nations

Before the 6th Committee

On agenda item 86

« The scope and application of the principle of universal jurisdiction »

New York – October 17 2013

Mr. Chairman,

My delegation welcomes this opportunity to contribute in the discussion on this very important agenda item of the sixth Committee, related to “the scope and application of the principle of Universal Jurisdiction”.

My delegation aligns itself with the statements made respectively by the distinguish representatives of Iran on behalf of the Non-aligned Movement, and Egypt on behalf of the African Group.

My delegation would like also to thank the Secretary General for his report A/68/113, which focuses on specific information regarding the scope and application of universal jurisdiction on the basis of relevant domestic legal rules, applicable international treaties and judicial practice.

Mr. Chairman,

Algeria would like to reiterate once again its unflinching commitment to fight impunity, promote human rights and democracy, the rule of law and good governance.

In this regard, we recognize, on one hand, that the universal jurisdiction is a principal of international law that aims to fight impunity and to ensure the prosecution of individuals suspected having committed serious crimes, such as genocide, war crimes and crimes against humanity. On the other hand, we also need to stress that the universal jurisdiction should be applied properly on the basis of principle of good faith alongside with the other principles and rules of international law, far from any abuse, political manipulation and/or selectivity.

Therefore, the application of this principle has to respect all other principles deriving from the national laws, international law and international customary law, particularly, the principle of state sovereignty, the territorial jurisdiction, the primacy of actions by states regarding criminal prosecutions, the protective principle and most of all the immunity of heads of States and Governments during the exercise of their functions.

My delegation is of the view that the principle of universal jurisdiction should be a complementary mechanism and a measure of last resort.

Mr. Chairman,

Allow me to express, also, Algeria's strong concerns about the application of universal jurisdiction, particularly, when used selectively or arbitrarily, without due regard to requirements of international justice and equality. The misuse of universal jurisdiction could generate negative consequences on stability at the national and international levels.

It is important to recall that selectivity, political motivation and abuse in the use of the principle of universal jurisdiction against the only African States by some jurisdictions, especially the International Criminal Court, were behind the holding of the Extraordinary Summit of the African Union, in Addis-Ababa, on October 12, 2013.

As noted by our Heads of States and Government during that Summit, the activities of the International Criminal Court during its eleven years of existence, focused exclusively on Africa, while unacceptable situations in other parts of the world have been ignored. The issue of international justice must include the need to respect the sovereignty and national independence of all States, including the African countries.

In this regard, based on national law and international customary law that grant for sitting Heads of State and Government and other Senior State Officials immunity during their tenure, the African Summit decided "That to safeguard the constitutional order, stability and, integrity of Member States, no charges shall be commenced or continued before any International Court or Tribunal against any serving AU Head of State or Government or anybody acting or entitled to act in such capacity during their term of office".

In conclusion, and in light of the recent outcome of the African Union Summit, my delegation expresses its support for the continued work of the 6th Committee on the scope and application of the principle of Universal Jurisdiction based on the respect of the sovereign equality and political independence of States.
