

CHECK AGAINST DELIVERY



STATEMENT BY

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COOPERATION**

**BEFORE THE SIXTH COMMITTEE
ON AGENDA ITEM 86**

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

NEW YORK, OCTOBER 18, 2013

Mr. Chairman,

My delegation wishes to align itself with the statements made by the distinguished representatives of Egypt and the Islamic Republic of Iran, on behalf of the African Group and the Non-Aligned Movement, respectively.

We would like to take this opportunity to commend the Secretary-General for the Report contained in document A/68/113, since 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 African countries, since they have been the major target of some individual judges.

Mozambique continues to be alarmed by the move initiated by some courts that 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.

Therefore, we want to reiterate our call to all Member States to reflect on this issue. In this regard, it is worth to recall the decision of the Assembly of Heads of State and Government of the African Union AU/Dec.420(XIX), that condemns the use of the principle of universal jurisdiction without

observing the principles of international law or motivated by political purposes.

Mozambique shares the view that any attempt of unilateral interpretation and application by some countries of such principle is unacceptable and would endanger and disrupt the global legal system. So, any move in such direction should be avoided.

Mozambique stresses that the application of universal jurisdiction should be regulated and agreed upon at 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. At the same time, there is also a need for the international community to identify those crimes that would be subjected to universal jurisdiction and the circumstances under which they can be invoked by the jurisdiction of any country.

Because of the sensitive nature of this issue, universal jurisdiction should be applied with much caution and within a well-established legal framework in order to avoid any situation that may go against the universal accepted and recognized principles of sovereign equality of all states.

Mr. Chairman,

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 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 and government. These principles are not negotiable and any judicial proceeding should fully observe and respect it. Unilateral interpretations should be avoided.

Mr. Chairman,

While Mozambique strongly condemns the application of the principle of universal jurisdiction out of principles governing international law or politically motivated, we strongly recognize that its application provides an important tool for the prosecution of perpetrators of certain serious crimes under international treaties. Impunity should not be condoned neither 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 the principle of universal jurisdiction would strengthen the rule of law at national and international levels.

In conclusion, my delegation would like to express, once again, that Mozambique commits itself with the observance and application of the principle of universal jurisdiction within the Charter of the United Nations and the principles governing international law.

I thank you.