

Algeria



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Permanent Mission of Algeria
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70th Session of the United Nations General Assembly

Statement by

Mr. Mehdi REMAOUN

First Secretary

to

The Sixth Committee on “the scope and application of the principle of universal jurisdiction”

[Agenda Item 86]

Trusteeship Council Chamber, 20 October 2015

Mr. Chairman,

My delegation aligns itself with the statements made by South Africa on behalf of the African Group and Iran on behalf of the Non-Aligned Movement.

I would like to thank the Secretary-General for his comprehensive report (contained in document A/70/125), 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 practices.

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

Mr. Chairman,

Universal jurisdiction is a principal of international law of exceptional character that aims to fight impunity and ensure the prosecution of individuals or groups suspected having committed serious crimes, such as genocide, war crimes and crimes against humanity.

We need to stress that the universal jurisdiction should be applied properly on the basis of the principle of good faith, alongside with the other principles and rules of international law, far from any abuse, political manipulation and selectivity.

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.

It is of utmost importance to consider the principle of universal jurisdiction as a complementary mechanism and a measure of last resort. The principal of universal jurisdictions cannot replace nor substitute the primacy of national courts and jurisdictions to try crimes committed on their territories.

Mr. Chairman,

Allow me also to express my country's strong concern about the selective and arbitral applications of universal jurisdiction, particularly, when applied without due regard to the requirements of international justice and equality. In addition to the importance of avoiding arbitrary universal jurisdiction, using this principal of international law of exceptional character in pursuit of political agenda has to be rejected.

In this regard, it seems important to recall that selectivity, political motivation and abuse in the application of the principle of universal jurisdiction only to African States by some

jurisdictions, especially the International Criminal Court, were the main reasons for holding an Extraordinary Summit of the African Union, in 2013 in Addis-Ababa.

As noted by the African Heads of States and Government during that Summit, the activities of the International Criminal Court throughout its eleven years of existence, focused almost exclusively on Africa, while unacceptable situations in other parts of the world, some currently underway at the moment I'm talking, have been, and still are ignored. The issue of international justice must include the need to respect the sovereignty and national independence of all States, including the sovereignty of African States.

Ministers of the Non Aligned-Movement, also, expressed in the final document of the 17th Conference of the Movement, organized last year in Algiers, that an abusive exercise of Universal Jurisdiction can have negative effects on international relations. In this context, Ministers called upon States to refrain from such abuse, and also recognized the need for further consideration at the United Nations of our agenda item regarding "Scope and Application of the Principle of Universal Jurisdiction". Ministers of the Non Aligned-Movement also took note, in this regard, of the establishment of the working Group in our Committee in accordance with resolution 68/117 to continue to undertake a thorough discussion aimed at identifying the scope and application of Universal Jurisdiction; and to consider establishing a mechanism to monitor such application and to prevent its abuse in the future.

In conclusion, **Mr. Chairman**, and in light with the outcomes of the last African Union Summits, my delegation expresses its support for the continued work of the 6th Committee on the scope and application of the principle of Universal Jurisdiction, on the basis of the respect of the sovereign equality and political independence of States.

I thank you for your attention.