

Algeria



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Permanent Mission of Algeria
to the United Nations

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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 85]

Trusteeship Council Chamber, 11th October 2016

I would like to thank the Secretary-General for his report (A/71/111), which focuses on specific information's regarding the scope and application of universal jurisdiction on the basis of relevant domestic legal rules, applicable international treaties and judicial practices.

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

Distinguished delegates,

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

Universal jurisdiction is a principle of international law of exceptional character. It 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.

In this connection, universal jurisdiction shall be applied 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, double standard and selectivity.

The application of the universal jurisdiction shall respect particularly the principle of State sovereignty, the territorial jurisdiction, the primacy of actions by States regarding criminal prosecutions, the protective principle and 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 principle cannot replace, nor substitute, the primacy of national courts and jurisdictions to try crimes committed on their territories.

Therefore, Algeria expresses its strong concerns about the selective and arbitral applications of the universal jurisdiction principle, particularly when applied without due regard to the requirements of international justice and equality. In addition to the imperative of avoiding arbitrary universal jurisdiction, using this international law principle of exceptional character in pursuit of political agenda has to be rejected.

In this regard, it is important to recall that the main reason why the African Union held three years ago, in Addis-Ababa, an Extraordinary Summit where African Heads of States and Governments condemned selectivity, political motivation and abuse in the application of universal jurisdiction principle only to African States by some jurisdictions, especially the International Criminal Court.

As noted by African Heads of States and Governments 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

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.

Moreover, during the 17th Conference of the Non-Aligned Movement, organized in Algiers in 2014, and reiterated in Margarita Summit in Venezuela this year, the Movement expressed in the final documents that an abusive exercise of Universal Jurisdiction can have negative effects on international relations.

In this context, Members of the Non-Aligned Movement called upon States to refrain from such abuse. In addition, they recognized the need for further consideration at the United Nations of this agenda item presently under consideration in the Sixth Committee. They also took note of the establishment of the related Working Group in this Committee to continue to undertake a thorough discussions aiming at identifying the scope and application of Universal Jurisdiction, and also to consider establishing a mechanism to monitor such application and to prevent its abuse in the future.

Distinguished delegates,

To conclude, we would like to express once again our support for the continued work of the Sixth Committee on this agenda item, while emphasizing the importance of consensus and to take the time necessary for a deep consideration of the scope and application of universal jurisdiction under the Working Group.

I thank you for your attention.