

*Statement of the People's Democratic Republic of Algeria
before the Sixth Committee under agenda item 80 on
"The Scope and Application of the Principle of Universal
Jurisdiction"*

New York, 15 October, 2019

Mr. Chairman,

I would like to thank the Secretary-General for his annual report on 'The Scope and Application of the Principle of Universal Jurisdiction', which provides specific information on this matter on the basis of relevant domestic legal rules and applicable international treaties and judicial practice.

Mr. Chairman,

At the outset, my delegation would like to reiterate its strong commitment to fight impunity, promote human rights, democracy, the rule of law, and good governance.

While the international community has the shared responsibility to search for justice and combat heinous crimes, the implementation of the principle of universal jurisdiction continue to raise a certain number of legal and political issues. Indeed, the selective use and manipulation of this principle do not serve justice, but on the contrary affects the credibility of international law and the fight against impunity and undermines the objective of achieving global justice.

In this regard, my delegation expresses its concerns about the selective and arbitral application of the universal jurisdiction

principle, particularly when applied without due regard to the requirements of international justice and equality. In addition to the necessity of avoiding arbitrary universal jurisdiction, using this principle of exceptional character in pursuit of political agenda, has to be rejected.

It is important to recall, in this context, the several decisions, whereby the African Union's Assembly expressed its concern about the selectivity, political motivation and abuse in the application of universal jurisdiction principle against African leaders, namely by some courts, such as the International Criminal Court (ICC).

Against this backdrop, we need to stress that universal jurisdiction should be exercised on the basis of good faith, with due respect to the basic principles of international law, including sovereign equality of States, political independence and non-interference in the internal affairs of States.

It is also important to consider universal jurisdiction as a complementary mechanism and a measure of last resort, which can neither replace, nor substitute the primacy of national courts and jurisdictions to try crimes committed on their territories.

The scope and application of the principle of universal jurisdiction should, therefore, take into account the territorial jurisdiction of States, and respect the immunity granted under international law to Heads of State and Government and other senior officials under customary international law, whenever universal jurisdiction is invoked, as supported by the International Court of Justice (ICJ).

It is important to deal, with extreme caution, with the very sensitive issue of immunities from criminal jurisdiction which was

placed, upon the request of the African group, as an agenda item of the General Assembly, entitled: *“Request for an advisory opinion from the International Court of Justice on the consequences of legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other senior officials”*.

Mr. Chairman,

We took note of the decision of the International Law Commission to include the topic of “universal criminal jurisdiction” in its long-term programme of work. In this respect, my delegation would like to highlight the relevance and the necessity for the Sixth Committee to continue to discuss and carefully examine this important issue, namely in the framework of the working group established for this purpose. The referral of this topic to the ILC would therefore be premature at this stage.

My delegation looks forward to continuing the thorough consideration of this subject within the Sixth Committee. Our deliberations should focus on considering clear rules for the application of universal jurisdiction, its scope and definition, in order to ensure its reasonable exercise and compatibility with international law to avert any abuse and misuse.

Finally, Mr. Chairman, my delegation aligns itself with the statements delivered by the distinguished representatives of the Islamic Republic of Iran on behalf of the Non-Aligned Movement and The Gambia on behalf of the African Group

I thank you.