

## LEGAL DOCUMENTS

# Decision on the Report of the Commission on the Abuse of the Principle of Universal Jurisdiction – Doc. Assembly/AU/14 (XI)

The Assembly:

1. TAKES NOTE of the Report of the Commission on the abuse of the Principle of Universal Jurisdiction pursuant to the recommendation of the Ministers of Justice/Attorneys General in Addis Ababa, Ethiopia on 18 April 2008;
2. RECALLS the Johannesburg Declaration of the Pan-African Parliament dated 15 May 2008;
3. RECOGNIZING that universal jurisdiction is a principle of International Law whose purpose is to ensure that individuals who commit grave offences such as war crimes and crimes against humanity do not do so with impunity and are brought to justice, which is in line with Article 4(h) of the Constitutive Act of the African Union;
4. NOTING the Brazzaville statement by the Inter-ministerial Committee of the International Conference on the Great Lakes Region dated 22 May 2008;
5. RESOLVE as follows:
  - i The abuse of the Principle of Universal Jurisdiction is a development that could endanger International law, order and security;
  - ii The political nature and abuse of the principle of universal jurisdiction by judges from some non-African States against African leaders, particularly Rwanda, is a clear violation of the sovereignty and territorial integrity of these States;
  - iii The abuse and misuse of indictments against African leaders have a destabilizing effect that will negatively impact on the political, social and economic development of States and their ability to conduct international relations;
  - iv Those warrants shall not be executed in African Union Member States;
  - v There is need for establishment of an international regulatory body with competence to review and/or handle complaints or appeals arising out of abuse of the principle of universal jurisdiction by individual States.
6. REQUESTS the Chairperson of the African Union to table the matter before the United Nations (UN) Security Council and the UN General Assembly for consideration;

7. FURTHER REQUESTS the Chairperson of the AU Commission to urgently cause a meeting between the AU and European Union (EU) to discuss the matter with a view to finding a lasting solution to this problem and in particular to ensure that those warrants are withdrawn and are not executable in any country;

8. ALSO REQUESTS all UN Member States, in particular the EU States, to impose a moratorium on the execution of those warrants until all the legal and political issues have been exhaustively discussed between the African Union, the European Union and the United Nations.