

Decision on the Abuse of the Principle of Universal Jurisdiction – Doc. Assembly/AU/11(XIII)

The Assembly,

1. TAKES NOTE of the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.199(XI) adopted by the Assembly in Sharm El Sheikh, Egypt in July 2008 as well as Decision Assembly/AU/Dec.213 (XII) on the Abuse of the Principle of Universal Jurisdiction adopted in Addis Ababa, Ethiopia in February 2009;

2. ENDORSES the recommendations of the Executive Council;

3. REITERATES its appeal to the Chairperson of the African Union to follow-up on this matter with a view to ensuring that it is exhaustively discussed at the level of the United Nations Security Council and the General Assembly, as well as the European Union;

4. REITERATES its previous positions articulated in Decisions Assembly/Dec. 199(XI) and Assembly/Dec.213(XII) adopted in Sharm El Sheikh and Addis Ababa in July 2008 and February 2009 respectively to the effect that there has been blatant abuse of the Principle of Universal Jurisdiction particularly by some non-African States and EXPRESSES its deep concern that indictments have continued to be issued in some European States against African leaders and personalities. To this end, it CALLS FOR immediate termination of all pending indictments;

5. FURTHER REITERATES its conviction on the need for 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. CALLS UPON all concerned States to respect International Law and particularly the immunity of state officials when applying the Principle of Universal Jurisdiction;

7. EXPRESSES APPRECIATION to the Chairperson of the African Union and the Chairperson of the Commission for efforts made so far towards ensuring that this matter is exhaustively discussed at the level of the United Nations General Assembly and with the European Union, respectively;

8. REQUESTS the Commission to follow up on this matter and to report to the Assembly on progress made in the implementation of this Decision, in January/February 2010.

Adopted by the Thirteenth Ordinary Session of the Assembly in Sirte, Great Socialist People's Libyan Arab Jamahiriya on 3 July 2009.