

Decision on the Abuse of the Principle of Universal Jurisdiction – Doc. EX.CL/540(XVI)

The Assembly,

1. TAKES NOTE of the recommendations of the Executive Council on the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.243 (XIII) adopted in Sirte, Great Libyan Arab Jamahiriya in July 2009;

2. ALSO TAKES NOTE of United Nations General Assembly (UNGA) Resolution A/RES/64/L117 on the Scope and Application of the Principle of Universal Jurisdiction adopted on 16 December 2009 by the United Nations (UN) General Assembly and INVITES all Member States to submit to the UN Secretary General, before 30 April 2010, information and observations on the scope and application of the principle of universal jurisdiction, including information on the relevant applicable international treaties, their domestic legal rules and judicial practice;

3. REITERATES its previous positions articulated in decisions Assembly/Dec. 199(XI), Assembly/Dec.213(XII) and Assembly/Dec.243 (XIII) adopted in Sharm el Sheikh, Addis Ababa and Sirte in July 2008, February 2009 and July 2009 respectively to the effect that there has been blatant abuse of the Principle of Universal Jurisdiction particularly by some non-African States and REITERATES its call for immediate termination of all pending indictments;

4. FURTHER REITERATES its commitment to fight impunity in conformity with the provisions of Article 4(h) of the Constitutive Act of the African Union;

5. URGES the European Union (EU) and its Member States to extend the necessary cooperation to the African Union to facilitate the search for a durable solution to the abuse of the Principle of Universal Jurisdiction;

6. ALSO REITERATES its conviction of 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;

7. CALLS UPON all concerned States, particularly European States, to respect international law and particularly the immunity of state officials when applying the Principle of Universal Jurisdiction;

8. 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;

9. URGES Member States affected by the abuse of the Principle of Universal Jurisdiction by non-African States to respond to the request made by the Chair-

person of the Union and to communicate to the Commission the list and details of pending cases in non-African States against African personalities;

10. REQUESTS the African Group in New York to follow-up on the implementation of this Decision in collaboration with the Commission and to ensure that the concerns raised by the African Union and its Member States are properly addressed with a view to finding a durable solution and to report to the Assembly through the Commission on actions taken;

11. ALSO REQUESTS the Commission to follow-up on this matter with a view to ensuring that a definitive solution to this problem is reached and to report to the next Ordinary Session of the Assembly through the Executive Council in July 2010.

Adopted by the Fourteenth Ordinary Session of the Assembly in Addis Ababa, Ethiopia on 2 February 2010