

## **Decision on the Abuse of the Principle of Universal Jurisdiction – Doc. EX.CL/606(XVII)**

The Assembly,

1. TAKES NOTE of the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.271 (XIV) adopted in Addis Ababa, Ethiopia in February 2010;

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

3. ALSO REITERATES its conviction that there has been blatant abuse of the Principle of Universal Jurisdiction, particularly in some non African States and CALLS for immediate termination of all pending indictments;

4. 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 the abuse of the Principle of Universal Jurisdiction by individual States;

5. REQUESTS the Commission to finalise the study on the implications of empowering the African Court on Human and Peoples' Rights to try international crimes such as genocide, crimes against humanity and war crimes and report to the next Ordinary Session of the Assembly through the Executive Council in January/February 2011;

6. CALLS ON all concerned States to respect International Law and particularly the immunity of state officials when applying the Principle of Universal Jurisdiction;

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

8. ALSO URGES the EU and its Member States to implement the recommendations of the AU-EU Joint ad-hoc Expert group;

9. EXPRESSES APPRECIATION to the Chairperson of the AU and the Chairperson of the AU Commission for efforts made so far towards ensuring that this matter is exhaustively discussed at the level of the United Nations;

10. UNDERSCORES the need for African States Parties to speak with one voice to ensure that the interests of Africa are safeguarded during the forthcoming negotiations on the Principle of Universal Jurisdiction at the level of the United Nations;

11. 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 AU and its Member States regarding the Abuse of the Principle of Universal Jurisdiction by some non African States are properly addressed at the Level of the United Nations with a view to finding a durable solution and to submit a report thereon to the Assembly through the Executive Council on actions taken;

12. ALSO REQUESTS the Commission to follow-up on the implementation of this Decision and to report to the next Ordinary Session of the Assembly through the Executive Council in January 2011.

Adopted by the Fifteenth Ordinary Session of the Assembly of the Union on 27 July 2010 in Kampala, Uganda