

Decision on the Abuse of the Principle of Universal Jurisdiction – Doc. EX.CL/640(XVIII)

The Assembly,

1. TAKES NOTE of the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.292 (XV) adopted in Kampala, Uganda, in July 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. 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;

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

5. 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 and REQUESTS the Commission to inform the EU accordingly;

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

7. TAKES NOTE of Resolution A/RES/65/33 on the Scope and Application of the Principle of Universal Jurisdiction adopted on 6 December 2010 by the 65th United Nations General Assembly (UNGA) and INVITES all Member States that have not done so to submit to the UN Secretary General, before 30 April 2011, 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;

8. INVITES Member States affected by the abuse of the Principle of Universal Jurisdiction by non-African States to respond to the request made by the Chairperson of the Union and to communicate to the Commission the list and details of pending cases in non African States against African personalities;

9. REQUESTS Member States to apply the principle of reciprocity on countries that have instituted proceedings against African State Officials and to extend mutual legal assistance to each other in the process of investigation and prosecution of such cases;

10. UNDERSCORES the need for Member States to speak with one voice during the forthcoming negotiations at level of the United Nations and REQUESTS the African Group in New York under the coordination of the Members of the Bureau of the Assembly at the level of the said group 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 UN with a view to finding a durable solution and to report to the Assembly, through the Commission, on actions taken during the forthcoming negotiations at the level of the United Nations;

11. ALSO REQUESTS the Commission to follow-up on this matter and to report regularly on the implementation of this Decision.