

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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OBSERVATIONS OF THE AFRICAN UNION ON THE SCOPE AND
APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

I. INTRODUCTION

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I observe that according to the terms of Articles 5(1) & (2) and 6(o) of the
Constitutive Act of the African Union, the following fall within the competence of the
African Union^{46, 7} / !

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) "The Court shall have jurisdiction to try, and, (person alleged to have committed an, crime under this law# regardless of whether or not a crime is alleged to have been committed in the territory, of the State or abroad and irrespective of the nationality, of the victim# (provided that such a (person shall be within the territory, of the State.

^ In exercising jurisdiction under this law# a Court shall accord (priority, to the Court of the State in whose territory, the crime is alleged to have been committed# (provided that the State is willing and able to (prosecute."

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IV. IMMUNITY OF SITTING HEADS OF STATES AND STATE OFFICIALS

1. . % = ! Give effect to immunities enjoyed by foreign State officials under international law"
6 "the jurisdiction (provided under Article 6 of this law shall apply, subject to any national or international law on immunities."

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V. RETAINING DISCUSSIONS IN THE SIXTH COMMITTEE

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VI. CONCLUSION

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