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**EXECUTIVE COUNCIL**  
**Fourteenth Ordinary Session**  
**26 - 30 January 2009**  
**Addis Ababa, ETHIOPIA**

**EX.CL/478 (XIV)**

**REPORT OF THE MINISTERS OF JUSTICE/ATTORNEYS**  
**GENERAL**

**Kigali, Rwanda, 27 October – 4 November 2008**

## **INTRODUCTION TO THE REPORT OF THE MEETING OF MINISTERS OF JUSTICE AND/OR ATTORNEYS GENERAL ON LEGAL MATTERS**

1. The Meeting of Ministers of Justice and/or Attorneys General of Member States of the African Union (AU) on Legal Matters was held in Kigali, Rwanda, from 3 to 4 November 2008 to consider various legal issues.
2. The Kigali Meeting was a follow-up to the Meeting of Ministers of Justice and or Attorneys General of Member States of the African Union (AU) on Legal Matters which was held at the AU Headquarters in Addis Ababa, Ethiopia on 18 April 2008, to consider various legal issues in conformity with Decision EX.CL/Dec.129 (V) adopted by the Fifth Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia in July 2004 and endorsed by the Assembly of the Union.
3. In view of the fact that twenty-six (26) Member States were in attendance and that there was no quorum, in conformity with the AU practice, the meeting proceeded on the basis that its recommendations would be considered and adopted by the Assembly through the Executive Council.
4. The Meeting was briefed on the outcome and developments of the Recommendations of the last Meeting regarding the Principle of Universal Jurisdiction and recommended that the issue of the abusive application of the principle of Universal Jurisdiction by some non-African States should continue to be handled by the relevant organs of the African Union, such as the Peace and Security Council.
5. The Meeting also considered the following agenda items:
  - Draft Statute of the AU Commission on International Law
  - Study on the Harmonisation of Ratification Procedures in Member States
  - Draft Charter on Statistics
6. The Ministerial Conference adopted the Draft Statute and the Draft African Charter on Statistics as amended and recommended it to the Assembly of the Union through the Executive Council for consideration and adoption.
7. The Ministerial Meeting also adopted its report containing a number of recommendations on the following for consideration by the Executive Council:
  - (i) Measures to encourage ratification of OAU/AU treaties;
  - (ii) Measures to harmonize ratification procedures and speed up ratification of OAU/AU treaties;
  - (iii) The problem of inconsistency between different linguistic texts;
  - (iv) The implementation of treaties.
8. The Report and Draft Legal Instruments adopted by the Meeting of Ministers of Justice and/or Attorneys General are attached hereto as annexes.

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**Meeting of Ministers of Justice and/or  
Attorneys General on Legal Matters  
3-4 November 2008  
Kigali, Rwanda**

**MinJustice/ /Rpt. (II)**

**REPORT OF THE MEETING OF MINISTERS OF JUSTICE  
AND/OR ATTORNEYS GENERAL  
ON LEGAL MATTERS**

**REPORT OF THE MEETING OF MINISTERS OF JUSTICE  
AND/OR ATTORNEYS GENERAL ON LEGAL MATTERS**

**I. INTRODUCTION**

1. The Meeting of Ministers of Justice and/or Attorneys General of Member States of the African Union (AU) on Legal Matters was held in Kigali, Rwanda, from 3 to 4 November 2008 to consider various legal issues as a follow up to the meeting held at the AU Headquarters on 18 April 2008 in Addis Ababa, Ethiopia.

**II. ATTENDANCE**

2. The following Member States attended the meeting: Algeria, Angola, Botswana, Burundi, Cameroon, Egypt, Ghana, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mali, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Senegal, South Africa, Sudan, Tanzania, Togo, Uganda, Zambia and Zimbabwe,

3. Also in attendance were the President of the African Court on Human and Peoples' Rights (AfCHPR) and representatives of the Economic Community of Central African States (ECCAS) and the African Commission on Human and Peoples' Rights (ACHPR).

4. In view of the fact that twenty-six (26) Member States were in attendance and that there was no quorum, in conformity with the AU practice, the meeting proceeded on the basis that its recommendations would be considered and adopted by the Assembly through the Executive Council.

**III. OPENING CEREMONY**

**a. *Statement by the Minister of Justice of Rwanda***

5. The meeting of Ministers and/or Attorneys General was called to order by H.E. Mr. Tharcisse Karugarama the Minister of Justice and Attorney General of Rwanda. The Minister welcomed the Honourable Ministers, Attorneys General and delegations to Kigali, Rwanda and wished them a happy stay.

6. The Minister of Justice emphatically stated that Rwanda supports and respects the principle of universal jurisdiction as it is intended to ensure that individuals who commit grave offences such as genocide, war crimes and crimes against humanity are denied legal impunity for their crimes. However, the Minister emphasized that Rwanda does not support its abusive application by local foreign Judges imposing their judicial authority over sovereign States especially African States for political gain because it impinges on other States' territorial integrity and sovereignty.

7. The Minister of Justice, in concluding, stated that he was confident that the Conference would consider and adopt the recommendations reached during the Experts Meeting.

**b. Welcoming Statement by the Commissioner for Economic Affairs of the African Union Commission**

8. In his opening remarks the Commissioner for Economic Affairs, Mr. Maxwell Mkwezalamba, on behalf of the Chairperson, Mr. Jean Ping, welcomed all the honourable Ministers, Attorneys General and delegations to the meeting. He thanked the President and the Government of Rwanda for hosting the meeting.

9. He stated that Africa has for a long time been trying to find solutions to the problems confronting the continent and the African Union had been engaged in a relentless search for solutions to the many problems and challenges confronting the African continent. He stated that several initiatives have been taken to address those challenges, and Ministers of Justice and Attorneys General as the main actors in the administration of justice and as principal legal advisers to governments have a critical role to play. In that regard, one of the most important initiatives was harmonization of laws, which the African Union Commission has been mandated to undertake.

10. In his concluding remarks he thanked the government of the Republic of Rwanda for the facilities and arrangements placed at the disposal of the participants and wished the delegations fruitful and successful deliberations.

**c. Opening Statement by the Prime Minister of Rwanda and Guest of Honour**

11. In his opening address, the Right Honourable Bernard Makuza, Prime Minister of the Republic of Rwanda, welcomed all participants to Rwanda.

12. The Prime Minister underlined the need for Africa to be united and speak with one voice, underscoring the pertinence of the draft Statute of the African Union Commission on International Law. He emphasised the need for AU Member States to commit themselves to implementing various integration Union legal instruments, such as AU charters, treaties, agreements, conventions to enable Africa have its rightful place in the world global village. He also expressed concern at the failure of AU Member States to ratify most of the integration legal instruments and called upon Government legal advisors to take a critical look at this situation and recommend the best approach to the issue of international agreements, including African Union's agreements.

13. The Prime Minister lauded the initiative of elaborating the African Charter on Statistics indicating that there could not be any more useful tool for planning Africa's development than good statistics, and emphasised that without accurate statistics it

might be impossible to develop and integrate Africa's economies, create a Common Market and play a critical role in the world economy.

14. The Prime Minister underscored the need for Africans to be creative in addressing their problems by drawing on Africa's rich history and culture, especially considering that in matters of democracy, law and governance, there is no "one size fits all". He recalled how Rwanda came up with creative or innovative approaches after the 1994 Genocide, to address the challenges it faced such as the Gacaca Courts and committees (Abunzi) to foster reconciliation and address potential conflicts at the grassroots.

15. The Prime Minister pointed out that Rwanda has been at the forefront of the debate on application of the Principle of Universal Jurisdiction, adding that the country has already been a beneficiary of the noble principle as evidenced by various trials in foreign jurisdictions of persons who were suspected of being involved in the 1994 Genocide. He however indicated that Rwanda was categorically opposed to the abusive application of the principle, but not the principle itself.

16. In conclusion, the Prime Minister wished the meeting fruitful deliberations and thereafter formally declared the meeting open.

#### **IV. ELECTION OF THE BUREAU**

17. After consultations, the meeting elected the following Bureau:

- |                               |              |
|-------------------------------|--------------|
| ➤ Chair:                      | Rwanda       |
| ➤ 1 <sup>st</sup> Vice Chair: | South Africa |
| ➤ 2 <sup>nd</sup> Vice Chair: | Burundi      |
| ➤ 3 <sup>rd</sup> Vice Chair: | Egypt        |
| ➤ Rapporteur:                 | Senegal      |

#### **V. CONSIDERATION AND ADOPTION OF THE AGENDA**

18. The meeting adopted the following Agenda:

1. Opening Ceremony
2. Election of the Bureau
3. Consideration and Adoption of the Draft Agenda
4. Organization of work
5. Briefing on the outcome and developments of the Recommendations of the last Meeting of Ministers of Justice/Attorneys General on Legal Matters regarding the Principle of Universal Jurisdiction

6. Consideration of:
  - Draft Statute of the AU Commission on International Law (Document MinJustice/Legal/2 (II))
  - Study on the Harmonisation of Ratification Procedures in Member States (Document MinJustice/Legal/3 (II))
  - Draft Charter on Statistics (Document MinJustice/Legal/4 (II))
7. Adoption of the recommendations and the draft legal documents
8. Any Other Business
9. Closing Ceremony

## **VI. ORGANISATION OF WORK**

19. The meeting adopted the following working hours:

- Morning: 09h00 – 13h00
- Afternoon: 14h30 – 18h00.

## **VII. SCOPE OF THE REPORT**

20. This report is intended to be a brief summary of the deliberations and recommendations adopted by the meeting.

## **VIII. CONSIDERATION OF THE AGENDA ITEMS**

**Agenda item 1: Briefing on the Outcome and developments of the Recommendations of the last Meeting of Ministers of Justice/Attorneys General on Legal Matters regarding the Principle of Universal Jurisdiction**

21. The Legal Counsel briefed the Meeting on the developments that had taken place since the last meeting of Ministers of Justice/Attorneys General in April 2008, on the implementation of the Declaration by the Ministers of Justice on the abuse of the principle of universal jurisdiction by non-African States. In this regard, he informed the Meeting that the Commission undertook a comprehensive legal study on the matter, which it submitted to the Assembly as requested briefly summarized the study by stating (i) that it examined comprehensively the concept of universal jurisdiction by elucidating the origin, nature, scope, applicability and effects of the concept; (ii) that the object of the study was principally to identify cases of abuse and to draw the attention of AU

Member States and the international Community on the irregular/illegal exercise of this principle against African leaders and officials.

22. The legal Counsel also informed the Meeting that the Assembly of the Union in Sharm El Sheikh, Egypt in July 2008, expressed concern over the abuse of the Principle of Universal Jurisdiction and thereafter adopted decision *Assembly/AU/ Dec.199 (XI)* which *inter alia* requested:

- a. the Chairperson of the AU Commission should arrange a meeting with the European Union (EU) to discuss the matter with a view to finding a lasting solution to this problem and in particular to ensure that those warrants are withdrawn and are not executed in any country;
- b. the Chairperson of the African Union should table the matter before the United Nations (UN) Security Council and the UN General Assembly for consideration; and
- c. all UN Member States, in particular the EU States, should impose a moratorium on the execution of those warrants until all the legal and political issues have been exhaustively discussed between the African Union, the European Union and the United Nations.

23. The Legal Counsel, in concluding on actions taken in the context of implementation, informed the meeting of the following:

- i) The AU Commission prepared an Aide-memoire which was submitted to the President of the European commission requesting that the matter be included on the Agenda of the African Union Commission-European Commission College to College meeting held on 1 October 2008 in Brussels, Belgium;
- ii) The issue was raised at the 10th Africa-EU Ministerial Troika Meeting held in Brussels, Belgium on 16th September 2008 where it was agreed that further discussions should be held on the subject between the African Union and European Union;
- iii) The Aide-memoire was also presented before the UN General Assembly and Security Council as well as the UN Secretary General for immediate and necessary action on the matter;
- iv) The Commission will continue to follow-up on the developments on the matter at the EU and the UN.

24. At the end of the presentation, the meeting considered the issues raised.

25. The delegation of the Republic of the Sudan made a statement to the effect that Sudan was in favour of the principle of universal jurisdiction. It however pointed out that it was important to follow-up closely on developments on the matter since the abusive application of the principle could impact on peace and stability in Africa. In this regard, the delegation argued that the indictment against a serving Head of State could impact on international law in general and in the case of the Sudan on the peace process in the Darfur region. It also added that the abusive application of the principle could be used to topple democratically elected governments, thus creating instability on the continent.

26. In conclusion, the delegation stated that it was important for Africa to use its own institutions such as the African Court on Human and People's Rights and that in taking forward the issue of application of the principle of universal jurisdiction, it would be equally important for Sudan to get support, from the African Union, the League of Arab States, the Organization of Islamic Conference and the Non-Aligned Movement as this could affect any other country in the future.

27. The Senegalese delegation made clarifications on the case implicating the former President of Chad, pointing out that Senegal took measures pursuant to a mandate assigned to it by the AU. It further stated that the warrant for the arrest of the French Judge who had issued an arrest warrant against Senegalese authorities simply constituted an act taken in application of the law against a Judge who had deliberately violated Senegalese law.

28. After due consideration of the recommendations contained in the Report of the Meeting of Legal Experts, the Ministerial Conference made the following observations:

- a. The abusive application of the principle of universal jurisdiction by some non-African States is based on political motivation and Africa should ensure that it has a sound legal response in rejecting such application;
- b. There was need to follow-up closely on future developments on the abusive application of the principle of universal jurisdiction as it could affect the security and stability of the continent as a whole;
- c. The indictment of a serving Head of State was a precedent that could create an unstable environment and affect international relations and could amount to regime change;
- d. The cases of abuse of the principle of universal jurisdiction by individual judges in non-African States using domestic law should be delinked from those of the International Criminal Court (ICC) but should be examined in tandem;
- e. There is need to ensure that Africa has the capacity and could empower its institutions such as the African Court on Human and People's Rights to fight impunity so that perpetrators of genocide, crimes against humanity and war

crimes are tried in Africa such as in the Hissene Habre case, and not extradited to non-African States.

29. At the end of the briefing, the meeting took note of the observations and the statement made by the delegation of The Sudan and recommended that the issue continue to be handled by the relevant organs of the Union.

**Agenda item 2: Consideration of the Draft Statute of the African Union Commission on International Law**

30. The Ministerial Conference considered the Draft Statute of the AU Commission on International Law (AUCIL) as recommended by the meeting of Legal Experts.

31. It will be recalled that the Executive Council decided that a treaty be concluded establishing the AU Commission on International Law. In addition, Article 14(a) of the African Union Non-Aggression and Common Defence Pact adopted by the Fourth Ordinary Session of the Assembly held in Abuja, Nigeria provides for the establishment of an African Union Commission on International Law (AUCIL).

32. The objectives of AUCIL will include, among others, undertaking activities relating to codification and progressive development of international law in the African continent, assist in the revision of existing treaties and identification of areas in which new treaties are required, and prepare drafts thereof as well as conduct studies on legal matters of interest to the Union and its Member States.

33. The Ministerial Conference adopted the Draft Statute as amended and recommended it to the Assembly of the Union through the Executive Council for consideration and adoption.

**Agenda Item 3: Consideration of the Study on the Procedures for Ratification of Treaties in Member States of the African Union, Harmonization of Ratification Procedures and Measures to Speed Up the Ratification of OAU/AU Treaties**

34. The Ministerial Conference considered the Study on the Procedures for Ratification of Treaties in Member States, Harmonization of Ratification Procedures and Measures to Speed Up the Ratification of OAU/AU Treaties, in the light of the recommendations made by the Meeting of Legal Experts.

35. The Study provides a summary and commentary on the procedures for ratification of treaties in Member States and suggests ways of harmonizing these procedures, with a view to speeding up the ratification process of OAU/AU treaties and resolving the problem of inconsistency between the various linguistic texts.

36. The Conference adopted recommendations as follows:

- a) **On measures to encourage ratification of OAU/AU treaties, it is recommended that:**

**The AU Commission:**

37. *Institutionalize* the AU Treaty Signing Week through the formal adoption of a decision in that regard by the AU Policy Organs committing Member States to review their positions regarding any OAU/AU treaty that they have not yet signed and take appropriate measures to authorize their designated Officials and Representatives to sign these treaties during the AU Treaty Signing Week, as well as at all other times, bearing in mind that signature is a necessary first step towards ratification.

38. *Request* Governments of Member States that have not ratified certain OAU/AU treaties to forward relevant information about the circumstances which have so far prevented or delayed their acceptance or ratification of those treaties with a view to enabling the Commission to identify country-specific obstacles impeding or delaying ratification. In this regard, the policy organs could consider adopting a decision in respect of existing and future treaties urging Member States to submit to their competent domestic authorities for enactment an implementing legislation or other action for treaties they have signed within one year. Further more, consideration could be given to the AUCIL having a role in the examining how to accelerate ratification procedures but bearing in mind that its mandate is essentially progressive development and codification of International law, and that ratification and accession is undertaken within the context of domestic law.

39. *Initiate* both formal and informal discussions with concerned Member States on the factors identified as obstacles to the expeditious ratification of OAU/AU treaties and delineate the advocacy role of the Chairperson of the Commission, Deputy Chairperson and Commissioners during their visits to Member States and during AU meetings and summits.

40. *Undertake* an audit of all OAU/AU treaties with a view to identifying treaties that have not secured the necessary ratifications to enter into force or, if they have entered into force, have not attracted accessions or ratifications from a significant majority of Member States and targeting them for special advocacy and ratification campaigns to maximize their ratification, bearing in mind the relative importance of the treaty in the overall context of the AU's current goals and objectives and the project of deepening African political unity and economic integration.

41. *Establish* a technical assistance program aimed at assisting Governments of Member States overcome obstacles encountered in their efforts to ratify OAU/AU treaties, for example training programs for personnel to deal with ratification issues and explain the significance of particular treaties to relevant domestic constituencies, including parliamentarians.

42. *Ensure* treaties and conventions meet the required standards before adoption and submission to Member States for signature and ratification to avoid inconsistency and contradictions.
43. *Transmit* all draft legal texts to be adopted to different linguistic groups of Member States within a reasonable time to facilitate the review process.
44. *Explore further the role* that the Pan African Parliament could play in the ratification of AU treaties.
45. *Speed up* the process of recruiting legal experts conversant with all the working languages of the AU.
46. *Ensure* that all AU draft treaties are considered by a meeting of Ministers of Justice and/or Attorneys General before submission for adoption by the policy organs.
47. *Add* an item on the agenda of each Session of the Assembly of the Union to facilitate the signature and where possible the process of ratification of Union treaties.

**Member States:**

48. *Identify* substantive issues which frequently delay or prevent ratification of OAU/AU treaties by some Member States, for example lack of political will, administrative red tape, lack of necessary bureaucratic coordination, as well as technical capacity issues such as difficulties in drafting implementing legislation and a lack of trained personnel to deal with ratification issues.
49. *Develop* national policies and strategies aimed at addressing these issues and renewing their commitment to respect and implement international obligations enshrined in the OAU/AU treaties to which they are signatory by ratifying them expeditiously and adopting the necessary legislative and administrative measures to domesticate them.
50. *Review*, on a continuous and periodic basis, those OAU/AU treaties that they have not yet signed and authorize their designated Officials and Representatives to sign them as a preliminary step towards their ratification, and address the factors delaying or preventing the ratification of those treaties that they have already signed as well as accession to treaties already in force.
51. *Initiate*, as may be appropriate, national dialogues with relevant domestic stakeholders, including political leaders, parliamentarians, non-governmental organizations and other civil society groups, to sensitive them on the significance of particular OAU/AU treaties and the importance of ratifying them as part of each individual nation's commitment to join with other Member States in advancing the objectives enshrined in multilateral agreements adopted collectively under the aegis of the Continental Organization.

52. *Determine* appropriate roles that AU organs, in particular the Pan-African Parliament, the Commission, the Specialized Technical Committees and the Economic, Social and Cultural Council, may play in advocacy and sensitization campaigns for the ratification of OAU/AU treaties.

53. *Authorize* the Commission to establish a standing Committee of Experts on the Ratification of OAU/AU Treaties with a mandate to review systematically the positions of AU Member States on ratification of, and accession to, OAU/AU treaties on a periodic basis, monitor the process of ratification of and compliance with the treaties and make recommendations thereon to the Policy Organs of the AU.

54. *Establish* institutional frameworks within Member States to speed up the ratification process as well as to ensure incorporation into national law and implementation of treaties.

55. *Agree* to inclusion of an item in the agenda of the Assembly of the Union at each of its sessions aimed at facilitating the signing, and if possible, the ratification process of Union treaties.

**b) On measures to harmonize ratification procedures and speed up ratification of OAU/AU treaties it, is recommended that:**

**The AU Commission:**

56. *Establish* a focal point within the Office of the Legal Counsel with the specific mandate and responsibility of soliciting, gathering and collecting information from all AU Member States on the issue of harmonization of ratification procedures and examining and analyzing this information in a comprehensive manner, building upon the findings of the present study and any recommendations and decisions taken by the Policy Organs on this subject.

57. *Request* the AU Commission on International Law, once established, to prioritize the subject of harmonization of ratification procedures of AU Member States either on its own or as part of a wider study on the issue of the harmonization of law and legal institutions required or necessitated by the various treaties and decisions adopted by the Policy Organs as an aspect of the AU's declared goals and objectives of forging deeper and closer African political unity and economic integration.

58. *Initiate* consultations with the Regional Economic Communities (RECs) on their experiences with the ratification of treaties and other instruments adopted under their auspices for which they are depositary, in order to share best practices for the harmonization of norms and procedures at the regional and sub-regional levels.

59. *Invite* Member States to make it possible for the RECs to play a role in speeding up the ratification process of Union treaties.

**Member States:**

60. *Initiate* the necessary political consultations and debates within their domestic spheres to determine both the feasibility and desirability of harmonizing their constitutional approaches and legislative procedures and practices for ratification of treaties, bearing in mind the diversity of these approaches and procedures and some of the factors that have been identified as obstacles towards such harmonization and with a view to overcoming these obstacles.

61. *Consider* adopting a decision in respect of existing and future treaties urging Member States to commence the process of ratification of Union treaties within one (1) year of their adoption.

**c) On the problem of inconsistency between different linguistic texts, it is recommended that:**

**The AU Commission:**

62. *Undertake* a systematic review of the authentic texts of all OAU/AU treaties in the official languages in which they are or were adopted to ensure that the texts are correctly translated and aligned, in particular those texts that have been drawn to the attention of the Commission by Member States as containing inconsistencies between different linguistic texts.

63. *Develop* a dictionary or glossary of commonly used legal terms in the AU to assist with the process of consistency in legal texts.

64. *Create* positions of legal translators within the Legal Department of the AU Commission to address the recurring issue of inconsistency.

**d) On the implementation of treaties**

**Member States:**

65. *Ensure* that OAU/AU treaties are not only ratified, but that they are incorporated into national law and implemented accordingly.

**Agenda Item 4: Consideration of the Draft African Charter on Statistics**

66. The Ministerial Conference considered the Draft African Charter on Statistics as recommended by the meeting of Legal Experts.

67. The Executive Council, vide its Decision EX.CL/308 (X) adopted at its Tenth Ordinary Session held in Addis Ababa, Ethiopia in January 2007, mandated the Commission of the African Union in collaboration with the ECA, the ADB and the RECs

as well as Regional and National Statistics Offices, to take all the necessary steps to develop an African Charter on Statistics as a regulatory framework for statistics development in the continent. The draft Charter was adopted by the First Joint Meeting of the AU Conference of Ministers of Economy and Finance and the ECA Conference of African Ministers of Finance, Planning and Economic Development held in Addis Ababa, Ethiopia, April 2008, and was referred to Legal Experts and Ministers of Justice and/or Attorneys General for finalisation.

68. The Charter is intended, among others, to serve as a policy framework for statistics development and an advocacy tool and instrument for statistics development in Africa as well as build the institutional capacity of Statistics authorities in Africa.

69. The Conference of Ministers of Justice and/or Attorneys General approved the Draft Charter as amended and recommended it to the Assembly of the Union through the Executive Council for consideration and adoption.

#### **IX. ADOPTION OF THE RECOMMENDATIONS AND THE DRAFT LEGAL DOCUMENTS**

70. The Ministerial Conference adopted the draft Statute on the AU Commission on International Law, the Draft African Charter on Statistics and the recommendations on Ratification Procedures and recommended them to the Assembly of the Union through the Executive Council for consideration and adoption.

#### **X. ANY OTHER BUSINESS**

71. The following issues were raised under Any Other Business:

- i. The AU Commission should devise mechanisms for ensuring that working documents are made accessible to Member States in all languages by uploading them onto the AU website for easy access;
- ii. The principle of universal jurisdiction was seemingly being abused by both international organisations and some non-African States.
- iii. A distinction should be made between an indictment issued by the International Criminal Court and those issued by a sole judge sitting in a national jurisdiction;
- iv. Commend the AU Commission for the quality of the documents and the accurate processing in the various AU working languages, particularly the Arabic text.

## **XI. CLOSING CEREMONY**

72. Speeches by the Minister of Justice of the Sudan, the Commissioner for Economic Affairs and the Vice-President of the Supreme Court of Rwanda respectively marked the closing ceremony.

### **Motion of thanks by the Minister of Justice of the Sudan**

73. The Minister of Justice of the Sudan, on behalf of all participants, thanked the Government and People of Rwanda for the sound organization of the Meeting of Ministers of Justice/Attorneys General.

74. He further hailed the outcomes of the Meeting which show that Africa is united and inter-dependent to face all challenges threatening its stability and development.

### **Statement by the Commissioner for Economic Affairs**

75. In his statement, Dr. M. Mkwezalamba, on behalf of the Chairperson of the Commission, commended the quality of the debate which led to the adoption of pertinent recommendations on issues featured on the agenda of the meeting. Continuing, he stated that once adopted by the policy organs of the Union, the recommendations will contribute to speeding up the economic and political integration process of the African Continent. However, the AU Commissioner for Economic Affairs reminded participants that the recommendations will not be useful unless they are implemented by various stakeholders concerned.

76. Inclusion, Dr. Mkwezalamba expressed gratitude to the Government and people of Rwanda for the quality and facilities made available for the meeting. Finally, he extended his gratitude to delegates, staff of the Ministry of Justice of Rwanda and the Secretariat of the Commission, including translators and interpreters, for the quality of the work accomplished.

### **Closing speech by the Vice-President of the Supreme Court of Rwanda**

77. In his closing speech, Honourable Sam Rugege, Vice-President of the Supreme Court of Rwanda, stated that the holding of the African Union Conference of Ministers of Justice in Rwanda was an honour for his country and testified to the confidence the African Union and its Member States bestow in the Government and people of Rwanda. He further underscored that the recommendations adopted by the meeting will contribute not only to the promotion and development of international law following the establishment of the African Union Commission on International Law, but also to the speeding up of the ratification of African Union treaties and their entry into force as well as the socio-economic development of the Continent with the adoption of the African Charter on Statistics.

78. Honourable Rugege moreover stated that the issue of universal competence should be regulated within the scope of international law, hence the relevance of the debate held on this topic during the meeting. He further recalled ongoing reforms within Rwanda's justice system, and called on judicial systems of AU Member States to cooperate in a bid to harmonize and strengthen the rule of law in the Continent.

79. In conclusion, the Vice-President of the Supreme Court of Rwanda wished participants a safe return to their respective countries and declared the meeting of Ministers of Justice/Attorneys General officially closed.

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# Report of the ministers of justice/attorneys general Kigali, Rwanda, 27 October – 4 November 2008

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