



Parliamentary questions

26 November 2008

E-5676/2008

Answer given by Mr Michel on behalf of the Commission

The Commission has taken careful note of the decision by the Assembly of the African Union to which the Honourable Member refers. It has discussed this decision with its African partners already on the occasion of the 10th Africa-EU Ministerial Troika of 16 September 2008, in the meeting between the African partners and the Commission on 1 October 2008, as well as in ongoing discussions at working level. The EU and its AU partners have agreed to continue addressing the topic further, possibly in the framework of the Africa-EU Partnership on Human Rights and Governance and of Ministerial Troikas, with a view to have an informed dialogue on the application of the universal jurisdiction.

The Commission considers it useful to clarify that the recourse to universal jurisdiction is a question for the Member States, their national legislation and their courts. The European Community has no competence in this respect. In this regard it is important to stress that the European Community fully respects the impartiality and independence of national judiciary as well as that of international criminal tribunals.

The question of recourse to universal jurisdiction should be seen as related to, but not identical with, the jurisdiction of the International Criminal Court (ICC) and other international criminal tribunals. In particular, the ICC is designed to be complementary to national courts, and is empowered to investigate and prosecute individuals only when national courts are unable or unwilling to do so. The ICC does not have universal jurisdiction. It may only exercise jurisdiction if (a) the accused is a national of a State Party or a State otherwise accepting the jurisdiction of the Court; (b) the crime took place on the territory of a State Party or a State otherwise accepting the jurisdiction of the Court; or (c) the United Nations Security Council has referred the situation to the Prosecutor, irrespective of the nationality of the accused or the location of the crime.

The European Community is a firm supporter of the ICC. It considers the establishment of the ICC a vital development for international peace and justice. The Commission welcomes the fact that a great number of Member States of the African Union have ratified the Rome Statute. The Commission regularly urges all its partners to work together to promote peace and justice as indivisible elements.

The SIRENE Bureaux⁽¹⁾, which the Honourable Member mentions, are set up in Member States to exchange supplementary information related to the alerts stored in the Schengen Information System. However, in accordance with the Schengen Convention, data on persons wanted for arrest shall be entered at the request of the judicial authority of the requesting Member State. The SIRENE Bureaux are not competent to take a decision on warrants to be issued.

⁽¹⁾ Supplementary Information REquest at the National Entries.