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PERMANENT MISSION OF THE REPUBLIC OF
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STATEMENT

BY

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UNDER AGENDA ITEM 84:
THE SCOPE AND APPLICATION OF THE PRINCIPLE OF
UNIVERSAL JURISDICTION

OF THE

SIXTH COMMITTEE

ON THE OCCASION OF THE 67TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

17 OCTOBER 2012
NEW YORK

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Mr. Chairman,

1. Botswana welcomes the opportunity to contribute to the discussion on this important subject on the scope and application of the principle of universal jurisdiction by the Sixth Committee.
2. As we meet again during this 67th Session of the General Assembly, we have another opportunity to continue an in-depth dialogue on this important subject, in striving to strike common ground.
3. At the outset, we associate ourselves with the Statement delivered by the Distinguished Representative of Egypt, on behalf of the African Group.

Mr. Chairman,

4. We welcome the Report of the Secretary General, which provides useful information on the scope and application of the principle universal jurisdiction. We also recognize the continuing efforts towards a reaching a more universally acceptable modus operandi in respect of the application of this principle.
5. Botswana is closely studying the submissions made by States as reflected in the Report, and appreciates the usefulness of the information in shedding more light on the points of convergence, as well as areas that still require deeper examination.
6. We note the elements reflected in the Report of the Secretary General, including reflections that the principle of universal jurisdiction has been generally recognized at the international level. The Report further reveals that there does not appear to be a consistent or uniform definition of the principle, its application or instances in which the principle should be exercised. It sums it up by a cautious submission of the potential for selective and inconsistent application of the principle.

Mr. Chairman,

7. There is no doubt that any more time lost in a state of perpetual stalemate regarding a common understanding on the scope and application of the principle of universal jurisdiction can only serve to undermine the very critical fabric of the rule of law at the international level.
8. It is commonplace that the lack of an acceptable definition and parameters governing the application of the principle of universal jurisdiction has inevitably led to concerns around abuse thereof. It remains complex, interlaced in politics and legal intricacies that we all yearn for a solution to.
9. In this connection, we need to spare no effort in an inter-governmental process that should unlock the gridlock and offer the reprieve that the international community deserves and expects from the global body - The United Nations.

Mr. Chairman,

10. Botswana maintains a strong position of opposing any form of selectivity in the application of the principle of universal jurisdiction.
11. The critical issue that we have to grapple with is finding a working platform to avoid inconsistency in the application of the principle, while work is underway towards agreeing on a common definition. It is of fundamental importance that arbitrary application of the principle should be avoided at all costs, if we are to safeguard and guarantee the rule of law at the international level.
12. We remain mindful of the fact that the rationale for this principle stems from the need to ensure that serious crimes do not go unpunished. The objective is to fight impunity and to ensure the prosecution of individuals who are suspected of having committed serious crimes, including crimes against humanity.

13. Botswana fully subscribes to the notion that impunity can never be abetted. In the absence of a common and agreed definition and scope of the application of the principle of universal jurisdiction, we urge all States to ensure that they fully investigate serious crimes and war crimes allegedly committed by their nationals or by Members of their armed forces, or committed in their territory, with a view to affording justice for the victims.
14. When this is shared, assured and applied by all States in good faith, can the principle of universal jurisdiction become a measure of last resort.

Mr. Chairman,

15. In conclusion, Botswana reiterates its support for the continued work on the scope and application of the principle of universal jurisdiction by the Sixth Committee and related inter-governmental processes.
16. We also take note of and welcome the efforts made at the regional level in advancing discussions on this matter, including work already carried out by the Technical AD Hoc Expert Group of the African Union; and European Union, respectively. We believe that such efforts could inform the work that we are seized of at the level of the United Nations.
17. We look forward to very fruitful discussions on this subject during this Session.

I thank you for your attention.