

**Statement by Ms. Tania Steenkamp of the South African Permanent Mission to the United Nations, in the Sixth Committee of the General Assembly under the Agenda Item “The Scope and Application of the Principle of Universal Jurisdiction.”**

Chairperson,

Thank you again for this opportunity to address the Sixth Committee, this time on the important topic of the Scope and Application of the Principle of Universal Jurisdiction. We also thank the Secretary-General for his updated Report on this topic.

My delegation associates itself with the Statements of the African Group and the NAM, respectively, on this topic.

Chairperson,

My delegation has continuously expressed its support for the discussion of this topic and we strongly supported the decision to establish a working group to undertake a thorough discussion of the scope and application of universal jurisdiction. Our acceptance of universal jurisdiction for certain international crimes of a serious nature is based on our support for the fight against impunity and the search for justice.

Chairperson,

As my delegation has stated on previous occasions, the question under discussion here today is not about the validity of the principle of universal jurisdiction, but rather its application and scope. It is our hope that the work undertaken by the sixth committee on this topic will result in greater clarity and agreement among member states on the application and scope of the principle of universal jurisdiction.

My delegation presented its comments, observations and practices on the application of the principle of universal jurisdiction in previous sessions. With regard to the Secretary-General’s updated Report, we note with approval the proposals contained in that Report. We support the contention that the exercise of jurisdiction through application of the principle of universal jurisdiction should be exceptional and supplementary in nature, limited to cases where the State where the alleged atrocities occurred, and/or the State of nationality of the alleged perpetrator are unable or unwilling to investigate and prosecute. We also support the proposal that the exercise of universal jurisdiction be limited to a small number of crimes, to be agreed upon by the international community.

Chairperson,

In our opinion, the crucial question that needs to be considered and discussed today and tomorrow, and specifically in the continuing work of the Working Group on Universal Jurisdiction, is the extent to which immunities are an exception to the

application of the principle of universal jurisdiction, as expressed by Judges Higgins, Kooijmans and Buergenthal in the *Arrest Warrant* case in the International Court of Justice. It may well be that in considering this question, it will become necessary to also consider the scope of the immunities referred to and that answers must be sought to questions such as who is entitled to immunities under international law or whether the nature of the crime in question would affect the immunities and if so, to what extent. In answering these questions, we would also go a long way towards addressing concerns by some member states as to the potential for the abuse of the principle of universal jurisdiction.

Let me also say that we are willing to consider all options to expedite our work, including, if agreeable to other delegates, and if it would, in fact expedite our work, requesting the consideration of some or all aspects by the International Law Commission.

Chairperson,

We trust that the work of the sixth committee on this topic will contribute towards a legal regime where universal jurisdiction is exercised in accordance with agreed parameters and guidelines, in a manner that brings justice to the victims of grave offences such as slavery, genocide, war crimes and crimes against humanity.

I thank you.