



Statement
on behalf of the
Republic of South Africa
by
Thabo Molefe
before the Sixth Committee of the General Assembly
under Agenda Item 87
“The scope and application of the principle of universal
jurisdiction”

03 November 2020

Chair

South Africa wishes to align itself with the statement delivered on behalf of the African Group and the Non-Aligned Movement respectively.

We express gratitude to the States that have submitted written information to the Secretary-General for inclusion in the report, as well as the Secretary-General for the work carried out in compiling such a useful report.

Chair

South Africa has previously presented statements wherein it has set out its domestic laws and practice on universal jurisdiction. It maintains that universal jurisdiction is important for ensuring accountability, particularly as movement between states increases.

Whilst there are numerous examples of the successful application of universal jurisdiction, one such being the Hissène Habré case, practical challenges are often

encountered, which South Africa has also previously highlighted.

The political challenges presented by universal jurisdiction cannot be denied and the potential for abuse remains a reality. Therefore, it is imperative that those applying universal jurisdiction do it with the correct reasons in mind, namely to ensure accountability for perpetrators, and not for political motivations.

Nevertheless, nothing is without challenges, and sometimes controversy. This does not mean that it should be cast aside. Instead, efforts should be made to seek solutions and compromises to overcome such challenges. In this respect active deliberations in the working group are crucial.

The topic of universal jurisdiction has been on the agenda of the Sixth Committee since the 64th Session. South Africa regrets the stagnation of discussions surrounding universal jurisdiction, which raises questions as to whether the Sixth Committee is approaching this topic in the most effective manner.

An important topic such as this one should not be lost in repeated annual statements and it may be necessary to consider whether there are alternative approaches that the Sixth Committee can employ in order to move this topic forward.

I thank you.