



Zimbabwe

STATEMENT

Delivered by

**His Excellency Ambassador Frederick M.M. Shava,
Permanent Representative of the
REPUBLIC OF ZIMBABWE TO THE UNITED NATIONS**

Before the Sixth Committee

75TH Session of the United Nations General Assembly

On Agenda Item 87:

**“The Scope and Application of the Principle of Universal
Jurisdiction”**

27 October 2020

United Nations, New York

Permanent Mission of the Republic of Zimbabwe to the United Nations at New York

128 East 56th Street, New York, NY 10022

Tel: 212-980-9511 Fax: 212- 308 6705

E-mail: zimnewyork@gmail.com or zimnewyork@zimfa.gov.zw

Chairman,

Allow me to begin by congratulating you and the members of the Bureau on your election, and to assure you of my delegation's full support and co-operation. My delegation associates itself with the statements delivered by the distinguished representatives of the Republic of South Africa on behalf of the African Group and the Islamic Republic of Iran on behalf of the Non-aligned Movement (NAM). I would like to make additional remarks in my national capacity.

My delegation notes with appreciation the Secretary-General's report on the scope and application of the principle of universal jurisdiction of July 2020 (document A/75/15) and subsequent reports that contain information and observations outlining the national practice of States regarding the application of the principle. We also note that there are divergent views regarding the scope and application of the principle among States, leaving room for potential abuse or misapplication. Considering that the deliberations on the matter have somewhat stalled, we appeal to all Member States not to lose momentum, and to engage constructively to clarify the scope of the principle and its application to avert potential abuse.

Chairman,

Universal jurisdiction is aimed at combating impunity and holding perpetrators of heinous crimes, genocide, war crimes and crimes against humanity accountable. As national judicial institutions are the custodians

of the principle, it should be exercised in cooperation and with the consent of the concerned national jurisdictions. The principle has a symbiotic relationship and is essential in promoting the rule of law at the national and international level. The principle of universal jurisdiction should take cognisance of fundamental rights by ensuring justice and accountability in a transparent manner. The misapplication of the principle against African officials raises pertinent questions regarding its selective use in violation of the United Nations Charter, principles of justice, fairness and sovereign equality. However, the principle must be utilized in a cautious manner not to imprudently create tension between States, abuse due processes nor be a precursor to limit the conduct of inter-state relations. Our deliberations afford us the opportunity to achieve concurrence regarding crimes that do not fall within the scope of the principle.

Chairman,

My delegation is of the firm view that Universal Jurisdiction should be exercised in good faith and with due respect for the basic principles of international law, including the sovereign equality of States, non-interference in their internal affairs and political independence. To this end, the principle is a complementary mechanism and a measure of last resort, which should operate in a systematic manner only in cases where national courts are unable or there is lack of political will to act. Let me underline that, the principle should be consistent with the territorial

jurisdiction of States and should recognise, and not stray into the realm of immunity granted to Heads of State and Government and other senior officials duly recognised under customary international law.

Chairman,

International criminal law does not operate in isolation and requires cooperation between States, law enforcement organisations and judicial institutions. We are of the firm belief that the credibility and legitimacy of Universal jurisdiction hinges on seeking effective redress and justice, including accountability, while adhering to a rules-based order through uniform systemic rules that should be applied objectively.

Zimbabwe, in compliance with its obligations at the international level, is party to the Geneva Conventions, which inter-alia seek to protect the human rights of individuals and victims of war. At the Continental level, Zimbabwe's position on universal jurisdiction is informed by Article 4(h) of the Constitutive Act of the African Union, which is exercised specifically in respect of grave crimes, namely: war crimes, genocide and crimes against humanity.

Zimbabwe is also Party to the African Charter on Human and People's Rights. This Charter gives effect to the foundational principles of universal jurisdiction. At the national level, Zimbabwe does not have

legislation that expressly relates to universal jurisdiction and is not averse to promoting judicial cooperation in respect of crimes to which the principle applies, through mutual legal assistance under the auspices of different Extradition Treaties to which Zimbabwe is party.

My delegation remains hopeful that, discussions regarding the principle of universal jurisdiction will continue to be given due consideration by the Sixth Committee within the framework of the Working Group to clarify its scope and application guaranteeing legal certainty. Our fervent appeal is for States to exercise flexibility in the discussions to provide a good basis for a legal and systemic framework which adheres to the dictates of the United Nations Charter, principles and norms of customary international law.

I thank you.