



REPUBLIC OF ZAMBIA



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STATEMENT

BY

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FIRST SECRETARY (LEGAL)

PERMANENT MISSION OF THE

REPUBLIC OF ZAMBIA TO THE UNITED NATIONS

ON

**THE SCOPE AND APPLICATION OF THE PRINCIPLE OF
UNIVERSAL JURISDICTION**

New York
4th November, 2020

CHAIRPERSON,

Since this is my first time to address this Committee, allow me to join other distinguished speakers in congratulating you and the members of the bureau on your well deserved election. I assure you of Zambia's support throughout this session.

My delegation aligns itself with the statement delivered by the distinguished representative of Republic of South Africa on behalf of the African Group as well as that of the Non-Aligned Movement as delivered by the distinguished representative of the Islamic Republic of Iran.

CHAIRPERSON,

The principle of universal jurisdiction like every concept, is variedly defined depending on the extent to which delegations believe States may bring criminal proceedings in respect of the most serious crimes, which are prohibited by international law, such as war crimes, crimes against humanity and genocide. There is consensus in this Committee that certain crimes are so harmful to international interests that States are not only entitled to but obliged to bring proceedings against the perpetrator, regardless of the location of the crime and nationality of the perpetrator. This obligation is particularly essential in situations where countries with closer links to the crime are either unable or unwilling to "extradite or prosecute" the perpetrators.

CHAIRPERSON,

We cannot over-emphasise that to end impunity and preserve global peace and security, as well as sustainable development, all Member States must ensure the domestication of relevant treaties and/or the extension of laws governing universal jurisdiction.

Zambia continues making strides towards a more comprehensive body of laws that incorporates the principle of universal jurisdiction. Section 3(1) of the Anti-Terrorism Act, No. 2 of 2018, for instance, grants the High Court for Zambia jurisdiction where a person commits an offence outside Zambia which, "if wholly done within Zambia, would be an offence against this Act, may be tried and punished under this Act in the same manner as if that act had been wholly done within Zambia."

Zambia remains committed to joining and/or facilitating cooperation agreements with foreign authorities and law enforcement agencies which ensure that perpetrators of the most serious crimes prohibited by international law are brought to justice. This includes working closely with regional bodies, such as the Regional Committee on the Prevention of Genocide, Crimes Against Humanity, War Crimes and All Forms of Discrimination, under the International Conference on the Great Lakes Region (ICGLR). This, **Chairperson**, is well within our rights and obligations under article 4(h) of the Constitutive Act of the African Union.

CHAIRPERSON,

My delegation wishes to urge the Sixth Committee not to lose sight of the original purpose of this agenda item. Various delegations note with concern, the inconsistent and sometimes unpredictable manner in which universal jurisdiction has been and is being applied by some countries. Not only does this cause friction among affected Member States, but when it appears to be politically motivated, or unduly targeted at specific entities, it undermines the overall fight against impunity.

It will be recalled, that the purpose of this agenda item is to provide the Sixth Committee with an appropriate venue for meaningful debate, acknowledging the diversity of views held by States, including the reservations expressed in relation to the "abuse" or "misuse" of the principle of universal jurisdiction.

CHAIRPERSON,

Let me conclude by re-echoing a critical point raised in the statement delivered by the distinguished representative of the Republic of South Africa on behalf of the African Group, that universal jurisdiction should always be regarded as complementary to the national jurisdiction of the countries concerned. Never should it be enforced in a way that is inconsistent with the principles of international law or international customary law, including the equally important concepts of sovereignty, non-intervention in the internal affairs of nations, sovereign immunity, and diplomatic immunity.

I thank you.