



Statement
on behalf of the Republic of South Africa
by

Thabo Molefe, Legal Counselor
before the Sixth Committee of the
76th Session of the United Nations General Assembly

under Agenda Item No. 79
“Criminal accountability of United Nations officials and
experts on mission”

New York, 12 October 2021

Chair

At the outset, South Africa wishes to align itself with the statements delivered on behalf of the Non-Aligned Movement and the African Group on this important matter before us.

Chair

South Africa welcomes with great appreciation the reports by the Secretary-General on this important matter. We commend the countries that have shared their experiences and legal regimes which are enlightening and valuable in aiding all Member States in evaluating their own domestic legal frameworks for compliance with the requirements to close the 'jurisdictional gap'. South Africa acknowledges the extensive work required to produce the reports, and values the information communicated therein.

South Africa recognises the courageous actions of UN officials and experts on mission, as well as other officials within the UN system, for preventing and reporting the criminal activity and misconduct at the risk of personal prejudice. Such persons should be highly commended as their courageous actions are in line with the values of the United Nations. South Africa condemns any act of criminality against the vulnerable

populations that depend on the United Nations officials and experts on mission for protection.

South African national laws such as the Criminal Procedure Act 51 of 1977 makes it possible for South Africa to prosecute any citizen who committed crimes outside the borders of the Republic of South Africa and who cannot be prosecuted by the courts of the country in which the crimes were committed due to the fact that the person is immune from criminal jurisdiction in terms of the provisions of international law. South Africa can investigate and prosecute the perpetrators provided the offenses they have committed are also classified as crimes in terms of South African law. The measures provided for in our national laws are aimed at ensuring accountability for acts of a criminal nature where the diplomatic status may be abused by the officials.

Similarly, the International Cooperation in Criminal Matters Act 75 of 1996 allows for cooperation with other countries in an effort to combat and prevent crime at an international level. The legislation allows for South Africa to enter into agreements with other countries with a common purpose of holding cross border criminals responsible for the crimes they have committed.

South Africa reiterates, its support for combatting criminal activities by UN officials and experts on mission. We re-assure

the Sixth Committee of our support on its significant role on this matter.

I thank you.