

Zimbabwe

STATEMENT

Delivered by

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During the Sixth Committee

76th Session of the United Nations General Assembly

On Agenda Item 87:

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

22 October 2021

United Nations, New York

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Madame Chairperson,

Thank you for giving me the floor.

My delegation associates itself with the statements delivered by the distinguished representative of Morocco, on behalf of the Africa Group, and the Islamic Republic of Iran, on behalf of the Non-aligned Movement (NAM). I would like to make additional remarks in our national capacity.

My delegation notes, with appreciation, the Secretary-General's report, contained in document A/76/203 and subsequent reports, which contain information, comments and observations received from Governments and relevant observers outlining the national practice of States regarding the application of the principle Universal Jurisdiction. We, also, note that there are divergent views regarding the definition, application and scope of the principle among States, *which* creates potential for abuse and or misapplication. The need for Member States to engage constructively to clarify the definition, scope and application of the principle, cannot be overemphasized.

Madame Chairperson,

Universal Jurisdiction is aimed at combating impunity and holding perpetrators of genocide, war crimes and crimes against humanity, accountable. Considering that national judicial institutions are the custodians of the principle of Universal Jurisdiction, it should be exercised in cooperation with and consent of the national jurisdiction concerned. The principle has a symbiotic relationship with criminal justice which is essential in promoting the rule of law at the national and international level. Universal Jurisdiction should take cognisance of fundamental rights by ensuring justice and accountability in a transparent manner.

The apparent misapplication of the principle of Universal Jurisdiction against African officials raised pertinent and very legitimate questions regarding its selective use in violation of the United Nations Charter, the principles of justice, international cooperation, fairness and sovereign equality. To that end, the principle must not imprudently create frictions between States, abuse due processes nor be a precursor to limit the conduct of inter-state relations. We hope the deliberations will give delegations the opportunity to achieve a common understanding regarding crimes that do

not fall within the scope of the principle to avoid concerns of political abuse and flouting of legal norms.

Madame Chairperson,

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 unwilling to act. Let me underline that, the principle should be consistent with the territorial jurisdiction of States and should recognise the immunity granted to Heads of State and Government and other senior officials duly recognised under customary international law.

Madame Chairperson,

My delegation is alive to the fact that international criminal law does not operate in isolation and that, as such, it requires cooperation between States, law enforcement organisations and judicial institutions. It is our considered position that Member States should make use of established mechanisms, such as extradition and mutual legal assistance and respect the sovereignty of States. The credibility and legitimacy of Universal Jurisdiction is hinged on seeking effective redress, justice, including accountability, while adhering to uniform systemic rules that should be applied without unilateral subjectivism to fulfill narrow political interests.

Zimbabwe, in compliance with its international obligations, is party to the Geneva Conventions. 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 we are not averse to promoting judicial cooperation in respect of crimes to which Universal Jurisdiction 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 will continue to be given due consideration by the Sixth Committee within the framework of the Working Group to clarify the definition, scope and application of the principle. All this should be done cognisant of and in full adherence to the dictates of the United Nations Charter, and to the principles and norms of customary international law.

I thank you.