



**Statement on behalf of the Republic of South
Africa**

by

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Thematic Cluster 1

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Thank you, Chair, for giving my delegation the floor and for an opportunity to address this house on this topic, the importance of which has resonated across the globe and has impacted numerous communities. My delegation aligns itself with the statement delivered by Uganda on behalf of the African Group.

Chairperson,

At the onset, I wish to reiterate South Africa's profound support for ongoing discussions of a substantive nature on the draft articles and wish to highlight that we remain confident that we will find a middle ground that will drive us towards a convention in this regard. For us, a step closer to an achievement would be to see a built up on the engagements and interactions of the previous resumed session which we hope will lead us to an agreement on some of the next steps on this matter. We encourage the continuation of the fruitful debate with an end goal of ensuring that our citizens and the international community as a whole are protected from perpetrators of Crimes Against Humanity. Failing which, they should at least be afforded justice when they become victims of these crimes.

Chairperson,

The need for a convention on Crimes Against Humanity has become even more critical now as we are experiencing the most horrendous international crimes some of us could ever witness in our lifetime being carried out by Israel against the Palestinian civilian population. The impetus to bring perpetrators of these crimes to book is relevant now more than ever before. With the advancement in the international system's accountability measures, it would be a grave injustice to our citizens to experience the continuation of these crimes. The international lawyers of today owe it to themselves and the international community as whole to call for the respect of international law and for accountability thereto, without fear or favour.

Chairperson,

Turning now to the draft articles, South Africa maintains the opinion that there remains a gap in the international legal framework for addressing Crimes Against Humanity. Whilst other international crimes have a legal regime through treaties regulating them, Crimes Against Humanity remains the only one among the core crimes, lacking proper regulation through an international treaty. Evidently, the ILC holds the same view too hence the work they have carried out to produce the draft articles before us. We express our utmost gratitude to the ILC for what they have achieved in concluding their work on the draft articles. It is now upon us as States to take them forward and make them a reality.

On Preambular paragraph 2, South Africa welcomes the factual recognition that Crimes Against Humanity threaten not only the enjoyment of peace and security but

the well-being of the world. Similarly, we welcome the recollection of the *jus cogens* nature of the Crimes Against Humanity as a peremptory norm of international law, applicable to all States without distinction and derogation.

On Preambular paragraphs 8 and 10, South Africa as a proponent of the principle of complementarity, fully supports the inclusion of this paragraphs as the criminal jurisdiction should always be the responsibility of States. International courts serve an important role in ensuring accountability for serious crimes, but international courts can never fully subsume the role that States will be able to play in the broader investigation and prosecution of international crimes. The role of States in ending impunity for Crimes Against Humanity remains paramount and closer cooperation between States is growing evermore necessary in an increasingly globalised world. When States exercise the accountability expected of them by both the domestic and international laws, there shall be no role for the international courts in our individual criminal justice systems. It should always be kept in mind that it is only when we are unable or unwilling to do so that international courts should be able to intervene.

Chairperson,

In conclusion, South Africa is pleased with the current formulation of the Preamble and Article 1. We look forward to fruitful discussions and ultimately progressing to a point where we can commence negotiation of this text. South Africa stands ready to engage and interact with other delegations both bilaterally and in meetings of this nature for the betterment of the work done so far.

I thank you.