



Statement on behalf of the Republic of South Africa

by

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Agenda item 80

Crimes Against Humanity

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Chair,

I wish to thank you for giving South Africa the opportunity to take the floor and to address you on this very important agenda item. My delegation aligns itself with the statements delivered by The Gambia on behalf of the cross-regional group and Uganda on behalf of the African Group. The South African delegation reiterates its support for further discussions on the elaboration of a possible convention on crimes against humanity.

Chair,

South Africa has long supported the elaboration of a convention on crimes against humanity. The horrific crimes against humanity that South Africa witnessed is well-known to the world. It is our historical experience that has in large part informed South Africa's position. South Africa has been one of consistently supporting the elaboration of a convention on crimes against humanity.

In 1946, the United Nations General Assembly unanimously affirmed the principles of international law recognised by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal, which included crimes against humanity.

It is remarkable that seventy-seven years later, one of the most serious crimes under international law remains the only category that still does not have an international agreement dealing exclusively therewith.

Chair,

South Africa is also a proponent of the principle of complementarity. 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.

Chair,

I am certain many in this room would have heard that earlier this year one of the four remaining fugitives from the Rwandan genocide was finally arrested in South Africa, more than twenty years after being indicted by the International Criminal Tribunal for Rwanda. This could not have been achieved had it not been for extensive cooperation between South African authorities and the International Residual Mechanism for Criminal Tribunals, and it serves as a stark reminder of what we can achieve if we work together.

Incidentally, the aforementioned arrest took place just two days before the adoption of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes, on the 26th of May this year.

The Ljubljana-The Hague Convention is commendable and a significant development that strengthens cooperation in combating impunity for international crimes. However, it must be emphasised that the convention on crimes against humanity is not a duplication but is in fact a distinct convention. Indeed, the development of a separate convention focussed on crimes against humanity remains as significant now as it was when it was first introduced.

We once again reiterate