



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

**Thabo Molefe, Legal Counselor**  
**Before the Sixth Committee of the**  
**76<sup>th</sup> Session of the United Nations General Assembly**

**Under Agenda Item 83**  
**“CRIMES AGAINST HUMANITY”**

**13<sup>th</sup> October 2021**

## **Chairperson**

Approximately two weeks ago, on 24 September, South Africa celebrated Heritage Day. It is a day on which the many cultures that make up the diverse population of South Africa are remembered and honoured.

It is sobering to think that 27 years ago, this diverse country witnessed crimes of the most serious kind, crimes which by their nature targeted the very diversity that we now celebrate. Incidentally, 27 years is the same number of years Nelson Mandela spent in prison for defending the human rights of those very people against whom crimes against humanity were being committed.

The wounds caused by crimes against humanity underlie South Africa's support for the proposed convention.

We see much merit in elaborating a convention which will serve to ensure accountability for crimes against humanity. Notably the only category of most serious crimes which is currently not governed by an international convention.

## **Chairperson**

The draft articles provide for inter-State cooperation and the development of domestic laws to ensure the prevention of crimes against humanity. South Africa has consistently, in various fora, emphasised the importance of the principle of complementarity in international criminal law. Whilst international courts serve an important role in ensuring accountability, it is first and foremost within the ambit of State sovereignty for States to exercise jurisdiction over the investigation and prosecution of perpetrators of international crimes.

South Africa has already criminalised crimes against humanity under its domestic law and has broad jurisdiction over such crimes. It has established laws that would enable it to extradite and provide mutual legal assistance in relation to these crimes.

## **Chairperson**

Accordingly, South Africa reiterates its support previously expressed for the elaboration of a convention and remains open to the process through which this may be done, provided that whichever process is decided upon should not be unduly delayed and should lay the foundation for the largest number of ratifications in order for cooperation to be successful.

South Africa still suffers from the wounds of its past and knows first-hand that healing cannot take place without accountability. A convention on crimes against humanity offers an opportunity to ensure accountability through effective investigation, prosecution and punishment.

**I thank you**