



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

**by**

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**Before the Sixth Committee of the 79<sup>th</sup> Session  
of the United Nations General Assembly**

**Agenda item 80**

**“Crimes Against Humanity”**

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## **Chairperson,**

We align ourselves with the Statement delivered by Uganda on behalf of the African Group and the statement to be delivered by Sierra Leone on behalf of a group of States.

April 2024 marked 30 years since black South Africans regained the humanity they were stripped of for hundreds of years at the hands of a gruesome government under the regime of deepened racial segregation the world ever experienced. Black South Africans endured the perpetual orchestration of crimes against humanity in the land of their forefathers and became second class citizens. The crimes against humanity stripped us of our humanity, heritage, culture, traditions, history and a sense of belonging. Some of these will never be regained. We continue to endure the devastating consequential impact of the apartheid policies which were so intricate that it will take a lifetime of several generations to undo.

South Africans stood up and fought against their oppressors and received an overwhelming support of the international community. The international community came out from all walks of life and regions of the world under the auspices of the then Organisation of African Unity and the United Nations to condemn the policies of the apartheid government, thereby propelling South Africans to remain resilient in their fight against oppression. We witnessed the international community adopting policies not only condemning the perpetrators of apartheid but holding them accountable through not just sanctions but later the declaration of apartheid as a crime against humanity. This was a brave step which highlighted the commitment of the international community in dealing with these horrendous international crimes.

However, despite the commendable work done on that front, a crucial step of codifying an international legally binding instrument to specifically criminalise crimes against humanity and have its perpetrators punished, was missed. Decades later we remain with a loophole which leaves a stark gap in international law protections for the victims. Not because crimes against humanity have ceased to take place, but because this crucial step of accountability of the perpetrators and justice for the victims was missed.

South Africa believes this was an error and an error that requires correcting. We believe this was an error because we cannot comprehend the idea that the international community would just turn a blind eye on such a critical matter.

**Chairperson,**

Crimes against humanity are not an annex to the crime of genocide and war crimes. They are one of the most serious international crimes in their own standing.

**Chairperson,**

Our generation should not be witnessing the commission of crimes against humanity. However, even today, we are witnessing the proliferation of crimes against humanity globally. These acts of murder, rape, torture, apartheid, human trafficking, persecution and many more crimes of a similar nature committed as part of a widespread or systematic attack against civilian population continue to manifest. The manifestation has become intensified due to the protection and idolisation of the perpetrators while the realisation of justice for the victims remains a dream.

**Chairperson,**

South Africa believes that an international treaty with clearly defined legal obligations for Member States to cooperate will significantly strengthen protections for potential victims by preventing and punishing these crimes. Through that treaty, the victims will be offered a means of redress.

South Africa therefore wishes to reiterate its unwavering commitment to the processes that will lead us to a codification of the convention for the prevention and punishment of crimes against humanity. Following the great work that was carried out during the 2 previously and successfully held resumed sessions which led to the substantive discussions that enriched consideration of this important topic, we urge Member States to work towards adopting a decision reached through consensus at this session

for the advancement of this process to the next step in the direction of the codification of the crimes against humanity treaty.

South Africa expresses gratitude to the delegations of The Gambia and Mexico for the work they have done so far in facilitating what would be the most important draft resolution of this session. The transparent and inclusive nature in which they have handled the facilitation is commendable. South Africa is one of the more than 70 countries that have co-sponsored that draft resolution and we resonate with its objectives. We urge all states to support this text.

South Africa wants to see a transparent and inclusive process being carried out towards the goal of a legally binding treaty in this regard. An inclusive process taking into consideration the comments of States not only submitted to the ILC but those made during the deliberations in this Committee as well as during the resumed sessions. We therefore fully support the recommendation of the ILC for the holding of a conference of plenipotentiaries to negotiate a convention on the basis of the draft articles they have presented. Having it in mind that the draft articles from the ILC are just a basis for the commencement of negotiations and that the Member States will exercise their right to reopen the draft text and negotiate it as their own.

I thank you.