

JURISDICTION

1 SUBJECT

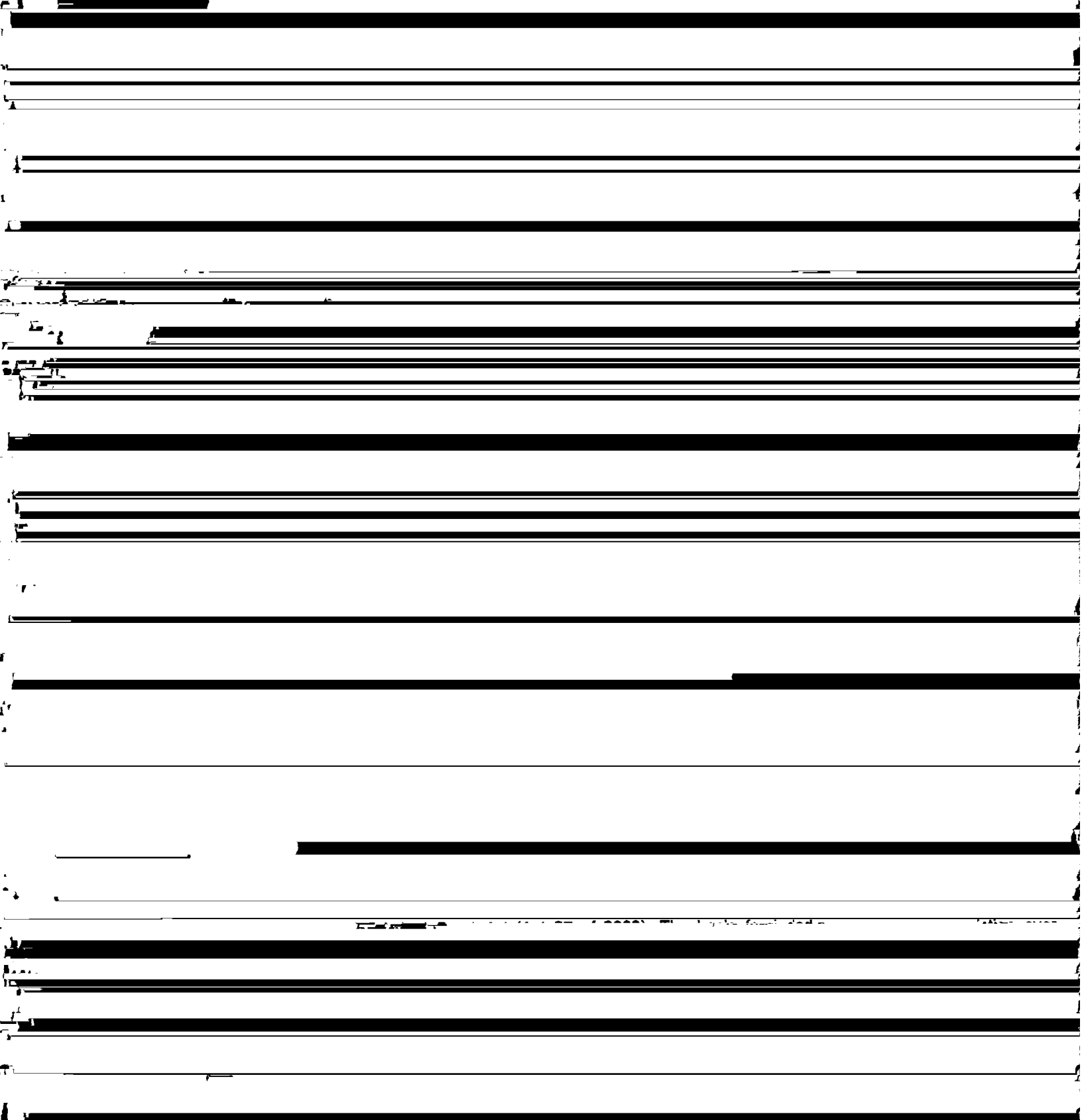
The South African Government has been requested to make observation to the Secretary.

**3.2.1 The Nationality Principle:**

South Africa in general accepts the principle that it will not exercise jurisdiction over acts committed by its nationals abroad with certain exceptions like treason while Parliament

**3.4 UNIVERSAL JURISDICTION IN SOUTH AFRICAN LAW**

3.4.1 In practice, South Africa will not try a person for an international crime unless it has criminalised under its domestic law as is the case with the crimes provided for in the



- *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;*
- *Convention for the Suppression of Unlawful Acts against the Safety of*

3.5.3 Jurisdiction over offences provided for in the conventions are conferred on South

passive personality, protection of the state and "any other basis recognized by law" (15), while a person may also be prosecuted in South Africa for an offence in terms of the conventions when such person is present on South African territory if a South African court has jurisdiction or any court in a foreign state has jurisdiction.

3.5.4 Wide jurisdictional powers are therefore conferred on the South African courts by the Act, but it is submitted that all the grounds for jurisdiction require a jurisdictional link with South Africa in order for a prosecution to take place in a South African court.