





commissioned or with the state of nationality, and that only when the State which would ordinarily have jurisdiction is unable or unwilling to prosecute, the principle of universal jurisdiction becomes applicable. But more often than not, international crimes live up to their name by presenting cross-border challenges, like difficult access to witnesses and evidence, matters on which successful investigations and prosecutions depend. Hence the need for frameworks to enable States to render mutual legal assistance to each other in the investigation and prosecution of these crimes.

With this important practical consideration in mind, South Africa has supported the initiative on the negotiation and adoption of the draft *Convention on International Cooperation and Prosecution of the Crime of Genocide, Crimes against Humanity and War Crimes*.

Chair person ,

We have in our previous statements shared that South African domestic legislation provides for extra-territorial jurisdiction over the crime of genocide, war crimes, crimes against humanity, terrorist activities, piracy, civil aviation offences, nuclear-related offences and mercenary activities. It is recalled that some conduct violates not only the domestic legal order of a State, but also the international order, with the result that broad agreement exists about the international crimes under customary international law which are the core crimes to which universal jurisdiction applies: piracy, slave-trading, war crimes, crimes against humanity, genocide and torture. The identification of other crimes which may be subject to universal jurisdiction will therefore form a substantial and important part of the deliberations of the Working Group. The status of the decisions of the regional judicial mechanism on this matter would also be of great importance for consideration by the Working Group.

In conclusion, Chair person ,

South Africa looks forward to participating in the deliberations of the Working Group. This work, as well as related initiatives to ensure international cooperation, are essential in closing the jurisdictional gaps which often allow the perpetrators of the international crimes under customary international law to evade justice.

I thank you for your attention.