THE SCOPE AND APPLICATION OF THE PRINCIPLE UNIVERSAL JURISDICTION: ZIMBABWE

## 1. Introduction

- 1.1Universal jurisdiction is a principle of international law which enables criminal jurisdiction solely on the nature of the crime, without regards to where the crime was committed, the nationality of the alleged or convicted perpetrator, the nationality of the victim or any other connection to the state exercising jurisdiction.
- 1.2The basis of this principle is anchored on the grounds that the crime committed is considered a crime against all, which any State is authorized to punish, as it is too serious to tolerate jurisdictional arbitrage.
- 1.3To ensure credibility, the principle of universal jurisdiction should complement and not substitute national jurisdictions and it should not be abused for political ends. This is the African

International Criminal Court (ICC).

## 2. Scope and Application

2.1Universal jurisdiction should be exercised in good faith and with due respect for the basic principles of international law, including the sovereign equality of States, non-interference in their internal affairs, and political independence. To this end, the principle should be considered a complementary

mechanism and a measure of last resort which should not replace the jurisdiction of national courts over crimes committed in their territories. The scope and application of the principle should be consistent with the territorial jurisdiction of States and the immunity granted to Heads of State and Government and other senior officials under customary international law.

2.2Zimbabwe has long held the view that universal jurisdiction is a useful means of combating impunity and holding to account the perpetrators of serious crimes. This is demonstrated by the fact that at the international level, Zimbabwe is party to the Geneva Conventions which , seek to protect victims of war.

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jurisdiction is informed by Article 4(h) of the Constitutive Act of the African Union: