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Chairperson: Mr. Benmehidi (Algeria)

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The meeting was called to order at 10.10 a.m.

Agenda item 78: Criminal accountability of United Nations officials and experts on mission (A/60/980, A/64/183 and Add.1)

1. **Mr. Neville** (Australia), speaking on behalf of the CANZ group (Australia, Canada and New Zealand), said that ensuring that United Nations officials and experts on mission were held accountable for criminal acts was crucial to the Organization's integrity and effectiveness and to the deterrence of such acts. The information in the Secretary-General's report (A/64/183 and Add.1) would help to ensure accountability by highlighting legislative gaps in national criminal jurisdiction. In order to fill remaining gaps, the CANZ group called on States to consider, pursuant to General Assembly resolution 62/63, establishing jurisdiction over serious crimes committed by their nationals while serving as United Nations officials or experts on mission and to report on efforts undertaken to investigate and, where appropriate, prosecute them. In principle, the CANZ countries supported the proposal for a convention that would require Member States to exercise criminal jurisdiction over their nationals participating in United Nations operations abroad and would welcome further discussion on the matter. Codes of conduct and predeployment training were important means of preventing misconduct, and the CANZ delegations commended the Secretariat's efforts in that regard.

2. **Mr. Lundkvist** (Sweden), speaking on behalf of the European Union; candidate country Turkey; stabilization and association process countries Albania and Serbia; and, in addition, Armenia, Georgia, Iceland, Liechtenstein, Republic of Moldova, Norway and Ukraine, said that any person who committed a serious offence while participating in a United Nations operation should be held fully accountable. Such acts had a serious impact not only on the victim and the host country, but also on the credibility of the United Nations. The European Union therefore continued to support a policy of zero tolerance of such conduct.

3. Although the information contained in the Secretary-General's report was limited, it was clear that some Member States currently had the legislation and capacity necessary to exercise jurisdiction over their nationals participating in United Nations missions and that other States had provision for at least limited exercise of such jurisdiction. Member States should

continue to work with each other and with the Organization to ensure that United Nations personnel on mission were always held accountable for serious criminal acts, including through the strengthening of model agreements with host or personnel-contributing countries and other mission-related documents. In order to fill any jurisdictional gaps and ensure that alleged offenders did not escape prosecution, States should establish and exercise criminal jurisdiction over their nationals who committed serious crimes in another State while participating in United Nations operations. It would be useful if existing gaps could be more clearly identified so that action could be taken to address them. The European Union favoured a dual approach to filling jurisdictional gaps, combining short- and long-term measures. It remained ready to consider the proposal for an international convention that would clearly delineate the circumstances in which Member States could exercise jurisdiction and the categories of individuals and crimes subject to that jurisdiction. Such a convention might facilitate international cooperation on the issue.

4. **Mr. Rodiles Bretón** (Mexico), speaking on behalf of the Rio Group, said that more was expected of the Organization in ensuring the accountability of United Nations personnel who committed criminal acts while on mission. Such acts could not go unpunished. Nevertheless, their consequences should be analysed in the light of the principles of justice and international law, particularly the right to due process. The United Nations should set standards and take the lead in addressing the needs of those whose rights had been violated, for the sake of both the victims and the Organization's reputation. General Assembly resolutions 62/63 and 63/119 were clear testimony to Member States' commitment to tackling the issue. The Assembly should build upon them in order to ensure their implementation.

5. With regard to the Secretary-General's report (A/64/183 and Add.1), the Rio Group wished to register its concern regarding some of the terminology used in the Spanish version and in other official documents related to the agenda item, specifically the rendering of the English word "officials". The report showed that while some States had made significant headway in establishing criminal jurisdiction over crimes of a serious nature committed by their nationals while participating in United Nations operations, and a framework for cooperation and information exchange

existed, much remained to be done in order to end impunity. The Rio Group had taken note of the information on the Secretariat's activities in response to General Assembly resolution 62/63 and encouraged the Organization to continue those activities. The Group attached particular importance to receiving statistics from the Secretary-General on credible allegations and was aware that the recorded number of allegations did not necessarily reflect the true extent of the problem. Better reporting practice would enhance understanding of the issue.

6. The Rio Group also wished to underscore the shared responsibility of the Secretary-General and Member States to take all possible measures to prevent and punish criminal activities committed by persons working for the United Nations and to raise standards of conduct for such persons. It was important to continue dialogue with the Secretariat on training and capacity-building for United Nations officials and experts on mission and on the issue of privileges and immunities and the procedure for waiving them in cases of abuse. Other challenges that needed to be addressed included investigations in the field, investigations during criminal proceedings and the admission and evaluation of evidence in administrative and jurisdictional proceedings.

7. **Ms. Negm** (Egypt), speaking on behalf of the African Group, said that the agenda item under discussion was of great importance to the African countries, as a large number of United Nations officials and experts were currently deployed in Africa. The African Group commended the contributions and sacrifices of United Nations peacekeepers, officials and experts on mission, but noted with concern the instances of sexual exploitation and abuse committed by a few among them. Such irresponsible misconduct undermined the Organization's image, integrity and credibility and caused grave harm to the victims. It was of paramount importance to ensure that criminal acts never went unpunished. Perpetrators of such acts should be prosecuted regardless of their status.

8. The African Group welcomed the efforts of many Member States to establish jurisdiction over crimes of a serious nature committed by their nationals while participating in United Nations missions. Jurisdictional gaps could lead to a rise in criminality and must therefore be addressed. The Group also noted that many Member States had indicated their readiness to afford assistance in criminal investigations and

extradition proceedings. Such cooperation among States was the basis of international law.

9. The African countries appreciated the improved predeployment training materials developed by the Conduct and Discipline Unit and encouraged troop-contributing countries to highlight further the issue of sexual abuse and other criminal acts during mandatory predeployment training. General Assembly resolutions 62/63 and 63/119 contained important policy and remedial measures. If fully implemented, those measures would be effective in addressing the issue of criminal accountability of United Nations officials and experts on mission.

10. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement, said that, as major contributors and recipients of peacekeeping personnel, the countries of the Non-Aligned Movement attached great importance to the topic under discussion. The Non-Aligned Movement acknowledged the contributions and sacrifices of United Nations peacekeepers, but stressed that all United Nations peacekeeping personnel should perform their duties in a manner that preserved the image, credibility, impartiality and integrity of the Organization.

11. The Non-Aligned Movement was satisfied with the work of the Sixth Committee on the subject and stood ready to continue discussing the report of the Group of Legal Experts (A/60/980). It took note of the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse, which would help to mitigate the suffering of the victims of sexual exploitation and abuse and ensure they received social support, legal services and medical attention. Other important policy and remedial measures had been agreed, but they remained to be implemented. In particular, General Assembly resolution 61/291, amending the revised draft model memorandum of understanding (contained in document A/61/19), should be implemented without delay as it would strengthen accountability mechanisms and ensure due process in the investigation of sexual exploitation and abuse. Full implementation by all Member States of General Assembly resolutions 62/63 and 63/119 would help to eliminate jurisdictional gaps. An assessment should perhaps be undertaken to determine whether further Assembly action was required.

12. The Non-Aligned Movement continued to believe that progress on short-term measures was needed and that it would be premature to discuss a draft convention on criminal accountability of United Nations officials and experts on mission. For the time being, the Committee should focus on substantive matters and leave matters of form for a subsequent stage.

13. With regard to the Secretary-General's report (A/64/183 and Add.1), the Non-Aligned Movement had looked forward to receiving information on the number and types of credible allegations against United Nations personnel and on actions taken by both the Secretariat and Member States in response to paragraph 16 of General Assembly resolution 63/119. Such information could have been useful to the work of the Sixth Committee. The Committee could consider further measures, beyond those already agreed, only after the extent and nature of the problem were fully understood. The presence of Secretariat experts and officials during the present session might facilitate interactive debate that would shed light on the various issues under consideration.

14. **Mr. Omaish** (Jordan) said that his country, a major participant in peacekeeping operations, appreciated the work of persons employed on such missions and the difficult conditions under which they often worked. At the same time, the Organization's neutrality and integrity as well as its image and credibility must be preserved, and the crimes committed by some violated the very core of the work entrusted to them and to the Organization. He therefore reaffirmed Jordan's full commitment to the policy of zero tolerance regarding crimes committed by United Nations officials and experts on mission.

15. With regard to personal responsibility, any Jordanian, even a member of the armed forces, who committed a felony or misdemeanour outside the Kingdom, whether as principal, abettor or accomplice, was punishable under Jordanian law. Jordan also engaged in legal cooperation with other countries in respect of extradition, criminal investigations and evidence, facilitated by its being a party to 17 bilateral and multilateral agreements that provided for mutual legal assistance. There was a need for cooperation between States and United Nations offices in respect of crimes committed in national territory by United Nations officials.

16. He stressed the importance of continued training and awareness-raising regarding United Nations standards of conduct and commended the predeployment and in-mission training role of the Conduct and Discipline Unit and teams and the Integrated Training Service.

17. Concerning the zero-tolerance policy, the prosecution of offenders required both the creation of mechanisms to guarantee such prosecution and enhanced cooperation among Member States, between those States and the United Nations and within the Organization itself, to ensure that justice was done and to serve as a deterrent. Information on credible allegations and on action taken by the United Nations and its Member States in respect of crimes committed must also continue to be provided.

18. **Mr. Bichet** (Switzerland) said that crimes must not go unpunished, and no exceptions should be made for officials and experts working for the United Nations. He underscored the need for measures to prevent the commission of criminal acts by United Nations personnel and welcomed the efforts described in the Secretary-General's report (A/64/183 and Add.1) to strengthen training for mission personnel.

19. It was clear from the report that gaps continued to exist with regard to jurisdiction over acts committed by United Nations staff members outside a forum State, sometimes even where a presumed perpetrator of crimes was a national of that State. Switzerland remained convinced that an international convention on criminal accountability would make it possible to fill such gaps and continued to support the idea of a convention whose scope of application would comprise not only United Nations officials and experts on mission, but also military personnel engaged in peacekeeping operations. It was essential that the latter be included, as the United Nations deployed numerous peacekeeping troops and, according to the information available to his delegation, a significant proportion of the abuses committed by United Nations personnel were committed by members of the military. In order to allay the concerns expressed by a number of States, the convention might be limited to certain elements already agreed by consensus in resolutions adopted in the previous two years, such as the creation of a legal basis that would make it possible to prosecute a national who had committed a crime while carrying out United Nations activities; provisions for cooperation between States and the United Nations; and a

mechanism ensuring that the latter would be informed as to the status or outcome of proceedings against a member of its personnel.

20. **Ms. Suryana** (Indonesia) said that the men and women who worked for the United Nations would doubtless be the first to recognize the importance of excellent conduct in the performance of their duties. Those men and women were instruments of international peace and security and every effort should be made to protect them. At the same time, if they violated the trust placed in them by engaging in criminal conduct, they must face justice and, in order to preserve the credibility of the United Nations, they must be seen to be facing justice. To that end, it was important for States to establish jurisdiction over any crimes that might be committed by their nationals when serving in United Nations missions as officials or experts.

21. As a troop-contributor, Indonesia had always stressed the need to establish high standards of conduct for peacekeepers. There must be zero tolerance for the commission of criminal acts by United Nations peacekeepers, and the perpetrators of such acts must be brought to justice. A zero-tolerance policy should be included in all Security Council peacekeeping mandates.

22. In addition to training, other practical awareness-raising measures were needed in order to strengthen standards of conduct for United Nations personnel. Indonesia was pleased to be collaborating with the Department of Peacekeeping Operations in organizing a “training of trainers” programme, to be held in Jakarta in October 2009. One of the objectives was to familiarize trainers from troop-contributing countries with the new predeployment training materials, which Indonesia welcomed.

23. Strong commitment by both sending and receiving countries was the best guarantee that perpetrators of serious crimes would not escape justice. Enhanced cooperation between Member States and the United Nations was needed in order to raise standards of conduct and strengthen awareness-raising for members of peacekeeping and expert missions. Continuing cooperation was also needed in order to address misconduct, including through investigation and the collection of evidence.

24. **Ms. Rodríguez-Pineda** (Guatemala) observed that the issue of criminal accountability of United

Nations officials and experts on mission had received relatively little attention in comparison to that of misconduct by peacekeeping troops. It was time to take stock of the headway made to date on the issue in order to maximize the Committee’s work.

25. She recalled that the report of the Group of Legal Experts on the subject (A/60/980) had referred to the accountability of United Nations “staff and experts on mission with respect to criminal acts committed in peacekeeping operations” and to “all personnel assigned to a peacekeeping operation”. However, the agenda item under consideration referred to “officials and experts on mission”. Discussions of current and future measures should refer to “staff” or “personnel”, not “officials”, which was a narrower term. With regard to “experts on mission”, there was a consensus that the term did not encompass military observers, police or advisors.

26. As to the type of conduct under discussion, acts that were normally considered crimes under the penal law of States should be deemed breaches of the standards of conduct expected of United Nations personnel. It had been agreed that the working group established pursuant to resolution 63/119 would focus on “crimes of a serious nature”; however, that terminology had not been respected in the Spanish versions of the documentation on the item. It had also been agreed from the outset that the Committee’s work should not be limited to crimes relating to sexual exploitation and abuse, but should include a broad range of categories of crime, without defining specific offences.

27. The Secretary-General’s report (A/64/183 and Add.1) contained information on the number and types of credible allegations regarding crimes of a serious nature committed by United Nations officials and experts on mission and referred to other reports containing relevant information. The latter reports were not particularly useful for the work of the Sixth Committee as they did not provide information on criminal behaviour or misconduct that produced an effect outside the mission on the local population of the host country and thereby tarnished the image of the Organization. Moreover, those reports did not deal with all personnel working for the United Nations in peacekeeping operations or with types of criminal behaviour other than sexual exploitation and abuse.

28. She would like clarification from the Secretariat regarding whether the small number of allegations of criminal behaviour mentioned in the report reflected the actual situation or rather indicated a lack of mechanisms for reporting and investigating criminal acts committed by United Nations personnel in the course of peacekeeping operations. Her delegation reiterated its call for a revision of the model status-of-mission agreement with a view to incorporating more specific measures that would facilitate the establishment of jurisdiction over such crimes and would strengthen international cooperation. Consideration might also be given to incorporating cooperation agreements on investigative, judicial and police matters as annexes to the status-of-mission agreement.

29. It would be interesting to know what effect the reforms under way within the Organization might have on the topic under discussion, especially those relating to investigations of misconduct and to the internal administration of justice. In particular, her delegation would like clarification of the meaning and scope of the term “possible criminal behaviour” as it was used in document A/63/202 and an update on the revision by the Office of Internal Oversight Services of its investigations manual. Guatemala welcomed the progress made in training aimed at promoting a culture of respect for the rule of law and looked forward to the review of progress in the implementation of the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, which was an important tool for mitigating abuses and preserving the Organization’s image.

30. **Mr. Noordin** (Malaysia) said that, just as Malaysia upheld its obligations under the Charter of the United Nations and related instruments such as the Convention on the Privileges and Immunities of the United Nations, it expected that the United Nations and its officials and experts would respect and comply with Malaysian law when carrying out missions on Malaysian territory. Malaysia had a proud and unblemished record of participation in United Nations peacekeeping operations and was committed to ensuring that its peacekeeping personnel continued to perform their duties in a manner that preserved the image, credibility, impartiality and integrity of the Organization. To that end, in 1996 it had established the Malaysian Peacekeeping Training Centre, which

provided training both for Malaysian nationals and for peacekeepers from other countries. Malaysia fully supported the policy of zero tolerance for criminal conduct, including sexual exploitation and abuse, by United Nations officials and experts and welcomed the efforts under way to prevent such conduct.

31. It was difficult to ensure criminal accountability without the cooperation of the State of origin. Malaysian law and the applicable status-of-forces agreements established jurisdiction over serious crimes committed by Malaysian personnel participating in United Nations missions. Malaysia could also claim extraterritorial criminal jurisdiction over serious crimes such as terrorism, drug trafficking and trafficking in persons.

32. His Government supported the call in General Assembly resolution 63/119 for cooperation with other States and with the United Nations in the exchange of information and in facilitating the conduct of investigations and prosecutions. Malaysia’s laws on extradition and mutual assistance in criminal matters, together with several treaties, provided the legal basis for such international cooperation. Malaysia reiterated its commitment to work with other Member States on the legal issues raised in the report of the Group of Legal Experts (A/60/980), particularly those relating to the establishment of extraterritorial criminal jurisdiction and to information and evidence-sharing mechanisms. The working group established pursuant to General Assembly resolution 63/119 should continue identifying substantive issues and exploring practicable solutions independently of the proposals contained in the draft convention prepared by the Group of Legal Experts, particularly as most of the groups to which the draft convention would apply were already adequately regulated by domestic laws, United Nations status-of-forces agreements and international humanitarian law.

33. **Mr. Eriksen** (Norway) said that his delegation fully supported the United Nations zero-tolerance policy towards crimes committed by its officials. It also fully supported efforts to bring to justice those who committed serious crimes while on duty for the Organization.

34. States must establish jurisdiction to cover serious crimes committed by their nationals serving as members of a United Nations mission. Norway therefore urged all States that had not already done so to provide information regarding their relevant

legislation. Cooperation among Member States and between Member States and the Organization must be strengthened. Enhanced cooperation and information sharing could best be achieved through the establishment of an internationally binding legal framework.

35. The General Assembly resolutions adopted at the last two sessions had contributed to the common goal of avoiding impunity for serious crimes. Resolution 63/119, in particular, included concrete recommendations with regard to strengthening cooperation. However, a number of those recommendations were qualified by a reference to States' domestic law. While it was obvious that cooperation must be carried out in compliance with domestic law, it was equally clear that current domestic law could not serve as a justification for refraining from cooperating as recommended in the resolution. Rather, States must be prepared to consider amending their domestic law when that was warranted in order to achieve the object and purpose of the resolution.

36. **Ms. Guo Xiaomei** (People's Republic of China) said that ensuring criminal accountability of United Nations officials and experts on mission required establishing the necessary judicial assistance mechanisms as well as intensifying international cooperation. That included not only cooperation between the States of nationality of the officials and experts in question and host States, but also cooperation between those States and the United Nations. Her delegation welcomed the progress made on the question of international cooperation. Since host States were in the best position to conduct investigations and collect evidence, priority should be given to them in initiating investigations and prosecutions. At the same time, States of nationality should also play a role.

37. As to whether or not to formulate an international convention, her delegation believed that the views of all sides should be sought and that adequate studies and research should be conducted before taking a decision.

38. **Mr. Kanyimbue** (Democratic Republic of the Congo) said that despite all the rhetoric on the subject of criminal accountability, in practice impunity was assured all down the line. Host States were often bound by headquarters agreements and had no manoeuvring room; at best, they could refer suspects to the United Nations. Since the United Nations could not punish

them, they were sent back to their countries of origin, which often did not want to publicly admit the misconduct of their nationals and were therefore reluctant to prosecute them. His delegation welcomed the launch of the new core predeployment training material prepared by the Conduct and Discipline Unit in coordination with the Integrated Training Service.

39. The fact that the importance of the code of conduct and of training on sexual exploitation and abuse had been recognized was a significant development. It had been as a result of revelations in 2004 of the exploitation and sexual abuse committed by members of United Nations peacekeeping forces in his country that the Secretary-General had decided to follow a zero-tolerance policy in respect of such acts. Nevertheless, at a time when abuses by peacekeepers had become increasingly frequent in his country, none of the referrals mentioned in the report of the Secretary-General (A/64/183 and Add.1) concerned crimes involving sexual exploitation. It was therefore important that nationals of troop-contributing countries who had committed acts of sexual violence should be prosecuted in their own countries.

40. Even as recently as 31 July 2009, a Congolese Republican Guard patrol had apprehended five Blue Helmets from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) raping a girl near N'Djili International Airport in Kinshasa. Although the parties concerned had confessed, nothing seemed to have been done to punish them. It was unfortunate that it had been considered premature to negotiate an international convention on criminal accountability of United Nations officials and experts on mission. Such a convention would facilitate the effective punishment of criminal acts and enable Member States to establish their jurisdiction with respect to crimes committed in the territory of the host State, especially since the host country was usually unable to act. An international instrument would also contribute to the development of international law by filling a significant legal gap, and it would help eliminate uncertainty in determining personal and material jurisdiction. The adoption of a General Assembly resolution was just a short-term measure; his delegation would oppose any effort to postpone indefinitely the option of negotiating an international convention.

41. He understood that some might wish to exclude military and police forces from the scope of a future

instrument. However, such an approach could weaken the protection of victims and result in the application of a double standard, one for military personnel and one for civilians. As for the material scope of an international convention, it should not be limited to crimes of sexual exploitation. Rather, it should also extend to economic crimes such as exploitation and illicit trafficking in drugs and money laundering, among others. The concept of “crimes of a serious nature” must be clearly defined. Consideration should also be given to the issue of civil liability for acts committed by peacekeeping agents, especially traffic accidents, for which victims received no compensation because MONUC vehicles were not insured in the Democratic Republic of the Congo.

42. Finally, he urged troop-contributing countries to investigate allegations of sexual misconduct reported by United Nations investigators and to report to the Secretary-General on the outcome of such cases. The perpetrators of such acts should pay damages to their victims, including child support payments for the babies born as a result of their actions.

43. **Mr. Kalinin** (Russian Federation) welcomed the adoption by the General Assembly of resolutions 62/63 and 63/119. Instances of sexual exploitation and abuse by United Nations officials and experts on mission were continuing to occur and were completely unacceptable, as were other serious criminal acts which tarnished the reputation of the United Nations. The comments by Governments contained in the Secretary-General’s reports (A/63/260 and A/64/183) indicated that States did have at their disposal certain mechanisms for prosecuting officials and experts on mission for the United Nations. The criminal law and treaties of the Russian Federation also made room for prosecutions for crimes committed outside the country. The potential which already existed should be brought into use when seeking to identify possible gaps in the international law on the subject. The chief role in exercising jurisdiction for crimes committed while in the service of the United Nations should be assigned to the State of nationality of the persons alleged to have committed them. For that purpose, it was important to have effective cooperation among States and with the Organization. He welcomed the preventive work already being done by States, peacekeeping operations and special political missions, including the predeployment training of mission personnel.

44. According to the Secretary-General’s report (A/64/183), from 1 July 2008 to 30 June 2009 only five cases against officials or experts had been referred by the United Nations to the State of nationality. That might be interpreted as a good sign; however, it might also mean that the Secretariat needed to act more promptly in informing States of crimes committed by their nationals. It was also noteworthy that four of the five cases were crimes committed for gain, confirming the opinion of his and other delegations that a wide range of criminal acts should be discussed under the Committee’s agenda item on criminal accountability.

45. Long-term measures must be sought to remove the obstacles to criminal prosecutions while protecting the right of those responsible to a fair trial, taking account of their legal status and conditions of service.

46. The question of devising a legally binding instrument, such as an international treaty, on the subject should be further studied. His own delegation did not see the need for one at present.

47. **Ms. Naidoo** (South Africa) commended the Ad Hoc Committee established by General Assembly resolution 61/29 for its efforts in the dissemination and examination of the draft convention on the criminal accountability of United Nations officials and experts on mission contained in document A/60/980. The implementation of a zero-tolerance policy with respect to serious crimes committed by United Nations officials and experts on mission was a matter of priority to her delegation. Future reports by the Secretary-General should provide concrete information on incidents of such abuses and criminal conduct.

48. Her delegation endorsed the view that jurisdictional gaps must be closed in order to ensure accountability, and it therefore welcomed the measures some States had taken to establish jurisdiction over offences committed by their nationals outside their territory in their capacity as officials or experts on mission, together with the steps taken by the United Nations in cases of proven misconduct or criminal behaviour.

49. **Mr. Park Chull-Joo** (Republic of Korea) said that crimes committed by United Nations officials and experts on mission should not go unpunished. He was pleased to announce that his Government had already established its jurisdiction over crimes committed by its nationals while serving as United Nations officials and experts on mission. Human rights standards,

including due process, should be guaranteed by the State executing jurisdiction throughout all criminal procedures, in accordance with relevant international and domestic laws.

50. Regular and constant training and awareness-raising regarding United Nations standards of conduct were crucial for the prevention of misconduct by United Nations staff and experts. His delegation wished to express its appreciation to the Conduct and Discipline Unit of the United Nations Secretariat for its launch of new core predeployment integrated training material. The referrals made by the United Nations to the relevant States of nationality in relation to credible allegations against United Nations officials and experts on mission were strong and effective steps that served the interest of justice and helped to preserve the image and credibility of the United Nations as a primary defender of international peace and security and human rights.

51. **Mr. Dieng** (Senegal) said that his delegation fully supported the zero-tolerance policy adopted by the United Nations in connection with crimes, including sexual exploitation and abuse, committed by United Nations officials and experts on mission. The training and awareness-raising activities of the Department of Peacekeeping Operations and the Department of Field Support should be strengthened. In the spirit of General Assembly resolutions 62/63 and 63/119, all States that had not yet done so should take all appropriate measures to ensure that crimes by United Nations officials and experts on mission did not go unpunished and that the perpetrators of such crimes were brought to justice, without prejudice to the privileges and immunities of such persons.

52. His delegation was flexible and open to the idea of negotiating an international convention on the question. Over the short and medium term, however, the emphasis should be on enhancing cooperation among States and with the United Nations.

53. **Mr. Donovan** (United States of America) commended the United Nations on its efforts to train United Nations peacekeepers on proscribed activity for officials and experts on mission. His delegation appreciated the Organization's efforts to refer credible allegations against such personnel to the State of the alleged offender's nationality. He urged States to which individuals had been repatriated to take appropriate action with regard to those individuals and report to the

United Nations on the disposition of the cases. States must play a key role in curbing abuses. The United States looked forward to more in-depth discussion in the Committee of practical steps that Member States or the United Nations Secretariat might take to address the problem.

54. With respect to the outstanding issue of the possible negotiation of a multilateral convention on criminal accountability of United Nations staff and experts on mission, his delegation continued to question whether negotiation of such a convention would present the most efficient or effective means through which to ensure accountability. A convention that merely closed theoretical gaps in jurisdiction might not significantly contribute to addressing the crimes at issue, particularly if the impediments to accountability lay elsewhere. His delegation urged States to redouble their efforts to develop practical ways to address the underlying causes of such impediments.

55. **Ms. Medina-Carrasco** (Bolivarian Republic of Venezuela) said that her delegation attached the utmost importance to international cooperation among States, especially in situations where different jurisdictions were involved. It fully supported United Nations actions and policies aimed at eliminating criminal conduct by officials, experts and other United Nations personnel on mission. Legal mechanisms must be put in place to allow for the prosecution and punishment of crimes committed by United Nations officials, with full respect for their right to due process.

56. Stressing the importance of predeployment training and awareness-raising, she said that when considering the personal and professional credentials of United Nations officials, recruiting units should pay special attention to the ethical aspects of the person's commitment to the purposes and principles of the Organization. Any criminal conduct on the part of peacekeeping personnel must be punished, especially when it involved the sexual abuse of women and girls in vulnerable situations. She called on Member States to work together to strengthen mechanisms for mutual legal assistance so as to make it possible to investigate, prosecute and punish such crimes without delay.

57. **Mr. Onemola** (Nigeria) said that Nigeria, a major troop-contributing country, provided mandatory predeployment training for all its military and police personnel. He commended the Conduct and Discipline

Unit and the Secretariat for their work in ensuring that prospective experts on mission were informed of the expectation of high standards in their conduct and in taking measures to strengthen training, and he urged them to continue to improve on their techniques and materials in that regard.

58. Nigerian Armed Forces personnel who served as United Nations officials or experts on mission were subject to a system of military discipline established by the Nigerian Armed Forces Act of 2003. That Act and the Police Act had extraterritorial effect, which ensured accountability at all times for the Nigerian Armed Forces personnel deployed outside the country, including those engaged in United Nations duties. Nigeria had also entered into a number of bilateral mutual legal assistance agreements that were geared towards facilitating cooperation in criminal investigations and extradition proceedings. The relevant authorities in Nigeria cooperated with all jurisdictions, as well as with the United Nations, in the investigation of offences committed by any Nigerian official or expert on mission.

59. His delegation wished to reiterate its firm support for the zero-tolerance policy concerning criminal conduct committed by United Nations personnel and experts on mission. It called for continued and enhanced cooperation among States and between States and the United Nations on the exchange of information on extradition, including the serving of sentences, and on all other measures to facilitate the effective exercise of criminal jurisdiction, including judicial assistance mechanisms.

60. **Mr. Chekkori** (Morocco), stressing the importance of measures taken by the Organization and by Member States to combat impunity, said that parallel efforts aimed at preventing misconduct needed to be strengthened in peacekeeping missions, at Headquarters and during the predeployment phase. The Department of Peacekeeping Operations and the Department of Field Support were to be commended for their efforts to ensure adherence to the code of conduct and related rules. The training activities carried out by the Conduct and Discipline Unit were also important. Conduct and discipline teams should be extended to all 19 peacekeeping and special political missions. The Conduct and Discipline Unit should work more closely with the Office of Internal Oversight Services to preserve the credibility of United Nations peacekeeping operations and their personnel.

61. His delegation supported measures aimed at closing jurisdictional gaps, in particular by encouraging Member States to establish jurisdiction over crimes of a serious nature committed by their nationals. As a country that had always supported United Nations efforts to prevent conflicts and restore international peace and security, Morocco attached the highest importance to the question of criminal accountability of United Nations officials and experts on mission. Member States should work together to ensure that crimes committed by United Nations personnel did not go unpunished, at the same time guaranteeing due process and the presumption of innocence, the right to defence and the rights of victims. Bearing in mind General Assembly resolution 63/119, when allegations against United Nations officials and experts on mission were determined by a United Nations administrative investigation to be unfounded, appropriate measures should be taken, in the interests of the Organization, to restore the credibility and reputation of such officials and experts on mission.

62. It would be premature to negotiate an international convention on the matter. For the time being, the discussion of the criminal accountability of United Nations officials and experts on mission should focus on substantive issues, in particular, the effective enforcement of existing rules.

63. The criminal accountability of United Nations officials and experts on mission was a very complex topic; in order to effectively address the different aspects thereof and avoid overlapping, the Sixth Committee should work closely with the Special Committee on Peacekeeping Operations on a regular basis.

64. **Mr. Al-Zarooni** (United Arab Emirates) said that the zero-tolerance policy must be applied because criminal accountability of United Nations officials and experts on mission affected not only the victims but also the effectiveness of the entire Organization. States must not grant such officials and experts any special status that might enable them to elude criminal accountability and punishment should they commit crimes or violations.

65. To prevent impunity, the United Arab Emirates had issued legislation to ensure that the necessary investigations and other measures were carried out for every possible type of crime, whether committed domestically or, under certain circumstances, abroad.

The country had also acceded to many international instruments as well as bilateral agreements on legal and judicial cooperation and had cooperated extensively in the field of exchange of crime-related information, extradition and investigations conducted by various jurisdictions, including United Nations investigations into crimes committed by officials and experts on mission.

66. There must be consistent standards to ensure the waiver of immunity for perpetrators of such crimes, including contractual personnel in United Nations programmes, so as to enable the host country to exercise its jurisdiction over them.

67. All States must implement General Assembly resolution 62/63 and close any breaches in their national jurisdiction. His country hoped the Assembly would adopt further measures along those lines. It urged the Secretary-General to provide a mechanism to ensure the reporting of allegations of crimes committed by officials and experts in all areas of their work and to furnish States with regular statistics in that regard. The United Nations should adopt both stronger measures concerning the investigation of such crimes and punitive legal measures. Support should be given to programmes and policies to ensure that all persons engaged in United Nations activities evinced the highest degree of ethical behaviour. The Secretary-General must also deal with the issue of misuse of privileges and immunities and study carefully the possibility of their being suspended whenever necessary.

68. To avoid impunity, cooperation must be strengthened among Member States, between those States and the United Nations and within the United Nations in the areas of exchange of information, extradition and execution of judgements. Mechanisms were needed to guarantee the exercise by Member States of jurisdiction over serious criminal acts committed by their nationals participating in United Nations activities abroad or the transfer of that jurisdiction to the State where the acts were committed.

69. The efforts of United Nations personnel on mission, often under stressful or dangerous conditions, were greatly appreciated; still, no one was above the law. He therefore hoped for strengthened cooperation to minimize future criminal acts and firmly establish the principle of justice and accountability.

The meeting rose at 12.15 p.m.