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The meeting was called to order at 10.05 a.m.

Agenda item 75: Criminal accountability of United Nations officials and experts on mission (A/69/210)

1. **Mr. Gharibi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that, as major contributors and recipients of peacekeeping personnel, the countries of the Movement attached great importance to the issue of criminal accountability of United Nations officials and experts on mission. The Movement appreciated the outstanding 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. It also emphasized the importance of maintaining a policy of zero tolerance in all cases of sexual exploitation and abuse by peacekeeping personnel. The Movement looked forward to the continued consideration within the Committee of the report of the Group of Legal Experts on ensuring accountability (A/60/980).

2. 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, adopted by the General Assembly in its resolution 62/214, would help to mitigate the suffering endured by victims of sexual exploitation and abuse. General Assembly resolution 61/291 on the comprehensive review of the whole question of peacekeeping operations in all their aspects should be implemented without delay, as it would strengthen accountability mechanisms and help to ensure due process in the investigation of sexual exploitation and abuse.

3. In that connection, full implementation of General Assembly resolutions 62/63, 63/119, 64/110 and 65/20 could help to eliminate any jurisdictional gaps. Subsequently, an assessment could determine whether further action by the Assembly was required. Important policy and remedial measures had been agreed upon but still needed to be implemented. The Movement continued to believe that progress on short-term measures was needed and that it was premature to discuss a draft convention on the 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.

4. **Mr. Mamabolo** (South Africa), speaking on behalf of the African Group, said that the issue under discussion was more important than ever in view of the steady increase in the number of United Nations officials and experts on mission, particularly since many of them were engaged in peacekeeping operations in Africa. The Group supported the zero-tolerance policy of the United Nations concerning criminal conduct by its officials or experts on mission, especially in cases of sexual abuse and exploitation. Criminal accountability was a fundamental pillar of the rule of law and was crucial for the Organization's integrity and effectiveness. It was important for the United Nations to give a clear political signal that it did not tolerate criminal behaviour, which had a negative impact on its credibility.

5. The African Group encouraged Member States to exercise jurisdiction where applicable so that criminal acts would not go unpunished. The Group concurred with the view expressed by several delegations that the existence of jurisdictional gaps in ensuring accountability led to criminality, especially in cases where the host State could not exercise its criminal jurisdiction with respect to an alleged offender and where that person's State of nationality was not in a position to assert its jurisdiction over crimes committed in the host State. Such gaps could be suitably addressed by the remedial measures adopted under a number of related General Assembly resolutions, if properly applied. The African Group along with some other States felt that the predominant role should be played by the State of nationality rather than by the host State.

6. The Group commended the Organization for the measures it had taken to provide training on United Nations standards of conduct and welcomed the technical assistance it offered to Member States requesting support for the development of their domestic criminal law in respect of serious crimes. United Nations expertise was often invaluable in building national capacity to investigate and prosecute serious crimes, especially through mutual legal assistance and extradition. The African Group continued to encourage States to cooperate with each other in criminal investigations or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on

mission and looked forward to the development within the Committee of concrete proposals on how to address the issue.

7. **Ms. Guillén-Grillo** (Costa Rica), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that criminal misconduct by United Nations officials and experts on mission harmed not only the victims but also the reputation of the Organization and had a detrimental effect on the fulfilment of mandates. Such behaviour must never go unpunished. Efforts must be made to ensure that all United Nations personnel performed their duties in a manner befitting the Organization's image, credibility, impartiality and integrity.

8. While the report of the Secretary-General under consideration (A/69/210) showed that some States had taken steps to establish jurisdiction over such offences and that a basic framework existed for cooperation and exchange of information to bring offenders to justice, the international community needed to do much more to ensure that impunity was not tolerated. CELAC encouraged the Organization to continue to implement its policies on the matter in accordance with General Assembly resolution 66/93.

9. It remained important for the Committee to continue to be informed of allegations of criminal activity or abuse by United Nations officials and experts on mission. CELAC was still not convinced that the number of reported cases reflected the true extent of the problem. The Secretariat should continue its efforts to improve the provision of information to and communication with concerned Member States from the outset of any incident with possible criminal implications. The Community had noted the Secretariat's efforts to establish a standard procedure for notifying Member States of serious allegations of misconduct involving uniformed personnel deployed as experts on mission and believed that that the same procedure should be followed for incidents involving United Nations officials and non-uniformed experts on mission. It was regrettable that, although concerned States had been requested to keep the Organization informed of any action by the national authorities in relation to such cases, no State had contacted the Office of Legal Affairs to report that the matter had been raised with the relevant officials.

10. CELAC reaffirmed its support for a policy of zero tolerance of sexual exploitation and abuse and

other criminal conduct, while reiterating the need to respect the rule of law in the implementation of that policy. The Secretary-General and Member States had a shared responsibility to prevent and punish criminal activities committed by persons working for the United Nations and to enforce standards of conduct in that regard. CELAC welcomed the practical measures described in the aforementioned report of the Secretary-General concerning training and awareness-raising on United Nations standards of conduct and endorsed the three-pronged strategy of preventive measures, the enforcement of standards of conduct and remedial action to address sexual exploitation and abuse.

11. Discussions between the Secretariat and Member States on the training of United Nations officials and experts on mission, as well as on the issues of privileges and immunities in order to prevent their abuse, should continue. Other areas presented particular challenges, such as investigations in the field and during criminal proceedings and the provision and assessment of evidence in administrative and jurisdictional proceedings. The Latin American and Caribbean States stood ready to collaborate with other States in ending impunity for criminal activity by United Nations officials and experts on mission.

12. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the European Union and its member States continued to support a zero-tolerance policy for crimes committed by United Nations officials and experts on mission and, more generally, a more coherent approach to accountability within the Organization, particularly in respect of serious crimes. While the privileges and immunities of United Nations personnel should be upheld, such personnel must respect international law and the national legislation of the host State. No crime committed by them should go unpunished; impunity would have long-term detrimental effects on the credibility of the Organization and on its effectiveness. The European Union welcomed the Secretary-General's "Rights Up Front" initiative, as well as special measures for protection from sexual exploitation and abuse, and reiterated that allegations of criminal conduct against United Nations officials

and experts on mission must be properly investigated. Where national authorities were unable or unwilling to prosecute the most serious crimes, the International Criminal Court should exercise its jurisdiction, subject to fulfilment of the conditions required for it to do so.

13. The European Union welcomed the implementation of additional preventive measures at Headquarters level by the Department of Peacekeeping Operations and the Department of Field Support. Cooperation between States and the United Nations in investigating allegations of criminal conduct was essential. It was also crucial for the States of nationality of persons accused of crimes of a serious nature to establish the necessary jurisdiction to investigate and prosecute such crimes. States must fully implement their obligations under international law, including applicable agreements.

14. The European Union and its member States continued to support the dual-track approach, combining short-term and long-term measures to deal with existing jurisdictional gaps, and welcomed efforts to provide States with technical and other assistance in developing relevant national legal measures. They stood ready to consider a comprehensive legal framework that would clarify the circumstances under which States could exercise jurisdiction and the individuals and crimes subject to such jurisdiction.

15. **Ms. Pierce** (New Zealand), speaking also on behalf of Australia and Canada, said that the existence within an international organization of mechanisms to ensure accountability demonstrated the importance that the international community attached to the rule of law. Equality under and before the law must apply to all individuals, especially United Nations officials and experts on mission. Failure to ensure the accountability of such personnel would undermine the international community's efforts to promote security, development and human rights, call the integrity of the United Nations into question and risk failing the most vulnerable groups in the fight against sexual exploitation and abuse.

16. The three delegations welcomed the report of the Secretary-General (A/69/210) on the follow-up to General Assembly resolution 68/105 and commended the Governments of Colombia, El Salvador and Finland for their proactive approach to establishing jurisdiction, in accordance with that resolution, for serious crimes committed by their nationals while

serving as United Nations officials and experts on mission. They noted the number of cases referred to the Office of Legal Affairs and urged Member States to cooperate with the Secretary-General in reporting on efforts to investigate and prosecute individuals for serious crimes; nevertheless, more needed to be done to prevent individuals from evading accountability for their conduct. The delegations supported the principle of a convention that would require Member States to exercise criminal jurisdiction over their nationals in such cases.

17. A prevention strategy was required to curb the number of crimes committed by officials and experts on mission. Training was indeed important in that respect and should promote understanding of and respect for the local laws of host States and help to ensure the protection of the most vulnerable. Australia, Canada and New Zealand would continue to seek constructive and pragmatic solutions to accountability issues and to support the development and delivery of comprehensive, preventive training for United Nations personnel.

18. **Mr. Kravik** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that United Nations personnel across the world were the public face of the Organization and represented its values. Since, therefore, criminal conduct by such personnel could jeopardize worldwide support for the United Nations, the Nordic States fully supported a zero-tolerance policy in such cases. In the light of the annual resolutions adopted by the General Assembly on the topic since 2007, it would be of general interest to obtain a better overview of how States dealt with allegations of serious crimes committed by their nationals when on mission for the United Nations.

19. The delegations of the Nordic countries welcomed the Secretary-General's report under consideration (A/69/210) but noted that, as in previous years, it provided information only on cases referred to States over the previous 12 months. Similarly, information on whether those States had informed the Secretariat of any action taken by their national authorities in such cases covered only the same period. Of the 62 cases referred to States since the first inclusion of the topic in the Committee's agenda, the Secretariat had been informed of follow-up in only five instances. The lack of feedback was a cause for concern, as without it the General Assembly could not

realistically assess the extent to which States investigated allegations of serious crimes committed by their nationals. The Nordic States therefore proposed the incorporation into the report of information on States' feedback to the Office of Legal Affairs regarding their follow-up in all cases referred to them, and not just for the previous 12 months; additional information on the actual steps taken by the States concerned would also be appreciated. A table might usefully be included in the report, to be updated whenever appropriate, showing all the cases reported, the types of crimes alleged, the date when each case was referred to the Member State and the date and content of any response. It would not be necessary to identify individual cases or States in such an overview. The Nordic countries also encouraged all States to which referrals had been made in the previous few years to provide the Office of Legal Affairs with feedback on their management of those cases.

20. **Mr. Leonidchenko** (Russian Federation) said that his delegation attached particular importance to the Committee's work on the issue of crimes committed by United Nations officials and welcomed the Secretary-General's report on the topic (A/69/210). The preventive measures developed with the active participation of the General Assembly were appropriate to the scale of the problem.

21. Investigations into alleged criminal conduct by United Nations personnel should be conducted in strict compliance with international law, with a leading jurisdictional role being assigned to the State of citizenship of the accused official. In view of the particular legal status of such officials, that would help ensure their right to a fair trial. The Secretariat must inform States about such cases in a timely and complete fashion; accordingly, international cooperation should continue to be strengthened in that area. Moreover, while the material collected by the Organization was not always admissible as evidence in legal proceedings, it could serve the purposes of prosecution by providing a full picture of the facts. It was therefore important to facilitate the use of such material. It was also necessary for the Secretariat to cooperate actively with the law enforcement and judicial services of States undertaking the criminal prosecution of United Nations personnel, with all due regard for their privileges and immunities and the Organization's policy on confidentiality. Preventing the commission of crimes was no less important than

punishing the guilty and his delegation accordingly commended the preliminary training and briefing provided by States, peacekeeping operations and special political missions.

22. **Mr. Zewdu** (Ethiopia) said that the agenda item under discussion was of great importance to Ethiopia, as its nationals were active in United Nations peacekeeping operations and it was home to several United Nations offices. His delegation greatly valued the sacrifices made by United Nations peacekeepers and commended the contributions of the Organization's officials and experts on mission to implementing the purposes and principles set out in its Charter. However, they were required to perform their duties in a manner that preserved the integrity and credibility of the United Nations; they were expected to adhere to the highest standards of discipline and the rule of law and had a duty to abide by the law of the host State. That being said, United Nations personnel must enjoy the privileges and immunities necessary for the exercise of their official functions.

23. His delegation called on Member States to establish jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission abroad, with a view to close existing legal gaps and averting impunity. Member States should also give assistance in criminal investigations and extradition proceedings. Ethiopian courts had jurisdiction over Ethiopian officials or experts on mission, who could not be prosecuted in a host country for reasons of immunity. He reiterated his Government's commitment to taking all appropriate measures to ensure that officials or experts who committed crimes were brought to justice. The General Assembly should remain seized of the issue and Member States should continue to be informed of allegations of criminal activity or abuse by United Nations officials and experts on mission.

24. **Ms. Thanarat** (Thailand), noting that the information contained in the Secretary-General's report (A/69/210) provided a clearer picture of the problems and of ways of solving them, said that criminal accountability was a fundamental aspect of the rule of law and the fight against impunity. All persons must be held accountable for their actions, regardless of their role or status. As a contributor of troops to United Nations peacekeeping operations, Thailand attached high importance to tackling any jurisdictional gaps that might allow United Nations personnel who committed

serious crimes to escape justice. Her delegation supported the policy of zero tolerance with respect to criminal conduct by United Nations officials or experts on mission and called on all Member States to do likewise.

25. Cooperation among host and troop-contributing States through treaties and other arrangements on mutual legal assistance in criminal matters was one way to bring offenders to justice. In addition, States might adopt a more flexible approach to the double criminality principle. They should not focus on the terminology or the constituent elements of the offence, which might differ from one legal system to another, but rather on the totality of the acts or omissions alleged against the person whose extradition was being sought. Her delegation encouraged the Secretary-General to exercise his discretion justly and reasonably in waiving immunity where such immunity could impede the course of justice.

26. Her delegation appreciated the efforts of the United Nations in providing technical advice and support to Member States to amend their domestic laws to allow for the necessary investigation and prosecution of alleged offences by United Nations officials and experts on mission. It also supported the training programmes that promoted compliance with the United Nations standards of conduct. Those efforts helped to reduce the number of allegations of crimes involving gender-based violence and exploitation of women and children by United Nations personnel. Thailand appreciated, in particular, the assistance provided by the Department of Peacekeeping Operations and the Department of Field Support for the training of its nationals currently participating in peacekeeping missions. Her Government commended the vast majority of United Nations officials and experts on mission; their dedication and sacrifice in maintaining world peace and security and promoting the transition from conflict to peace and development could not be overemphasized.

27. **Ms. Nir-Tal** (Israel) said that her delegation welcomed General Assembly resolution 68/105 and looked forward to seeing how States would develop their national legislation regarding criminal activity by their nationals participating in United Nations missions. It urged Member States to take appropriate action to ensure that such crimes did not go unpunished. It also urged the States to which the 15 cases had been referred in the most recent reporting

period to inform the Secretariat of their progress in following up those cases. Israel welcomed the three-pronged strategy adopted by the Secretariat to address misconduct, such as sexual exploitation and abuse, and which included prevention, enforcement and remedial action. Her delegation hoped that those efforts, including the taking of further practical measures by the Secretary-General to strengthen existing training on United Nations standards of conduct, would help to ensure proper conduct and crime prevention among United Nations officials and experts on mission. Enhanced cooperation among States and between States and the United Nations would serve as a positive basis for progress, and her delegation urged States to take appropriate measures to develop practical ways to address the need for accountability.

28. **Mr. Arbogast** (United States of America) said that it was critical for United Nations officials and experts on mission to be held accountable if they committed crimes and that the General Assembly should remain seized of the matter. Notwithstanding the progress made, concrete steps must be identified to close gaps in national legislation and eliminate impunity for such crimes. His delegation welcomed the Secretary-General's report on the subject (A/69/210), as well as the additional information provided by some Governments on the extent of their domestic jurisdiction over crimes of a serious nature committed by their nationals while serving as United Nations officials and experts on mission.

29. The Organization had made commendable efforts to refer credible allegations against its officials to each offender's State of nationality. During the reporting period there had been 15 such referrals, up from nine in the previous year. Given the relatively small number of referrals in recent years, however, it was difficult to draw any certain conclusions. The practical measures that the Secretariat continued to take to strengthen training on United Nations standards of conduct might have increased awareness of the need to report violations. In order to assess long-term trends, however, the Secretariat should provide a more comprehensive analysis on the outcome of its referrals in the State of the official's nationality over the next reporting period. His delegation would also welcome aggregated information on the nature of the crimes, requests to waive immunity and the standard for determining whether such referrals were made. It urged Member States to take appropriate action with regard

to abuses committed by their nationals serving with the United Nations and to report to the Organization on the disposition of such cases for the purposes of analysis of actual rather than speculative gaps in jurisdiction and legislation. It might also be useful for the Secretariat to offer a more systematic way for States to report on the outcome of such referrals.

30. His delegation continued to believe that a convention, as recommended by the Group of Legal Experts in its 2006 report (A/60/980), was not the most effective means of ensuring accountability, particularly when it was unclear whether lack of jurisdiction over crimes was the main obstacle to prosecutions. The Committee should consider requesting a report by the Secretary-General examining other potential impediments, such as lack of political will, resources or expertise to prosecute cases effectively and local laws that did not adequately address the age of consent. Another possibility would be for a team of legal experts to draft model legislation that Member States could use as a starting point — though not a prescriptive template — for national legislation.

31. The burden was on Member States to act by redoubling their efforts to develop practical ways to address the need for accountability, in particular for crimes against the most vulnerable groups. His delegation would support efforts to provide Member States with assistance in closing any gaps in their laws and legal systems relating to accountability.

32. **Ms. Wan Sulaiman** (Malaysia) said that her delegation fully supported the Organization's zero-tolerance policy towards serious crimes committed by its officials and experts on mission and appreciated the efforts being made to address the issue. Criminal accountability could not easily be ensured, however, without the cooperation of sending States; the work of the General Assembly and its Committees was therefore important in seeing to it that adequate preventive measures were put in place and that criminal justice measures could be applied in the event of such serious crimes.

33. In accordance with General Assembly resolution 68/105, Malaysia could, under its domestic laws, establish extraterritorial criminal jurisdiction over a number of offences, including terrorism, offences against the State, corruption, money-laundering, drug trafficking and trafficking in persons. In addition, it possessed the legal basis for international cooperation

in the exchange of information and the facilitation of investigations and prosecutions to ensure that there was no impunity for serious crimes committed by United Nations personnel on mission, as requested by paragraph 5 of that resolution.

34. Malaysia remained committed to working with other Member States on the issue of criminal accountability of United Nations officials and experts on mission and to exploring appropriate mechanisms for addressing it. The concerns that had been raised regarding the practical aspects of establishing extraterritorial criminal jurisdiction and obtaining evidence in respect of such crimes when committed in receiving States and the information and evidence-sharing mechanisms required when investigations were conducted by the Secretariat merited in-depth consideration. Further study was also needed to determine the feasibility of a draft convention on the issue, particularly in relation to definitions of terms and the principle of double criminality. Her delegation noted that the draft convention sought to eliminate that principle even though double criminality was one of the requirements for mutual assistance or extradition between many Member States. Those concerns should not, however, stand in the way of work within the Sixth Committee to identify substantive issues and explore practicable solutions irrespective of the proposals in the draft text, especially since most of the target groups were already adequately regulated by domestic laws and United Nations status-of-forces agreements as well as international humanitarian law.

35. **Ms. Pham Thi Thu Huong** (Viet Nam) said that her country greatly appreciated the work done by United Nations peacekeeping operations, in which Viet Nam had recently begun to participate. Criminal misconduct by the Organization's officials and experts on mission could, however, be detrimental to the image, credibility, impartiality and integrity of the United Nations and must therefore be subject to criminal accountability. Her delegation strongly supported zero tolerance in that regard: the privileges and immunities of such personnel should be respected but, at the same time, the rule of law and criminal justice must be ensured. It called on Member States to take the necessary steps, including adoption of legislation and enhancement of international cooperation, to make their nationals criminally accountable for any offence committed while on mission with the United Nations.

36. Viet Nam could by law, in certain circumstances, exercise extraterritorial jurisdiction over crimes committed by its nationals in other countries. It had also concluded many agreements with other States on extradition and mutual legal assistance in criminal matters, including cooperation in investigation, exchange of information, collection of evidence and judicial process. It looked forward to working with other States on the issue.

37. **Mr. Rao** (India) said that crimes committed by United Nations officials and experts on mission harmed the image, credibility and integrity of the Organization and were to be condemned. His delegation welcomed the Secretary-General's report on the subject (A/69/210), according to which, during the reporting period, the cases of 15 United Nations officials had been referred to the States of nationality for investigation and prosecution. India was confident that those States would take the necessary action and would punish the officials concerned, if they were found to be guilty. His delegation welcomed the information contained in the report that awareness-raising activities for personnel serving in field missions continued to emphasize the obligations of such personnel to observe the laws of the host country and the consequences of failing to do so. Implementation of General Assembly resolution 68/105 would help to fill the jurisdictional gaps in respect of States that did not assert extraterritorial jurisdiction over crimes committed abroad by their nationals.

38. Under the Indian Penal Code, extraterritorial offences committed by Indian nationals serving abroad were subject to the jurisdiction of the Indian courts and were punishable under Indian law. The Indian Code of Criminal Procedure provided for mutual assistance in criminal matters, while the Extradition Act of 1962 provided for the extradition of persons guilty of extraditable offences under an extradition treaty. In the absence of such treaty, an international convention could provide the legal basis for considering an extradition request.

39. His delegation remained of the view that the development of an international convention on the issue was not necessary. It would suffice for States to ensure that their laws established jurisdiction for the prosecution of their nationals serving as United Nations officials or experts on mission if they engaged in criminal conduct and that, in such cases, they

provided for international assistance for investigation and prosecution.

40. **Mr. Lasri** (Morocco) welcomed the adoption of General Assembly resolution 68/105 and reiterated his delegation's position that United Nations officials and experts on mission should be brought to justice by the State of nationality for any crimes committed. Notwithstanding the privileges and immunities enjoyed by such personnel, they were required to comply with the laws of the host State. In order to establish jurisdiction as well as facilitate investigations and prosecutions, it was essential for States to cooperate with one another and with the United Nations.

41. As important as it was for the Organization and its Member States to put an end to impunity, further efforts should also be made to ensure observance of United Nations standards of conduct and to make personnel more aware of their criminal accountability under international law as well as under the domestic law of each State. His delegation therefore welcomed the continuing efforts in that connection by the Department of Peacekeeping Operations and the Department of Field Support and supported training and awareness-raising activities both at Headquarters and in the field for personnel in peacekeeping operations and special political missions.

42. The Organization's legitimacy rested largely on trust; accordingly, crimes committed by its officials and experts on mission harmed not only victims and host countries but also the international community as a whole. To preserve its credibility, Member States must work together to ensure that such crimes did not go unpunished, while respecting the universal right to a fair trial, including the presumption of innocence, the rights of defence and access to justice. In the same spirit, his delegation encouraged the United Nations to take appropriate measures, when allegations of such crimes proved to be unfounded, to restore the credibility and reputation of the personnel concerned.

43. **Mr. Belaid** (Algeria) said that his delegation was concerned about the persistence of cases of sexual exploitation and abuse by United Nations personnel and welcomed the Secretary-General's continuing commitment to a policy of zero tolerance of such condemnable acts; they were damaging not only to the victims but also to the image and credibility of the Organization and the entire international community. His delegation noted the downward trend in the

number of allegations of such offences in the past decade and hoped that, following the increase noted in the last reporting period, the Secretary-General's upcoming report on the issue would show a decrease in the phenomenon. It remained supportive of measures to bring any such credible allegations to the attention of the State of nationality. The privileges and immunities enjoyed by United Nations officials and experts on mission should not prevent them from being punished for any crimes committed by them under both international law and the national legislation of host States. His delegation welcomed the measures taken to strengthen training on United Nations standards of conduct and noted with satisfaction the development of an accountability framework, to be introduced in the third quarter of the current year, to measure the performance of field missions in accordance with a number of indicators relating to conduct and discipline.

44. **Mr. Abdullahi** (Nigeria) said that criminal acts committed by United Nations officials and experts on mission were detrimental to the Organization's image, credibility, impartiality and integrity and, for that and other reasons, his delegation commended the zero-tolerance policy in place. It also welcomed the referrals by the United Nations of cases of alleged criminal misconduct to the State of nationality of the official or experts concerned and urged States to report to the Organization on its follow-up action, which should, where necessary, include amendments to national legislation to allow them to exercise jurisdiction. Nigeria supported all practical measures to strengthen training on United Nations standards of conduct, including quarterly reports from field missions on their performance, as part of the new accountability framework, and called on Member States to cooperate with the Organization in the exchange of information and the facilitation of investigations and prosecutions.

45. **Mr. Zamora Rivas** (El Salvador) said that the Secretary-General's report under consideration, and those preceding it, reflected a shared approach to the topic, which required that the primary consideration should be the rule of law. Accountability was a linchpin of the justice system and, as such, applied equally to everyone, whatever their position or duties. Officials and experts on mission must comply with the norms of national and international law and, if they committed serious crimes affecting the life, personal integrity or sexual freedom of another person, should

not be able to be shielded from accountability by the principle of immunity.

46. The establishment of jurisdiction over serious crimes did not always require any change in States' legislation since, in the great majority of cases, such crimes were punishable irrespective of the person who committed them. His delegation therefore considered that it would be more useful for States to apply their criminal law broadly and not on a purely territorial basis. The criminal law of El Salvador allowed its authorities to be seized of crimes committed by its citizens on mission abroad. In addition, by virtue of the principle of universality, his State's legislation could be applied to offences committed under other jurisdictions in cases affecting internationally protected legal property or involving serious violations of human rights. In matters of criminal jurisdiction, it was also important for States to take steps to ensure the effective investigation and prosecution of such serious crimes, through cooperation with other States and the United Nations. In that context, the Secretary-General was to be commended for his willingness to waive the immunity of the Organization's officials and experts if such immunity impeded the course of justice. His delegation reiterated the need for continuing training of the personnel of peacekeeping operations, since the commission of serious crimes by them was not only a dereliction of duty but also an abuse of the particular vulnerability of victims of armed conflict and of the people they were required to protect.

47. **Mr. Choi Yong Hoon** (Republic of Korea) said that criminal accountability was the cornerstone of the rule of law and that, accordingly, the Secretariat and all Member States should make every effort to seek justice and end impunity. Failure to prosecute United Nations officials and experts on mission who committed serious crimes could create the false impression that they used the immunities granted to them for their personal benefit; recurring abuses could seriously damage the credibility, impartiality and integrity of the Organization. His delegation therefore welcomed the referral to States of nationality of the 15 cases mentioned in the Secretary-General's report (A/69/210). The States concerned should take the necessary steps, including thorough investigation, with regard to the cases within their jurisdiction and should inform the Organization of the progress and final outcome of the cases.

48. His delegation believed that prevention played a key role; it therefore welcomed the practical measures taken to strengthen training on United Nations standards of conduct. The prevention of offences through such measures was the responsibility of both the Secretary-General and Member States. His Government applied rigorous criteria in selecting personnel to participate in United Nations peacekeeping operations and provided them with a three-month intensive predeployment training course designed to enhance professional ethics.

The meeting rose at 11.50 a.m.