



General Assembly

Seventieth session

Official Records

Distr.: General
28 October 2015

Original: English

Sixth Committee

Summary record of the 9th meeting

Held at Headquarters, New York, on Friday, 16 October 2015, at 3 p.m.

Chair: Mr. Holovka (Vice-Chair) (Serbia)
later: Mr. Charles (Chair) (Trinidad and Tobago)

Contents

Agenda item 80: Criminal accountability of United Nations officials
and experts on mission

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

15-17964 (E)



Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



In the absence of Mr. Charles (Trinidad and Tobago), Mr. Holovka (Serbia), Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 80: Criminal accountability of United Nations officials and experts on mission (A/70/208)

1. **Mr. Gharibi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement looked forward to continuing the Sixth Committee's consideration of the report by the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (A/60/980). He noted that the comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel would help to mitigate the sufferings of the victims as well as offer social support, legal services and medical attention. He also emphasized the need to implement General Assembly resolution 61/291 as soon as possible, in order to strengthen accountability mechanisms and help guarantee due process with respect to investigations of acts of sexual exploitation and abuse.

2. The full implementation by all Member States of General Assembly resolutions 62/63, 63/119, 64/110 and 65/20 could help to bridge any existing jurisdictional gaps. Subsequently, an assessment could be undertaken to explore whether there was a need for further measures by the General Assembly. Although important policy and remedial measures had been agreed, they still needed to be implemented.

3. It was still premature to discuss a draft convention on criminal accountability of United Nations officials and experts on mission. For the time being, the Committee must focus on substantive matters and leave matters of form for a subsequent stage.

4. **Mr. Fornell** (Ecuador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that any type of misconduct, especially criminal behaviour, committed by United Nations personnel on mission was completely unacceptable and must never go unpunished. Such crimes caused great harm to the victims, while undermining the reputation of the United Nations. The Community thanked the Secretary-General for his reports on the matter (A/70/208 and A/69/779). However, it was clear that

more needed to be done by the international community in order to ensure that impunity associated with such crimes would never be tolerated.

5. The Community welcomed the Secretary-General's efforts to respond to allegations of sexual exploitation and abuse of children by United Nations personnel and would follow closely the developments concerning that initiative.

6. The Community took particular note of the information contained in sections IV and V of the Secretary-General's report (A/70/208), relating to the process of reporting credible accusations to the State of nationality and to the strengthening of existing training on United Nations standards of conduct. The Community encouraged the Organization to continue to implement its policies in accordance with General Assembly resolution 66/93.

7. The Community took note of the Secretariat's efforts to standardize the process of notifying Member States of serious allegations of misconduct involving uniformed personnel deployed as experts on mission. The same process should also be followed for incidents involving United Nations officials and non-uniformed experts on mission. The Community also urged States to which cases had been referred to give the proper follow-up and inform the Secretary-General of any actions taken, including prosecutions as appropriate.

8. The Community reaffirmed its serious concern over the instances of sexual exploitation and abuse reported by the Secretary-General (A/70/357). It fully supported the Organization's zero-tolerance policy in such cases, and the need for observance of the rule of law in its implementation. The Community highlighted the shared responsibility of the Secretary-General and all Member States to take every measure to prevent and punish criminal activities committed by persons working for the United Nations and to enforce standards of conduct in that regard.

9. Issues involving investigations and the gathering of evidence also needed further consideration. The assessment and review of evidence during administrative and jurisdictional procedures should always be conducted bearing in mind the interests of the alleged victims and due process for those against whom allegations were made. It was important for United Nations personnel to comply with relevant policy guidelines regarding their expected standards of

conduct, including those established in documents [A/67/775](#) and [A/67/828](#).

10. **Mr. Joyini** (South Africa), speaking on behalf of the African Group, said that it was regrettable that no comments had been received from States with regard to paragraph 8 of General Assembly resolution 69/114, in which Member States were invited to submit further comments on the report of the Group of Legal Experts ([A/69/980](#)), including on the question of future action.

11. The African Group supported the zero-tolerance policy concerning criminal conduct, particularly when it involved sexual abuse and exploitation committed by United Nations officials or experts on mission. Criminal accountability was a pillar of the rule of law and was crucial for the Organization's integrity and effectiveness. The African Group encouraged Member States to exercise jurisdiction in applicable cases in order to ensure that criminal acts did not go unpunished. The existence of jurisdictional gaps in ensuring accountability led to criminality, especially in situations where the host State was unable to 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. The remedial measures adopted under several General Assembly resolutions, if properly implemented, could address that issue. The African Group commended the Organization for its efforts to refer cases of possible crimes of a serious nature to the State of nationality.

12. The African Group welcomed the measures being implemented regarding training on United Nations standards of conduct. The Group further welcomed the technical assistance offered by the United Nations to Member States requesting support in developing their domestic criminal law relating to crimes of a serious nature. States should cooperate with each other in criminal investigations and/or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on mission.

13. **Ms. Aching** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said the Community recognized the invaluable contribution of United Nations officials and experts on mission towards the fulfilment of the purposes and principles of the Charter of the United Nations. In the CARICOM region, the State of Haiti had benefited immensely from the United Nations Stabilization Mission in Haiti

(MINUSTAH), which had been working towards restoring a secure and stable environment, promoting political progress, strengthening the rule of law and promoting and protecting human rights.

14. CARICOM remained deeply concerned, however, over the recent allegations of misconduct and sexual abuse of women and children in United Nations peacekeeping operations, which was a serious violation of international law and undermined the credibility of the United Nations. The perpetrators of such heinous offences should be held accountable for their actions, in accordance with General Assembly resolution 69/114. States must establish jurisdiction over crimes committed by nationals while serving in peacekeeping missions. A common set of rules and regulations governing the conduct and treatment of United Nations experts and officials on mission would also assist in ensuring that those who, through their conduct in the field, brought the United Nations into disrepute were held accountable.

15. The Community commended the Secretary-General for promoting a zero-tolerance policy, which would help restore faith and trust in the United Nations system. Furthermore, the training of United Nations officials and experts on mission on the need to respect the national laws of the host State and United Nations standards of conduct would be important tools to address the issue.

16. **Ms. Mezdrea** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilisation and association process country Bosnia and Herzegovina; and, in addition, Georgia, Liechtenstein, Norway, the Republic of Moldova and Ukraine, said that her delegation strongly supported a zero-tolerance policy for crimes committed by United Nations officials and experts on mission and, more generally, a coherent approach to establishing the "age of accountability", in particular when serious crimes were committed.

17. Her delegation wholeheartedly supported the Rights up Front initiative and welcomed the special measures for protection from sexual exploitation and sexual abuse contained in the Secretary-General's report ([A/69/779](#)). With regard to recent allegations of sexual exploitation and abuse by United Nations peacekeepers in the Central African Republic, she

noted the remedial actions taken by the United Nations and shared the Secretary-General's view that much more needed to be done to address unacceptable conduct. Allegations must be reported, investigations must be speedy and thorough and perpetrators must be punished.

18. The European Union also supported the call for leadership and accountability contained in the report. It welcomed the setting up of immediate response teams, the imposition of strong sanctions and the dissemination to missions of detailed guidance on standards and procedures for alerting United Nations Headquarters. It also welcomed the intention to reach out to affected communities and create an adequately resourced victim assistance programme, among other measures set out in the report.

19. Genuine accountability rested on cooperation between States and with the United Nations in investigating allegations of misconduct and crime by national personnel. The Organization must promptly inform and consult with the alleged offender's State of nationality in order to establish the necessary jurisdiction to investigate and prosecute such crimes when appropriate. While the primary responsibility for bringing offenders to justice lay with States themselves, the International Criminal Court should exercise its jurisdiction where the required preconditions were fulfilled and national authorities were unable or unwilling to prosecute the most serious crimes.

20. Her delegation continued to support the dual-track approach, combining short- and long-term measures to deal with jurisdictional gaps. In the long term, the European Union remained ready to consider a proposal for a comprehensive international legal framework that would clarify the circumstances under which Member States could exercise jurisdiction, and the categories of individuals and crimes subject to that jurisdiction.

21. **Ms. Stener** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the vast majority of United Nations officials and experts on mission made personal sacrifices in order to further the common interest of Member States. A few among them, however, committed serious crimes while on mission. Whether such crimes were made known to the public or not, the impression of an impunity gap remained a serious

problem in respect of the Organization's credibility and its relationship with local communities.

22. She expressed concern that the United Nations had received few responses from States indicating how allegations of misconduct had been followed up in their domestic jurisdictions. An overview of States' reports since 2007 showed that, although as many as 84 cases of criminal conduct had been brought to the attention of sending States, those States had provided follow-up in only 15 cases. Moreover, the report of the High-level Independent Panel on Peace Operations (A/70/95-S/2015/446) pointed out that even 10 years after the Organization began systematically addressing the issue of sexual exploitation and abuse in peacekeeping operations, serious deficiencies persisted.

23. The time was ripe for strengthening the language of the resolution on the topic, in line with the recommendations of the Panel's report. The current year's resolution should request that Member States provide information to the Secretariat on the follow-up of referred cases in their national jurisdictions. Such information should relate not only to cases referred in the year of the report, but also to those reported in previous years. It was time for the Secretary-General's report to identify those States that did not provide information on steps taken in their national jurisdictions to follow up reported cases of alleged misconduct.

24. **Mr. O'Sullivan** (Australia), speaking also on behalf of Canada and New Zealand, said that only a small number of officials and experts on mission committed crimes in the course of their work as compared to the many carrying out the Organization's work in accordance with the highest possible standard. Yet that small number called into question the reputation, credibility, impartiality and integrity of the United Nations. The failure to hold those few to account risked tarnishing relations between the United Nations and the local population; it also undermined the success of the operation and wider efforts to promote the rule of law, security, development and human rights.

25. The three delegations noted that, according to the Secretary-General's report (A/70/208), the Office of Legal Affairs had referred to States of nationality the cases of 22 United Nations officials and experts on mission for investigation and possible prosecution.

They welcomed the fact that the Secretariat remained ready to assist on all referrals made. They also noted the efforts of Member States to establish jurisdiction for serious crimes committed by their officials and experts on mission and commended those States that had acted to ensure that their nationals could, where necessary, be investigated and prosecuted. They called on States to report to the United Nations on the progress and outcome of efforts undertaken to investigate and prosecute such crimes in a timely manner.

26. Given that prevention was better than a cure, the three delegations also supported the training of soldiers and police so that they might contribute fully and effectively to peacekeeping operations. Referrals to States of nationality should be followed up by the United Nations on a regular basis, and at a senior level, to ensure that the Organization was doing all it could to encourage States to meet their responsibilities.

27. The three countries urged the Secretariat to draw lessons from the allegations of sexual exploitation and abuse in the Central African Republic, and to stress the need for full and appropriate reporting within the United Nations system. A robust reporting system required the full implementation of the Secretary-General's bulletin (ST/SGB/2005/21) on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.

28. In principle, the three countries supported the proposal for a convention that required Member States to exercise criminal jurisdiction over their nationals participating in United Nations operations abroad. It would also be useful to have greater clarity concerning the scope and scale of allegations against different types of United Nations personnel and what subsequent actions had been taken either by the Organization or by national authorities.

29. **Ms. Rodríguez Pineda** (Guatemala) said that misconduct on the part of officials and experts on mission could not go unpunished, particularly in view of the nature of their functions and the special vulnerability of the victims in such cases. The fundamental legal problem stemmed from the fact, on the one hand, that the legal status of United Nations personnel — including certain immunities — could facilitate circumvention of the criminal jurisdiction of the host State and, on the other, that the United Nations

could take only disciplinary measures against its personnel, being unable to exercise criminal jurisdiction.

30. Her delegation wished to raise the following issues during the Working Group discussions. First, the Working Group should consider the need to re-evaluate the mandate conferred on the Sixth Committee on the basis of the report of the Group of Legal Experts (A/60/980, para. 11), which stated that the recommendations in its report should be applicable to all persons assigned to a peacekeeping operation, irrespective of the department or separately administered organ or programme from which they were assigned. It would be useful to expand the discussions to the rest of the personnel of the United Nations, whether at Headquarters or in the field, in the context of the Peace Operations Review.

31. Second, her delegation was greatly concerned that two of the 22 cases of sexual exploitation and abuse referred to States of nationality for investigation and possible prosecution during the reporting period covered by the Secretary-General's report (A/70/208) involved minors. Guatemala strongly condemned such acts and called for the implementation of the Organization's zero-tolerance policy. Third, the Committee should coordinate its efforts with those of the Fourth and Fifth Committees in terms of the ongoing review and reform processes. Steps should be taken to correct the weaknesses in the Office of Internal Oversight Services, particularly with regard to the handling of accusations of sexual exploitation and abuse in the Central African Republic. It was necessary to enhance information-sharing and whistle-blower protection programmes, impose firm disciplinary measures and more closely scrutinize the waiver of diplomatic immunity.

32. Lastly, she pointed out that the many reports on cases of misconduct still did not allow for a complete diagnosis of the problem. In order to consider additional measures, better and more consistent reporting mechanisms were needed.

33. *Mr. Charles (Trinidad and Tobago) took the Chair.*

34. **Mr. Waweru** (Kenya) said that it was extremely important for the crimes committed by United Nations-affiliated persons to be properly investigated and prosecuted in a timely manner, in line with the various conventions on diplomatic relations, privileges and immunities. Kenya supported the zero-tolerance policy,

particularly in cases involving sexual abuse and exploitation.

35. Kenya had recently strengthened its governance and criminal justice system following the promulgation of the Constitution in 2010. Accountability measures in key institutions such as the judiciary, the Office of the Director of Public Prosecutions and the police had been strengthened to ensure that they delivered their mandate in accordance with law and high standards. Kenya was thus well equipped to prosecute nationals who committed serious offences in its own and other jurisdictions while serving on United Nations missions. The key challenge it faced was the fairly lengthy process of seeking a waiver of immunity by the Secretary-General, which delayed criminal proceedings. Despite the existing weaknesses in legislation and capacity to exercise jurisdiction, his delegation encouraged Member States to close the impunity gap and ensure that criminal acts did not go unpunished.

36. The lack of a comprehensive law to provide for a seamless procedure from complaints to investigations further exacerbated the problem. The remedial measures adopted under several General Assembly resolutions, if properly implemented, could address the aforementioned gaps. However, his delegation also called for the development of a model law to guide States in addressing the challenges involved, and eventually to help them replicate that law in their domestic laws.

37. His delegation welcomed the steps taken to provide training on United Nations standards of conduct, including through pre-deployment and in-mission induction training, and further welcomed the technical assistance offered by the Organization to Member States requesting support in developing their domestic criminal law. He called for greater cooperation among States in criminal investigations and/or extradition proceedings in respect of serious crimes committed by United Nations officials and experts on mission.

38. **Mr. Treger** (Israel) said that his delegation was concerned that if crimes committed by United Nations officials were not appropriately investigated, it would adversely affect the United Nations mandate, especially with respect to relations between the United Nations and the host country. He looked forward to seeing how the different States would develop their national legislation on criminal activity of nationals on

United Nations missions, and urged Member States to take appropriate action to ensure that such crimes were not met with impunity.

39. Noting that the Office of Legal Affairs had referred 22 cases to States to investigate and possibly prosecute their nationals who had served as United Nations officials and experts on mission ([A/70/208](#), para. 28), his delegation urged those States to update the Organization on actions undertaken by their national authorities regarding those cases.

40. His delegation welcomed the Organization's decision to urge States to take all appropriate measures to ensure that crimes committed by United Nations officials and experts on mission did not go unpunished and to urge the Secretary-General to continue to take practical measures within his authority in order to strengthen existing training regarding United Nations standards of conduct. Such efforts would raise the awareness of States in relation to the issue of proper conduct and crime prevention by its nationals serving on United Nations missions.

41. **Ms. Carnal** (Switzerland) said that it was the duty of Member States and the Secretary-General to take the necessary measures to prevent the commission of crimes by United Nations officials and experts on mission and ensure that they did not go unpunished. Her delegation welcomed all measures aimed at improving the reporting system and highlighted the recommendations contained in the recent report of the High-Level Independent Panel on Peace Operations ([A/70/357-S/2015/682](#)). The Secretary-General should name the States concerned; moreover, in view of the very incomplete reporting, the current year's resolution should explicitly request Member States to report on the progress of investigations, prosecution and disciplinary actions in their jurisdictions, including with regard to cases originating in previous years, and to report on concrete measures taken to prevent such acts from reoccurring.

42. The development of an international convention would be an appropriate measure to address the problems effectively and sustainably. States parties to the new convention could, for example, simply undertake to extend their jurisdiction to include serious crimes committed by their nationals while on mission and to take steps to prevent the commission of such crimes. Her delegation supported the establishment of an intersessional ad hoc committee or similar

mechanism in order to discuss the content of a possible convention.

43. **Ms. Elgarf** (Egypt) said that the topic was of particular importance in Africa, where a number of peacekeeping operations were deployed. His delegation endorsed a zero-tolerance approach to all crimes, particularly serious crimes, committed by United Nations officials and experts on mission. Such crimes should be prosecuted in the jurisdiction of the State of nationality of the alleged perpetrator. She called for assistance to those States in closing legislative gaps so that they could assume that responsibility. Egypt's laws provided for the immediate investigation and prosecution of alleged perpetrators of such crimes and provided training for its nationals participating in United Nations missions on standards of conduct and on the laws of the host countries.

44. **Ms. Thanarat** (Thailand) said that impunity undermined the integrity, credibility and effectiveness of the United Nations and its peacekeeping operations. In that connection, Thailand had actively participated in the Leaders' Summit on Peacekeeping held in September 2015 and was committed to its declaration that proper conduct by, and discipline over, all personnel deployed in United Nations peacekeeping operations were vital to their effectiveness. Her delegation also reaffirmed its support for the Organization's zero-tolerance policy on all forms of sexual exploitation and abuse.

45. As a troop-contributing country, Thailand considered it crucial for peacekeepers to comprehend their mandates and status. It therefore reiterated the importance of pre-deployment training and in-mission induction concerning the obligation to respect United Nations standards of conduct and the requirement to observe the laws of the host country. In that respect, it appreciated the efforts of the Department of Peacekeeping Operations and the Department of Field Support for providing technical support in pre-deployment training of Thai officials and police.

46. Thailand supported the increasing role of women in peacekeeping operations. It had contributed a number of female peacekeepers, the majority of whom had been mandated to work on gender-based violence and on promoting preventive and protective measures for vulnerable women and girls. Women peacekeepers had a crucial role to play in supporting survivors and witnesses. It was hoped that the natural tendency of

victimized women to open up to female peacekeepers would help increase the number of incidents reported, and decrease the number of unpunished crimes.

47. Her delegation called on States to consider establishing jurisdiction over serious crimes committed by their nationals while serving on United Nations missions. It supported the Secretary-General's efforts to exercise his discretion to waive the immunity of the alleged perpetrators, and strongly endorsed cooperation among States in that regard.

48. **Mr. Rao** (India) said that it was worrying to see the increase in the number of cases of United Nations officials and experts referred to States for investigation and prosecution. He noted with appreciation the information in the Secretary-General's report (A/70/208, para. 36) that awareness-raising activities continued to emphasize the obligations of all United Nations personnel to observe the laws of the host country, and the consequences of failing to do so.

49. Implementation of General Assembly resolution 69/114, which strongly urged all States to consider establishing jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission, would help fill the jurisdictional gap in respect of Member States that did not assert extraterritorial jurisdiction over crimes committed abroad by their nationals.

50. Dealing with the wrongdoings of United Nations officials or experts on mission did not require the development of an international convention. Instead, Member States should ensure that their laws provided for jurisdiction and had adequate provisions for prosecuting any such conduct by their nationals. In that regard, the Indian Penal Code and Code of Criminal Procedure had provisions to deal with extraterritorial offences committed by Indian nationals and for seeking and providing assistance in criminal matters. The Indian Extradition Act of 1962 dealt with extradition of fugitive criminals and allowed for extradition under a bilateral treaty or international convention.

51. **Mr. Pham Quang Hieu** (Viet Nam), while recognizing the valuable contribution of United Nations peacekeepers towards the fulfilment of the purposes and principles of the Charter, such persons must respect the national laws of the host State and the laws of their country of nationality. He reaffirmed his delegation's support for the zero-tolerance policy with regard to all forms of sexual exploitation and abuse.

52. He stressed the importance of taking appropriate steps to fill jurisdictional gaps in order to avoid impunity for serious crimes committed by United Nations officials while on mission. In that regard, Viet Nam had adopted a provision in its Penal Code that allowed for the exercise of jurisdiction over crimes committed by Vietnamese nationals in other countries in certain circumstances. It had also concluded many agreements with other countries on extradition and mutual legal assistance in criminal matters.

53. His delegation fully supported the Secretary-General's continuing efforts to ensure pre-deployment and in-mission induction training of United Nations personnel. However, each Member State also had the duty to work towards ending impunity and preventing crimes. To that end, Viet Nam had established the Viet Nam Peacekeeping Centre in 2014, which was charged with conducting in-country training for officers prior to deployment and aspired to be a source of talented and dedicated personnel.

54. **Mr. Remaoun** (Algeria) said his delegation was concerned over the persistence of cases of sexual exploitation and abuse. It was crucial to prevent United Nations actions from becoming a source of further suffering to the people they were supposed to serve. The Committee's work under that agenda item was therefore increasingly urgent, bearing in mind that United Nations special political missions and peacekeeping operations comprised more than 120,000 people spread over 39 missions.

55. He welcomed the establishment of the Standing Sexual Exploitation and Abuse task forces in most peace operations, and expressed the hope that the objective of setting up immediate-response teams to gather and preserve evidence within 72 hours of receipt of an allegation would be achieved. His delegation also appreciated the dissemination to missions in early 2016 of detailed guidance on standards and procedures for alerting United Nations Headquarters about instances of criminal misconduct by civilian, military or police personnel. In that regard, his delegation stood ready to cooperate in order to conclude the pending discussion on a proposed international convention to ensure accountability of United Nations personnel in connection with crimes committed in peacekeeping operations.

56. The implementation of preventive and practical measures adopted by field missions to strengthen

existing training on United Nations standards of conduct was also a welcome development. Lessons learned with regard to prevention could also be extended to regional organizations like the African Union. In that regard, he noted that steps were being taken with the African Union Commission to finalize a joint United Nations-African Union framework for an enhanced partnership in peace and security.

57. **Ms. Kamara** (Liberia) said that, while her delegation commended the actions taken by the United Nations to hold people accountable, it could not agree more with the assertion that the behaviour of certain elements of the peacekeeping community was a flagrant violation of the fundamental duty of care. Liberia supported the zero-tolerance policy on sexual exploitation and abuse; it also supported the exercise of jurisdiction by Member States in cases where their nationals appeared to be the subject of investigation. His delegation therefore called on those States to which cases had been referred to live up to their commitment to investigate and prosecute, for failure to take action would be acquiescing to impunity.

58. Enhanced efforts were required to remedy the grievous offences that were being committed, including encouraging whistle-blowers to bring them to light. Recent reports that a whistle-blower had had to endure punishment for providing information on the criminal conduct of United Nations staff on peacekeeping missions were even more troubling. Adopting a convention, as recommended by the Group of Legal Experts, to ensure that United Nations staff and experts on mission were held accountable for their actions would perhaps be a way forward.

59. **Ms. Butts** (United States of America) said that the United States fully supported the Organization's zero-tolerance policy against sexual exploitation and abuse and endorsed aggressive action by the Secretary-General to root it out of peacekeeping operations, including by strengthening mechanisms for investigating allegations.

60. In recent months, particularly appalling allegations of sexual exploitation and abuse in peacekeeping operations had been coupled with discouraging reports from the Independent Panel of Experts and the Office of Internal Oversight Services indicating significant underreporting of such abuse and the inability of the United Nations to enforce prohibitions against transactional sex and exploitative sexual relationships

between United Nations peacekeepers and members of host populations. Her delegation looked forward to the full implementation of the initiatives highlighted in the Secretary-General's report on special measures for protection from sexual exploitation and sexual abuse (A/69/779). The Committee should carefully review its annual resolution on criminal accountability and strengthen it appropriately. It could include new measures aimed at enhanced reporting on cases and follow-up, and practical initiatives such as integrating the annual report of criminal accountability into the overall sexual exploitation and abuse report.

61. Her delegation was actively considering whether a convention could play a useful role in helping to close any gaps in Member States' domestic legal systems that prevented them from prosecuting their own nationals. United States federal law allowed prosecution of United States nationals for crimes committed abroad, including the sexual abuse of children, human trafficking, bribery of foreign officials and a number of other serious offences under specific circumstances.

62. Since the United Nations could not prosecute the alleged perpetrators of sexual exploitation and abuse, it was up to Member States to take appropriate actions to hold offenders accountable. It was encouraging to hear how strongly and positively troop- and police-contributing countries had responded to the Secretary-General's call for accountability in the Security Council consultations held on 17 September 2015.

63. **Mr. Daté** (Côte d'Ivoire) said his delegation strongly supported the various General Assembly resolutions that urged States to 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 and the United Nations under international law, and in accordance with international human rights standards, including due process.

64. He thanked the Secretary-General for his excellent report on the topic (A/70/208). He also urged States to consider establishing jurisdiction over crimes, particularly those of a serious nature, committed by their nationals while serving as United Nations officials or experts on mission. The presence of the United Nations should reassure populations and parties

in conflict, rather than inspiring fear, and members of missions must therefore remain above suspicion. Close collaboration among Member States was required in order to investigate and prosecute such crimes effectively.

65. **Mr. Onn** (Malaysia) said his delegation regretted the reports of incidents of sexual exploitation and abuse allegedly committed by United Nations officials and experts on mission. As it was extremely challenging to ensure criminal accountability without the cooperation of the sending State, the work of the General Assembly and its Main Committees on the issue was of great importance in ensuring that adequate preventive measures were put in place through pre-deployment training as well as awareness-raising regarding the availability of criminal justice mechanisms when such serious crimes occurred.

66. For its part, Malaysia had jurisdiction over crimes committed by its military personnel, in their capacity as officials and experts on mission, by virtue of the Armed Forces Act of 1972, the provisions of which continued to apply to such personnel wherever they were deployed. Malaysia could also claim extraterritorial criminal jurisdiction over serious crimes such as terrorism, offences against the State, corruption, money-laundering, drug trafficking and trafficking in persons.

67. His delegation supported the call in General Assembly resolution 69/1144 for cooperation among States and with the United Nations regarding the exchange of information and facilitation of investigations and prosecutions. Malaysia's Extradition Act of 1992 and the Mutual Assistance in Criminal Matters Act of 2002, together with its network of treaties on the matter, provided the legal basis for such international cooperation.

68. With regard to the consideration of a draft convention, his delegation was of the view that the issues that needed to be further deliberated in detail included the definitions of the terms to be used throughout the draft convention, especially in relation to "serious crimes"; the scope of application; limitation of the types of offences; and the principle of dual criminality.

69. **Mr. Zamora Rivas** (El Salvador) said that for El Salvador, as one of the States that had benefited from United Nations peacekeeping missions, the topic of criminal accountability was of great importance, in

that it recognized the various difficulties facing States and the special vulnerability of their populations in such situations as armed conflict and disasters. His delegation was therefore convinced that such circumstances required all United Nations missions to be carried out in strict compliance with the purposes and principles of the Charter of the Organization and all obligations stemming from the rule of law.

70. El Salvador had taken various steps to establish its jurisdiction with respect to crimes committed by its nationals who were serving as United Nations officials or experts on mission. In January 2015 the Legislative Assembly had adopted a special interim law for the implementation of Security Council resolution 2100 (2013), on the establishment of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Since the purpose of that law was to regulate El Salvador's collaboration with MINUSMA, it included provisions whose main objective was to ensure that any crimes committed would be duly prosecuted in El Salvador. Thus, article 5 provided that the Salvadorian contingent personnel would be responsible for respecting local laws or customs and abstaining from any activity inconsistent with the spirit of the mission; moreover, it expressly established jurisdiction over such personnel.

71. His delegation strongly supported the Organization's zero-tolerance policy on sexual exploitation and abuse, and stressed the need to introduce reforms in order to ensure that the mechanisms for investigation by the United Nations were efficient, impartial and independent.

72. **Mr. Atlassi** (Morocco) said his delegation welcomed the adoption of General Assembly resolution 69/114 as it related to the international community's efforts to combat impunity for serious crimes committed by United Nations officials or experts on mission. All criminal offences committed by such persons must be brought to justice in the competent national courts of the State of nationality of the alleged perpetrator. His delegation was convinced of the need to consolidate efforts among States and with the United Nations, especially with respect to serious allegations of criminal offences, and to exchange information and promote measures to facilitate investigations and prosecutions.

73. His delegation acknowledged the importance of strengthening the mechanism to prevent impunity

together with parallel efforts to prevent misconduct, to enhance the legal training of each State's civil and military personnel concerning their criminal responsibility under national and international law, and to raise awareness among such personnel about applicable procedures when offences had been committed.

74. The legitimacy of the Organization's actions largely depended on the degree of confidence placed in it. Offences committed by persons serving on United Nations missions not only harmed the victims and the host country, but the international community as a whole. To preserve their credibility, Member States must combine their efforts to ensure that such offences did not go unpunished. Similarly, whenever an administrative enquiry into an allegation of a serious crime had established that the allegation was unfounded, the Organization should take all appropriate steps to restore the reputation of the official or expert concerned.

75. **Mr. Leonidchenko** (Russian Federation) said that his Government fully supported the zero-tolerance policy with regard to crimes perpetrated by United Nations officials and felt that the Organization should focus its efforts on preventing the perpetration of such crimes. His delegation was particularly troubled by the existing cases of sexual exploitation and abuse committed by United Nations personnel. Investigation of such cases should be carried out in strict compliance with international law, with the leading role in implementing jurisdiction being played by the State of nationality of the official.

76. The series of preventive measures developed with the participation of the General Assembly was, generally speaking, commensurate with the scale of the problem. It was paramount that the Secretariat should fully and immediately inform the State concerned of cases where their citizens working in the service of the United Nations were suspected of committing crimes.

77. His delegation welcomed and commended the preliminary training and instruction of persons involved in peacekeeping operations and special political missions.

The meeting rose at 5.25 p.m.