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Chair: Mr. Mlynár (Slovakia)

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The meeting was called to order at 10 a.m.

Statement by the President of the General Assembly

1. **Mr. Muhammad-Bande**, President of the General Assembly, said that the promotion of justice and international law had always been of fundamental importance to the work of the Assembly. He appreciated the flexibility of all delegations in getting the Committee's work started at the current session and urged them to continue to work diligently and in good faith to achieve consensus on all the issues under consideration.

2. During the high-level debate of the Assembly, Heads of State and Government had reiterated their support for a peaceful, prosperous and just world order based on the rule of law. Indeed, 2019 marked the fiftieth anniversary of the Vienna Convention on the Law of Treaties, a widely ratified instrument that symbolized the universality of international law and remained an essential framework for the rules-based international order. As the Organization approached its seventy-fifth anniversary, it was important to reflect on what had been achieved with regard to the rule of law and what obstacles still remained. It was timely that, under its agenda item on the rule of law at the national and international levels, the Committee would be focusing on the subtopic "Sharing best practices and ideas to promote the respect of States for international law". He encouraged Member States, throughout the session, to share their best practices, including mechanisms to promote the effective implementation of international law and ways in which the United Nations could best provide assistance.

3. Quality education was a key priority for the current session of the Assembly. The Committee would be discussing the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, under which direct assistance was being provided to developing countries. Obviously, the rule of law at the international level could not be guaranteed without international law education. He encouraged Member States to actively participate in the relevant activities and to continue to support the Programme.

4. The past year had seen terrorist attacks in various forms all over the world. He called on the Committee to take action to effectively counter the scourge of terrorism in all its forms and manifestations. Through the biennial review of the United Nations Global Counter-Terrorism Strategy and the holding of the United Nations High-level Conference of Heads of Counter-Terrorism Agencies of Member States,

momentum would be built towards finalizing the draft comprehensive convention on international terrorism.

5. He commended the work of the International Law Commission and looked forward to hearing the Committee's views on the Commission's report and the recommendations contained therein.

6. In the light of the forthcoming seventy-fifth anniversary of the Organization, it was vital to recommit to the ideals of the founders and recall that the Organization was made up of "nations united". The United Nations should be defined by its actions.

7. A rules-based international order was the best guarantor of the attainment of peace and security, sustainable development and human rights. He was confident that, through joint efforts, those aspirations could be delivered for all.

Agenda item 109: Measures to eliminate international terrorism (continued) (A/74/151)

8. **Mr. Nfati** (Libya) said that his country, like many others in the region, faced a political crisis that had been marked by numerous terrorist attacks. Foreign actors had intervened, in violation of the relevant Security Council resolutions, to support entities that were not parties to the Libyan Political Agreement, culminating in a foreign-funded military offensive on Tripoli and its suburbs. As a result, Islamic State in Iraq and the Levant (ISIL), which had been routed by the forces of the Government of National Accord in Sirte, had taken advantage of the security vacuum to re-emerge in the south of the country. The Government of National Accord remained determined to coordinate with its allies, particularly the United States of America, to pursue and eradicate terrorist remnants.

9. Libya had acceded to all relevant international conventions, was a party to a range of regional instruments, and was committed to the implementation of the United Nations Global Counter-Terrorism Strategy. It was an effective partner in the counter-terrorism efforts of the African Union, the League of Arab States and the Organization of Islamic Cooperation. It had concluded agreements with neighbouring States to confront the activities of terrorist networks; it counted on the support of the international community in that regard.

10. The international community should focus on addressing the conditions conducive to the spread of terrorism by enacting the comprehensive approach set out in the Strategy and by fostering compliance with human rights and the rule of law. Countries in conflict and post-conflict situations, including Libya, should

receive the necessary support in order to consolidate peace and security, bolster the legitimate Government – in the case of Libya, the Government of National Accord – and carry out economic and security reform.

11. **Mr. Adamou** (Niger) said that the fight against terrorism was a priority not only at the international level but also at the regional level. His delegation welcomed the efforts made by the international community to combat terrorism.

12. For many years, the Niger had suffered multiple terrorist attacks, including those perpetrated by Boko Haram in the Lake Chad region and in the west near the border with Mali, while the activities of drug traffickers and terrorists across the northern border in Libya were affecting the wider Sahel region. In response, his Government had adopted a strategy for development and security in the Sahel-Saharan areas and had also provided the national defence and security forces with the resources necessary to deal with the threat. The Niger was a party to almost all the international and regional counter-terrorism instruments and had taken a number of legal measures at the national level, including the establishment of a special judicial unit for counter-terrorism and the adoption of laws to combat terrorism, the financing of terrorism and money-laundering. In addition, the Criminal Code had been amended to punish criminal conspiracy to commit acts of terrorism and the harbouring of terrorists. The Government had also established a national security council, a national counter-terrorism committee and a national committee to combat money-laundering and the financing of terrorism, and had incorporated modules on the prevention of terrorism and organized crime into training programmes for the defence and security forces. Despite some difficulties of implementation, the measures taken had produced significant results.

13. The Niger was participating in the Multinational Joint Task Force against Boko Haram, together with Nigeria, Chad, Cameroon and Benin, and in the Joint Force of the Group of Five for the Sahel with Mauritania, Mali, Burkina Faso and Chad. However, those initiatives were not yielding the hoped-for results, owing to the asymmetric nature of the war waged by terrorist groups and the lack of financial support from the international community. The time had come to show active solidarity with the countries of the Sahel and to place the Joint Force under a Chapter VII mandate.

14. Terrorism in the Sahel could not be fought using military means alone. Development issues must also be taken into account because poverty and a lack of

prospects for a predominantly young population often created a breeding ground for terrorism.

15. **Mr. Nasimfar** (Islamic Republic of Iran) said that, in order to eradicate terrorism once and for all, there was a need for a comprehensive plan and close cooperation and coordination between relevant stakeholders. The United Nations Global Counter-Terrorism Strategy provided a common platform for cooperation, and his Government supported its implementation in an integrated and balanced manner. The Islamic Republic of Iran had been and continued to be a victim of terrorism. It had taken effective legal measures to strengthen its national capabilities to suppress terrorism. For example, the law on countering the financing of terrorism had been amended in 2018 to deal more effectively with the increasingly diverse nature of terrorism and its sources of financing. The law on countering money-laundering had also been amended in 2019, in accordance with international standards. The bill of accession to the International Convention for the Suppression of the Financing of Terrorism and a comprehensive bill on the combating of terrorist crimes, aimed at further harmonizing the domestic legal framework, were currently under consideration.

16. The Islamic Republic of Iran, through the Islamic Revolutionary Guard Corps, played a crucial role in combating terrorist threats in the region. The country's President had, at the recent fifth summit of the Astana process, reiterated the importance of combating terrorism and eliminating groups such as ISIL and Al-Qaida while respecting the territorial integrity and sovereignty of the affected State.

17. The long-standing politicization of the fight against terrorism by some countries had always hindered genuine international efforts in that regard. Illegitimate and baseless accusations against States' official entities were not only a flagrant violation of the fundamental principles of international law, including those set out in the Charter of the United Nations, but were also misleading and mendacious. Unilateral coercive measures also undermined the collective response to terrorism. The imposition of laws and regulations with extraterritorial effects and all other coercive economic measures against developing countries, especially the Islamic Republic of Iran, were a clear example of economic terrorism that deliberately and indiscriminately targeted civilians for political purposes. Such actions constituted a violation of Security Council resolution [2231 \(2015\)](#) and should be opposed by all responsible members of the international community.

18. **Mr. Kahozi** (Democratic Republic of the Congo) said that the international community must strengthen its cooperation in order to tackle the threat of terrorism more effectively. The expansion of terrorist groups linked to Al-Qaida and ISIL and the proliferation of their activities in various parts of Africa was creating an unstable situation in the Democratic Republic of the Congo. The eastern part of the country was particularly affected by the activities of armed groups; the Allied Democratic Forces, which were supported by ISIL and were also reported to have close links to Al-Shabaab, had claimed a number of attacks against the national armed forces. His Government had taken a number of measures in response. It had set up a national coordinating committee to combat international terrorism and had also established a financial intelligence unit and a fund for the prevention of organized crime. It had adopted a law for the prevention of money-laundering and the financing of terrorism and had established an advisory committee to support the implementation of national policies in that regard. In addition, the criminal investigation police and the International Criminal Police Organization (INTERPOL) National Central Bureau had been restructured, and a focal point had been appointed to coordinate efforts to combat trafficking in small arms and light weapons.

19. The Democratic Republic of the Congo had ratified many international counter-terrorism instruments and had implemented the technical regulations issued by international organizations. It had also taken steps to build the capacities of its armed forces, which kept a close watch on armed terrorist groups. His country also participated in regional and subregional counter-terrorism activities, in particular through the African Centre for Studies and Research on Terrorism, the Common Market for Eastern and Southern Africa, the Southern African Development Community and the International Conference on the Great Lakes Region.

20. In view of the terrorist threat that it was facing, his country needed the support of the relevant United Nations bodies and of other partners. His delegation hoped that the question of measures to eliminate international terrorism would remain on the agenda of the General Assembly and welcomed the work being done on the draft comprehensive convention on international terrorism.

21. **Mr. Islam** (Bangladesh) said that, over the years, his country had consistently condemned terrorism in all its forms and manifestations. It maintained a strict policy of zero tolerance in countering terrorism and violent extremism, which had resulted in the

dismantlement of the operational capacity of certain home-grown terrorist groups that claimed affiliation with international or regional networks. Sustained investment in capacity-building for the relevant law enforcement, intelligence and border management agencies had allowed Bangladesh to live up to its commitment not to allow its territory to be used for terrorist acts against any of its neighbours. Demonstrable progress had likewise been made in combating the financing of terrorism and in weakening the nexus between terrorist groups and transnational organized crime networks. A whole-of-society approach had proved to be useful in preventing the spread of violent extremism and radicalization. The engagement of civil society in such initiatives had enhanced the awareness of law enforcement personnel of their human rights obligations.

22. Over the past decade, Bangladesh had considerably increased its engagement with the United Nations on countering terrorism and violent extremism. It had ratified and implemented the relevant international counter-terrorism instruments and was committed to the balanced implementation of all four pillars of the United Nations Global Counter-Terrorism Strategy and the Secretary-General's Plan of Action to Prevent Violent Extremism. In the aftermath of a deadly terrorist attack in Dhaka in 2016, Bangladesh had further enhanced its collaboration with the United Nations. In particular, it had developed a multilayered partnership with the United Nations Office of Counter-Terrorism, which had sent an expert team to Bangladesh in 2018 to review the factors driving individuals towards radicalization and to assess the country's capacities to prevent it. Bangladesh was interested in receiving more capacity-building support from the Office and its partners with a view to combating terrorist threats in cyberspace, addressing deradicalization in prisons and enhancing aviation security. It also attached great importance to the timely exchange of information for the purpose of tracking and intercepting foreign terrorist fighters.

23. **Mr. Jamiru** (Sierra Leone) said that his country unequivocally condemned terrorism in all its forms and manifestations, wherever and by whomsoever committed. It had taken a number of measures to combat terrorism, including the adoption of an amendment to its anti-money-laundering law to cover the prohibition and punishment of the financing of terrorism.

24. The Economic Community of West African States (ECOWAS) was taking steps to address the scourge of terrorism. The ECOWAS counter-terrorism strategy had been adopted in 2013 but there remained a number of challenges in its implementation, including a lack of

ownership by member States, the limited involvement of civil society, a low level of information-sharing and inadequate resources. Given that the situation in the Sahel posed a particular challenge, his Government had called for enhanced cooperation at the subregional level, with an emphasis on intelligence-sharing. The Heads of State and Government of ECOWAS, at their summit on terrorism held in Ouagadougou in September 2019, had adopted a priority action plan for 2020–2024, in which, among other things, they had called for the reinforcement of the activities of the Joint Force of the Group of Five for the Sahel, Operation Barkhane, the Multinational Joint Task Force against Boko Haram, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the Accra Initiative. They had also approved the principle of involving the ECOWAS Standby Force in counter-terrorism efforts. However, military and security approaches alone would not effectively address terrorism. Civil society stakeholders must also be involved so as to help Governments communicate with the public, defuse the triggers of conflict, promote equitable and accountable governance and support peacebuilding.

25. His delegation reiterated its call for the urgent finalization of the draft comprehensive convention on international terrorism and the convening of a high-level conference under the auspices of the United Nations. It also reaffirmed its support for the United Nations Global Counter-Terrorism Strategy.

26. **Mr. Irimia Arosemena** (Panama) said that his country strongly condemned terrorism in all its forms and manifestations and remained committed to continuing the fight against it, in cooperation with other countries and in strict compliance with the principles set out in the Charter of the United Nations and the Charter of the Organization of American States (OAS), as well as the principles of international humanitarian law, human rights and the rule of law. States should focus in particular on identifying and dismantling the formal and informal channels used for the financing of terrorism. His Government was continuing its efforts in that regard by investing in capacity-building and had developed a strategy for sharing intelligence, including financial intelligence, to complement its efforts to protect its borders and financial system.

27. Panama was a party to 18 universal and regional instruments on countering terrorism and the financing of terrorism. It was committed to the full implementation of measures mandated under relevant Security Council resolutions, including the freezing of assets, travel bans and arms embargoes, and maintained a national list of individuals and entities suspected of carrying out

terrorist activities. In recent years, national laws had been amended to bring them into line with international standards; terrorism and the financing of terrorism had been criminalized and the associated penalties had been increased. In addition, his Government continued to apply the 2015 law to combat money-laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction.

28. Terrorism could not and should not be linked to any religion, nationality, civilization or ethnic group; the fight against terrorism could not be used to justify violations of obligations under international law, including international refugee law. In the interests of sharing best practices at the national and international levels, all States should strive to improve cooperation, in particular with regard to the exchange of information on individuals who might be involved in international terrorism. His Government remained committed to the United Nations Global Counter-Terrorism Strategy and welcomed the plan to hold the second United Nations High-level Conference of Heads of Counter-Terrorism Agencies of Member States in June 2020.

29. **Ms. Kaba** (Guinea) said that, in view of the proliferation of terrorism across the world, it was essential to address poverty, exclusion and grave violations of human rights, all of which could encourage the spread of terrorist ideology. Because terrorism transcended national boundaries, international cooperation should be strengthened with a view to implementing the relevant Security Council resolutions and thus eradicating terrorism. In particular, action should be taken to exchange information on terrorists' identities through the databases of INTERPOL, freeze assets that could be used to finance terrorism, strengthen subregional and regional cooperation, combat illicit trafficking in light weapons, counter hate speech and foster dialogue among civilizations. Her Government welcomed the action taken thus far and remained committed to implementing the relevant resolutions of the General Assembly, the Security Council and competent agencies.

30. Her Government was concerned at the critical situation in West Africa, where several States had come under attack, causing considerable loss of life and an unprecedented humanitarian crisis in the Sahel and Lake Chad regions. The resulting instability had hindered the implementation of development policies in remote areas that were already suffering the effects of climate change, poverty and various conflicts. Against that backdrop, participants at the ECOWAS summit held in Ouagadougou in September 2019 had sought to foster coordination of policies and strategies to combat terrorism, violent extremism and cross-border crime in

the subregion. Her delegation urged the international community to help restore peace and security in the subregion, and to provide substantial and tailored support for African counter-terrorism initiatives, including the Group of Five for the Sahel and the Multinational Joint Task Force against Boko Haram. The United Nations Support Plan for the Sahel was an example of an innovative approach to ensuring the coherence of development plans in the context of the United Nations integrated strategy for the Sahel and would help to address extreme poverty, inequality and the impact of climate change, all of which were drivers of terrorism.

31. For its part, her Government had taken a range of actions to combat terrorism. In 2007, it had established a national financial intelligence unit to combat money-laundering and the financing of terrorism. In 2019, it had adopted a new law on the prevention of terrorism. In coordination with civil society, religious leaders, women and young people, the Government was implementing policies to raise awareness of the problems of terrorism and hate speech.

32. Lastly, her delegation wished to emphasize that Member States should urgently reach a consensus on the definition of terrorism in order to be able to adopt a comprehensive convention on terrorism.

33. **Mr. Temenov** (Kazakhstan) said that, during its recent term on the Security Council, Kazakhstan had made it a priority to prevent and combat international terrorism, an effort that would require a comprehensive long-term approach and cooperation at all levels, with the active participation of all Member States, international and regional structures and civil society. With the support of the United Nations Regional Centre for Preventive Diplomacy for Central Asia, the Office of Counter-Terrorism and the Counter-Terrorism Committee Executive Directorate (CTED), Kazakhstan was actively engaged in the joint plan of action to implement the United Nations Global Counter-Terrorism Strategy in Central Asia and had become the first country to donate funds towards the recently launched third phase of the plan. His Government was grateful to the countries that had signed the Code of Conduct towards Achieving a World Free of Terrorism, which Kazakhstan had initiated, and hoped that others would follow suit. In the Code, attention was drawn to the link between counter-terrorism and the achievement of the Sustainable Development Goals, and States were called upon to become parties to the existing international instruments against terrorism. As a follow-up, his Government, in cooperation with the Office of Counter-Terrorism, had organized a retreat in

Tarrytown, United States, in June 2019, which had been attended by representatives of over 50 Member States.

34. Kazakhstan was a party to all the major international counter-terrorism instruments. CTED experts had visited Astana in 2016 and their recommendations were currently being implemented. In March 2018, his Government had adopted a programme on countering religious extremism and terrorism, including through legal and security sector reform, for the period 2018-2022. Over the coming five years, the national counter-terrorism budget would be quadrupled. Kazakhstan had also convened six congresses of leaders of world and traditional religions in order to promote a model of tolerance and harmony. In parallel, the authorities were developing a cybershield to counter terrorists' use of the Internet, the dark web and encryption.

35. Between January and June 2019, under an operation known as Zhusan, Kazakhstan had successfully repatriated 595 Kazakh citizens, including more than 400 children, who had been lured to Syria under false pretences. The returnees were undergoing a rehabilitation and reintegration programme that was beginning to bear fruit: children were being reunited with their relatives and attending public schools; some female returnees had found jobs and were assisting with awareness-raising efforts. Kazakhstan stood ready to share its experience in that regard with other countries.

36. **Ms. Tesfamariam** (Eritrea) said that, given the proliferation and global scope of terrorism, there was an urgent need for robust and flexible regional and international cooperation mechanisms that could be mobilized to combat specific threats. In more general terms, the continuous exchange of information among stakeholders should be broadened and intensified. With that end in mind, her Government had attended a number of bilateral and trilateral summits with neighbouring States over the past year. Its domestic approach to counter-terrorism combined a policy of inclusiveness and social justice with awareness-raising programmes targeting potentially susceptible age groups and segments of society. The measures adopted included the secularization of education, the promotion of tolerance among people of different faiths and the countering of religious radicalization among young people, within the context of a fully secular State. Her Government had issued a proclamation on anti-money-laundering and combating the financing of terrorism, established a financial intelligence unit and become an observer member of the Eastern and Southern Africa Anti-Money-Laundering Group. Regular awareness-raising programmes were being organized, including in schools, and a partnership framework had been

concluded with the United Nations Office on Drugs and Crime in order to strengthen the human, infrastructural, technical and technological capacities of Eritrean law enforcement agencies to combat transnational organized crime, including terrorism. In that connection, it was important for the United Nations to scale up its capacity-building activities and provide States with operational and technical support to fulfil their counter-terrorism obligations. Lastly, the root causes of terrorism and radicalization, such as poverty, social marginalization, lack of access to resources and perceived injustice, should be tackled through sustainable and inclusive development.

37. **Ms. de Souza Schmitz** (Brazil) said that her country condemned terrorism in all its forms and manifestations. The repudiation of terrorism was enshrined in the Brazilian Constitution as a guiding principle of the country's foreign policy. Following the passage of a bill in 2019 to expedite the implementation of Security Council resolutions related to sanctions against individuals and entities affiliated with terrorist organizations, the Brazilian regulatory framework was completely aligned with the standards of the Financial Action Task Force. Given that Member States bore the primary responsibility for combating terrorism, her delegation had engaged in all debates on the matter at the United Nations. The Committee's work should complement rather than duplicate that of the General Assembly plenary on the biennial review of the United Nations Global Counter-Terrorism Strategy; delegations should therefore focus, in the Committee's deliberations, on outstanding legal questions relating to counter-terrorism.

38. The current patchwork of sectoral conventions for the prohibition of specific terrorism-related acts lacked the cohesiveness that a comprehensive convention on international terrorism would provide. In accordance with the 2005 World Summit Outcome (General Assembly resolution 60/1), a high-level conference should be convened under the auspices of the United Nations to adopt such a convention. The second High-level Conference of Heads of Counter-Terrorism Agencies of Member States could provide a suitable opportunity and attract the political attention needed. The Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 could be reconvened to conduct the preparatory process for such a conference. The absence of a universally accepted definition of terrorism was intrinsically linked to the stalemate in the negotiations on the draft comprehensive convention and was obstructing progress towards the shared goal of eliminating international terrorism. The emergence of such terms as

radicalism and violent extremism could further hinder understanding of the causes of such phenomena and the best ways to prevent and counter them.

39. The current collective security system should not be abandoned on the basis of understandings concerning the use of force that had been superseded by the Charter of the United Nations. The norms of self-defence, which, as the International Court of Justice had stated on various occasions, was a response to an armed attack undertaken by or attributable to a State, must be upheld. Counter-terrorism efforts must comply with the Charter and international law, including human rights law, humanitarian law and refugee law; otherwise, they would result in more extremism conducive to terrorism.

40. **Mr. Ba Abbad** (Yemen) said that terrorism could not be associated with any religion, nationality, culture or ethnic group, and must be distinguished from legitimate struggles against occupation. Yemen condemned all acts of terrorism targeting individuals, including members of religious minorities, on the basis of religion or conviction, and those that undermined international peace and security and global economic stability, such as the cowardly attacks on the Saudi Aramco oil facilities in Saudi Arabia and on maritime navigation lines. With support from its allies and international partners, his Government had worked to cut off the sources of funding of terrorist groups, including Al-Qaida in the Arabian Peninsula, through direct confrontation, intelligence gathering and sociocultural measures. It had adopted a comprehensive counter-terrorism strategy, which had been formulated by a high-level committee with input from all ministries. The Yemeni armed forces had carried out decisive military operations against terrorist groups, liberating Abyan Governorate from such groups in 2012 and the city of Mukalla in 2015. They were now advancing on remaining pockets of terrorist groups in an endeavour to eradicate them from Yemen.

41. His Government had contributed to the international counter-ISIL coalition in several ways. It had reactivated its centres for combating online radicalization, which had first been established in 2010 and promoted peaceful teachings to counter the violent sectarian tendencies of the Houthis, Al-Qaida in the Arabian Peninsula and the Yemeni branch of ISIL. With assistance from the United States, it had revitalized such joint security programmes as the Personal Identification Secure Comparison and Evaluation System (PISCES) to secure air, land and sea borders and prevent the flow of foreign terrorist fighters. The Yemeni authorities were also strengthening oversight of the financial sector, with a particular focus on the transfer services used by Yemeni migrant workers abroad. The Central Bank of

Yemen and regional authorities were monitoring transactions, placing financiers of terrorism on blacklists, prosecuting perpetrators of financial crime, compiling a list of prominent terrorist operatives, and transmitting relevant lists to exchange bureaux for action. A financial intelligence unit had been established.

42. Yemen condemned terrorism in all its forms and manifestations, wherever, by whomsoever and for whatever purpose it was committed, and urged the international community to assume its responsibilities by holding accountable both terrorist groups and State sponsors of terrorism.

43. **Monsignor Charters** (Observer for the Holy See) said that terrorism was utterly unjustifiable on any grounds, whether ideological, political, philosophical, racial, ethnic or religious. Terrorists' brutality and disdain for human life could leave no one indifferent. The suffering of victims brought renewed urgency to national and international efforts to eradicate the phenomenon, which threatened peace and security, human rights, the rule of law, and human development. The international community must deny terrorists financial support and access to weapons, and prevent the radicalization of young people through the media and cybertechnologies. Terrorism must be fought through criminal law mechanisms and international mutual assistance among police and judicial authorities. Those who abetted violent extremism or sheltered terrorists must be held accountable, and vigorous action must be taken in response to violations of international humanitarian law and crimes against humanity. Counter-terrorism measures, policies and practices must be implemented with respect for due process, human rights and the dignity of all involved, and must involve local populations and governments, grassroots organizations, including faith-based organizations, and religious leaders. States should work with local authorities, civil society and faith communities to promote development, foster education, protect human rights and prevent the spread of terrorist propaganda.

44. In counter-terrorism efforts, freedom of conscience, religion and belief must be respected, and all citizens must be equal before the law. A respectful distinction between the political and religious spheres must be maintained to preserve religious freedom and the irreplaceable role of religion in the formation of conscience and of a basic ethical consensus in society. The abuse and manipulation of religion and religious belief to incite hatred and violence must be categorically condemned. Commitment to intercultural and interreligious dialogue was essential, as was the

formation of responsible, peace-loving citizens through education.

45. **Mr. Bamyá** (Observer for the State of Palestine) said that terrorism and other challenges faced by the international community must be addressed by strengthening rather than undermining the rule of law. Only international cooperation would protect people and societies from the evolving terrorist threat, which must be addressed holistically at the international, regional and national levels by tackling its root causes. Terrorism must not be associated with any nationality, civilization or ethnic group or with any religion, especially when terrorists distorted a religion to advance their hatred and their nihilist ideas. Terrorism was a threat to all humanity; humanity should therefore be united in the fight against it. Those who associated terrorism with one particular religion must understand that many members of that religion were themselves victims of terrorism and also fought terrorism, sometimes at the cost of their own lives. They must also understand that, though terrorism had taken many lives in their countries, it had taken many more lives in the countries that they were discriminating against. They had also fragmented rather than enhanced the alliance against terrorism and had fuelled hatred and strengthened the terrorists' narrative.

46. The State of Palestine condemned terrorism and terrorist acts, including those in which States were directly or indirectly involved. It was committed to countering terrorism through regional and international cooperation, particularly in the form of law enforcement measures, and had developed such instruments as a decree-law to combat money-laundering and the financing of terrorism. It had established a national committee to advance the implementation of Security Council resolutions related to counter-terrorism and cooperate with the Security Council sanctions committees. The State of Palestine had also signed 83 counter-terrorism cooperation agreements with States and specialized security agencies, and, in 2018, had signed the Code of Conduct towards Achieving a World Free of Terrorism. A comprehensive convention on international terrorism, containing a clear definition of all aspects of the crime of terrorism, including State terrorism, must be concluded to help implement the United Nations Global Counter-Terrorism Strategy. International cooperation was essential to the balanced, comprehensive implementation of the Strategy; in that regard, developing countries' counter-terrorism capacities must be strengthened, where requested by those countries and on the basis of their national strategies.

47. The international consensus on the need to combat terrorism should not be undermined by attempts to exploit that legitimate fight for the purpose of suppressing the right to self-determination of peoples, especially those under colonial or alien domination and foreign occupation. While action to prevent and combat terrorism was necessary, such action must be in full compliance with international law, including the Charter of the United Nations, international human rights law, refugee law and international humanitarian law. Vanquishing terrorism meant rejecting all attempts to misuse the fight against it to advance illegitimate goals and justify injustice, including acts of aggression, extrajudicial killings, torture or the denial of collective and individual rights. Such actions, purportedly taken to fight terrorism, would only undermine counter-terrorism efforts.

48. His delegation expressed its solidarity with all victims of terrorism, wherever they were. The State of Palestine had endured more than its share of suffering and injustice, and countless Palestinians had fallen victim to terrorism. The State of Palestine had joined the Group of Friends of Victims of Terrorism and commended Afghanistan and Spain, which had also suffered the ills of terrorism at first hand, for their leadership in that area. Double standards must not be applied in relation to solidarity with the victims of terrorism. It was regrettable that the countries and peoples that suffered most from terrorism sometimes received the least attention, either because they were invisible in the international media, or because some people had become numb to the news of repeated, deadly attacks in those countries, or because the perpetrators' identity did not fit a politically motivated stereotype. The international community had a duty to promote peace, tolerance and intercultural and interreligious dialogue. Respect for human dignity, pluralism and diversity would help shield communities from terrorism; discrimination, alienation, segregation and xenophobia would only increase the threat.

49. **Mr. Harland** (Observer for the International Committee of the Red Cross (ICRC)) said that ICRC was deeply distressed by the devastating impact of acts of terrorism on communities and individuals. ICRC did not challenge the legitimacy of States taking the measures necessary to ensure their security and eliminate terrorism, but international law, and in particular international humanitarian law and human rights law, must be respected when individuals were arrested and detained in connection with terrorism. The designation of such individuals as "foreign terrorist fighters" or the nature of the acts they might have committed must in no way be invoked as a justification

for the non-observance of the legal protections to which they were entitled. Independent and neutral monitoring mechanisms, such as ICRC, should be granted access to such persons so that they could assist detaining authorities in ensuring that detainees were treated humanely and in conformity with applicable international law and standards.

50. In relation to the counter-terrorism measures taken against foreign fighters and their families, ICRC was particularly concerned about the situation of children affected by such measures who, even when accused of crimes, were first and foremost victims. The General Assembly, in its resolution [73/155](#) on the rights of the child, had called upon all Member States to ensure that children associated or allegedly associated with armed groups were treated primarily as victims. Children must be detained only as a last resort, and they must be treated with due consideration for their age and individual vulnerabilities. ICRC encouraged States to find solutions that were in the best interests of such children, notably by ensuring that they were not separated from their parents and siblings and giving due consideration to their repatriation.

51. ICRC had repeatedly underscored the potential adverse effects on humanitarian action of certain counter-terrorism measures taken by States, both internationally and domestically. The activities of impartial humanitarian organizations, including those undertaken on behalf of wounded and sick fighters, must never be considered as a form of unlawful support of non-State actors or persons designated as terrorists or criminalized under international, regional or domestic laws. Such activities were an integral part of the mandate assigned to impartial humanitarian organizations by the States parties to the Geneva Conventions of 1949 and the 1977 Additional Protocols thereto.

52. Sanctions regimes and criminal laws dealing with terrorism should exclude from their scope of application activities that were exclusively humanitarian and impartial. Such exclusions would be in line with the letter and spirit of international humanitarian law and would be compatible with States' obligations in that regard. Failure to exclude those activities from criminal laws dealing with terrorism would lead to the negation of the notion of neutral, independent and impartial humanitarian action and jeopardize the mission of impartial humanitarian organizations to protect and assist persons affected by armed conflict, particularly in areas where non-State armed groups designated as terrorist groups were active. In that connection, ICRC welcomed the adoption of Security Council resolutions [2462 \(2019\)](#) and [2482 \(2019\)](#), in which States were

urged to take into account the potential effect of counter-terrorism measures on exclusively humanitarian activities carried out by impartial humanitarian actors in a manner consistent with international humanitarian law. It also welcomed the readiness of CTED and others to report on the matter in 2020.

Agenda item 76: Criminal accountability of United Nations officials and experts on mission
(A/74/142 and A/74/145)

53. **Mr. Nasimfar** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement attached great importance to the issue of criminal accountability of United Nations officials and experts on mission and requested the Secretary-General to continue to improve reporting methods with regard to allegations of crimes committed by such officials and experts, providing a full picture of obstacles both in domestic legal systems and in the United Nations, with the aim of developing appropriate policy and legal solutions. The countries of the Non-Aligned Movement contributed more than 80 per cent of the peacekeeping personnel in the field and were also the major beneficiaries of peacekeeping missions. Peacekeeping personnel must continue to perform their duties in a manner that preserved the image, credibility, impartiality and integrity of the Organization. The Movement emphasized the importance of maintaining a policy of zero tolerance in addressing all cases of sexual exploitation and abuse committed by peacekeeping personnel.

54. The United Nations must continue to cooperate with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing United Nations activities, with information and material for criminal proceedings initiated by States. The United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, which had been adopted by virtue of General Assembly resolution 62/214, would help to mitigate the suffering of victims and provide them with social support, legal services and medical attention.

55. Full implementation by all Member States of General Assembly resolution 73/196 and previous General Assembly resolutions could help close jurisdictional gaps, strengthen accountability mechanisms and contribute to guaranteeing due process with respect to investigations of sexual exploitation and abuse. Member States should exercise their jurisdiction in applicable cases to ensure that criminal acts did not go unpunished. It was crucial that the State of

nationality acted in a timely manner to investigate and prosecute alleged crimes. All States must provide information to the United Nations regarding any referrals to them of allegations of sexual exploitation or abuse. An assessment of the need for any further measures by the General Assembly could subsequently be undertaken.

56. The Non-Aligned Movement reiterated its concern about alleged crimes on the part of United Nations officials and experts on mission, including allegations of fraud, corruption and other financial crimes. The Secretary-General should continue to ensure that his zero-tolerance policy for criminal activities, including sexual exploitation and abuse and corruption, was made known to all United Nations officials and experts on mission, especially those in managerial positions. States must take all appropriate measures to ensure that such crimes did not go unpunished and that the perpetrators were brought to justice.

57. 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.

58. **Ms. Gauci** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, Liechtenstein, the Republic of Moldova and Ukraine, said that, despite the Organization's policy of zero tolerance for sexual exploitation and abuse, allegations of those and other crimes continued to emerge. If the United Nations was to be a credible and effective partner for victims and host States, the perpetrators of such crimes must be brought to justice. The primary responsibility for doing so rested with Member States. The State of nationality of an alleged offender must be promptly informed and consulted by the United Nations and must exercise jurisdiction; the crimes must be investigated and, where appropriate, prosecuted. The European Union commended the efforts of the United Nations to gather relevant information and encouraged all States to respond to the Organization's requests for information on investigations and prosecutions undertaken by the competent national authorities, including, where appropriate, the reasons why investigations or prosecutions had not been pursued. The European Union commended the Secretariat's efforts to establish a list of points of contact for efficient communication and cooperation between the United Nations and Member States pursuant to General Assembly resolution 73/196; it was encouraging that some States had submitted

information in that regard. The European Union also commended the Secretary-General's continued efforts to strengthen coordination and coherence within the United Nations system; as recommended in his report (A/74/142), all specialized agencies and related organizations should help ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations that crimes might have been committed by their personnel.

59. The European Union, for its part, required that all civilian and military personnel serving in common security and defence policy missions maintained the highest standards of conduct. For that purpose, the European Union had developed upgraded generic standards of behaviour for common security and defence policy missions and operations, in addition to a code of conduct and discipline for civilian missions. Those instruments provided a unified set of rules guaranteeing that procedures would be conducted objectively, independently and impartially while maintaining the highest standards of integrity, confidentiality, where required, transparency and due process. Training and awareness-raising on United Nations standards of conduct was an indispensable preventive measure in field missions and at United Nations Headquarters. In that regard, the European Union was committed to continuing to exchange best practices with the United Nations. In the European Union, all training reflected the principles of human rights, international humanitarian law, the rule of law, democracy, and United Nations resolutions on gender issues and combating sexual violence in conflict.

60. The European Union and its member States supported an effective combination of short-term measures and long-term processes to address jurisdictional gaps and obstacles to accountability. They welcomed efforts to provide requesting States with technical and other appropriate assistance in developing relevant national legal measures. They 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 such jurisdiction.

61. **Mr. Kvalheim** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the topic of criminal accountability of United Nations officials and experts on mission remained critically important; hence both the United Nations and its Member States must enforce a policy of zero tolerance for such crimes. The report of the Secretary-General providing information on

Member States' reporting on, and follow-up of, cases of alleged criminal conduct by United Nations officials and experts on mission (A/74/145) painted a worrying picture: since 2007, 190 serious criminal offences were alleged to have been committed, yet in very few cases had the sending State informed the United Nations of investigations or prosecutions undertaken. Such an insufficient response was unacceptable. As the list of referred cases lengthened and States failed to provide the necessary information on follow-up, the pressure on the United Nations and its Member States to address the problem increased. The credibility and integrity of the Organization were at stake. The Nordic countries therefore strongly encouraged States that had not provided the required information regarding those cases to do so.

62. The Nordic countries had previously suggested that the Secretary-General's report include information on which Member States had and had not provided feedback on their follow-up of reported cases. They now wished to propose, instead, that a list should be compiled of Member States that had followed up cases at the national level. That approach could encourage States to inform the Secretary-General of their responses and could serve to promote the sharing of information and experiences.

63. Member States had primary responsibility for establishing jurisdiction for crimes committed by their nationals while serving on United Nations missions. The Nordic countries therefore welcomed the fact that the Secretary-General's report included an overview of Member States' national legal frameworks pertaining to the investigation and possible prosecution of such cases. They encouraged all Member States that had not yet done so to submit information to the Secretariat on the status of their domestic laws in that regard, in accordance with General Assembly resolution 72/112. In addition to such reporting, further measures must be considered in order to ensure transparency and provide incentives for Member States to undertake the necessary legislative amendments. The Nordic countries had therefore proposed the elaboration of a general policy on minimum requirements for States that contributed officials and experts to United Nations missions. Such a policy could draw on the voluntary compact on preventing and addressing sexual exploitation and abuse. An essential requirement should be that all contributing countries had the jurisdiction in place to be able to investigate and prosecute crimes committed by their nationals while serving as United Nations officials or experts abroad. The Nordic countries looked forward to a constructive debate on a comprehensive

international legal framework to ensure that such criminal conduct was addressed.

64. The Nordic countries supported the work of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and the Secretary-General's strategy to improve the system-wide approach to preventing and responding to such exploitation and abuse. The fact that, as of 18 September 2019, 102 Member States had signed the voluntary compact on preventing and addressing sexual exploitation and abuse was a welcome development. However, the Secretary-General's zero-tolerance policy was still far from being fully implemented. It was crucial to ensure accountability for persons who committed crimes while in the service of the United Nations. Anything less than full transparency regarding Member States' willingness and ability to hold their own nationals accountable for such crimes was unacceptable.

65. **Mr. Kapambwe** (Zambia), speaking on behalf of the Group of African States, said that the Group fully supported the zero-tolerance policy of the United Nations concerning criminal conduct, especially sexual exploitation and abuse, committed by United Nations officials and experts while on mission. It supported a system-wide approach to combating sexual exploitation and abuse within the United Nations, including but not limited to peacekeeping forces. In order to maintain the momentum in that regard, the issue of sexual exploitation and abuse should be included in the General Assembly's agenda every year. The Group had adopted a no-compromise approach to criminal accountability, which was a fundamental pillar of the rule of law and was crucial for safeguarding the integrity of and trust in the United Nations. Member States should exercise jurisdiction in applicable cases in order to amplify the call for zero tolerance for impunity.

66. Jurisdictional gaps in ensuring accountability led to the repeated commission of crimes. Such gaps could be remedied by the measures set out in several General Assembly resolutions, if properly implemented. While some Member States expressed a preference for a predominant role to be played by the host State, the African Group and other States believed that responsibility for ensuring criminal accountability of United Nations officials and experts on mission lay with the State of nationality. The United Nations was to be commended for its efforts to refer cases of possible crimes of a serious nature to the State of nationality.

67. The Group welcomed the steps taken by the United Nations to provide training on standards of conduct, including through predeployment and in-mission induction training and awareness-raising programmes,

as well as the technical assistance offered by the United Nations to States requesting support in developing their domestic criminal law. United Nations expertise went a long way towards developing and strengthening national capacities to investigate and prosecute serious crimes, especially in the context of mutual legal assistance and extradition. The Group encouraged States to cooperate with each other in criminal investigations and extradition proceedings involving serious crimes committed by United Nations officials and experts on mission.

68. **Ms. Boucher** (Canada), speaking also on behalf of Australia and New Zealand, said that United Nations officials and experts on mission played an important role in maintaining peace and security, delivering humanitarian assistance, rebuilding societies and supporting development. They were trusted to use their positions of relative influence and power to advance the purposes and principles of the United Nations and, often, to assist thousands of the most vulnerable people in the world. However, the deplorable acts of a few United Nations officials and experts, and the failure to hold them accountable, intensified the suffering of the people they were mandated to help and protect, and undermined the Organization's reputation, credibility and integrity. It was therefore important to develop a culture in which individuals were encouraged to report misconduct and alleged crimes, and to establish appropriate safeguards against retaliation.

69. The three countries recognized the leadership shown by the Secretary-General, particularly through the adoption of the zero-tolerance policy, and commended the United Nations for its increased commitment to transparency. They were concerned, however, that United Nations officials and experts all too often committed sexual exploitation and abuse, corruption, and fraud and other financial crimes. The United Nations should ensure that all allegations of sexual exploitation or abuse were investigated in an impartial, thorough and timely manner, and that substantiated cases were handled appropriately, whether through disciplinary measures or referral to home States. It should also undertake analysis of the cases to better understand the dynamics giving rise to those crimes. The updated table of national provisions regarding Member States' establishment of jurisdiction over their nationals whenever they served as United Nations officials or experts on mission, available on the Committee's website, was useful; all Member States should contribute to it.

70. Member States had the primary responsibility to prevent sexual exploitation and abuse, corruption, and fraud and other financial crimes, by instilling a culture

of zero tolerance. They also had a responsibility to implement measures such as predeployment training and screening. Member States that had not yet done so should consider establishing jurisdiction over serious crimes committed by their nationals while serving as United Nations officials or experts on mission. All Member States should investigate allegations of criminal conduct by their nationals, cooperate with other Member States on such matters and hold perpetrators to account under domestic law. They should also share information on any obstacles to effective prosecution, whether jurisdictional, evidentiary or otherwise. The international community must hold to account those individuals who committed crimes while on mission. Such deplorable conduct undermined the work of the United Nations. The three countries therefore supported, in principle, the proposal for a convention that would require Member States to exercise criminal jurisdiction over their nationals serving in United Nations operations abroad.

71. **Mr. Košuth** (Slovakia) said that his delegation endorsed the recommendation contained in paragraph 28 of the Secretary-General's report (A/74/142), which was intended to ensure the coherence and coordination of policies and procedures in a broad range of organizations and entities. It noted with appreciation that the ClearCheck database, which had been launched in 2018, was now in use.

72. Even a single crime committed by a United Nations official or expert on mission was one too many; such crimes undermined the attainment of the Organization's goals and diminished the trust of those communities that were in greatest need of assistance. His delegation therefore supported the Secretary-General's policy of zero tolerance for criminal activities and his efforts to combat impunity for crimes committed by United Nations officials and experts on mission. In order to be successful, those efforts would need genuine cooperation from Member States, especially the State of nationality of the alleged perpetrator. It was therefore crucial for Member States to cooperate by duly investigating allegations and prosecuting the alleged offenders, including by exercising their jurisdiction.

73. His delegation commended the Office of Legal Affairs for responding in a timely and comprehensive manner to a request for information made by the Slovak authorities in 2018 as part of a criminal investigation allegedly involving a United Nations staff member. Although it had subsequently been confirmed that the individual concerned was not a United Nations official or expert on mission, his delegation encouraged the Organization to continue to cooperate in such investigations.

74. **Ms. Weiss Ma'udi** (Israel) said that, while the current agenda item had originated as a response to serious allegations of sexual exploitation and abuse by United Nations peacekeepers, it had now taken on a far broader scope and included criminal actions ranging from involvement in terrorist activity to acts resulting in the loss of life. Any such actions committed by United Nations officials and experts on mission must be properly investigated and prosecuted. Action should be taken to ensure that the zero-tolerance policy for all criminal activities was applied to such officials and experts at all levels. In order to ensure transparency, the results of internal investigations concerning United Nations personnel should be made public. That was particularly important for the State in whose territory the crimes had been committed.

75. Israel welcomed the ongoing investigation conducted by the Office of Internal Oversight Services regarding recent allegations of various acts of misconduct by senior officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Such behaviour, if substantiated, could sully the reputation of the United Nations as a whole and undermine its ability to carry out its work. The Organization should therefore ensure that, if proven guilty, officials were held accountable for their misconduct. The privileges and immunities of United Nations staff members were granted in the interests of the United Nations, not for the personal benefit of the individuals themselves. Moreover, the Secretary-General had the right and the duty to waive immunity in any case where he could do so without prejudice to the interests of the United Nations and where immunity would impede the course of justice. In cases where personnel were entitled to immunity from jurisdiction, United Nations authorities must work to find solutions outside of courts and tribunals, such as compensation for victims, especially in cases involving loss of life or serious injury. Efforts should also be made to increase oversight and develop internal United Nations mechanisms for implementing disciplinary and punitive measures. States should take all necessary measures to strengthen the capacities of their national authorities to investigate and prosecute the crimes in question in accordance with their international legal obligations.

76. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that his delegation remained deeply concerned about the continuing allegations of sexual exploitation and abuse, physical assault and killings by members of peacekeeping missions. In the table containing additional information on the nature of the allegations and information received from States on all referrals since 1 July 2007, contained in annex I to the report of

the Secretary-General (A/74/145), the recurring phrase “no information received from Member State” reflected alarming gaps in the reporting, submissions, responses and feedback between the host State, contributing countries and the United Nations, which could lead to impunity.

77. Criminal accountability of United Nations officials and experts on mission, including those working in peacekeeping operations, was of great importance. A zero-tolerance policy must be applied, and any crimes committed by them, including sexual exploitation or abuse or fraud, must be punished in accordance with the principles of justice and international law. Member States must not allow the special status enjoyed by United Nations officials and experts on mission to shield them from criminal accountability and punishment for their conduct, in particular when the host State was unable to prosecute them. His delegation welcomed the introduction of procedures to train staff in the United Nations standards of conduct before their deployment on mission. It also welcomed the provision through the United Nations of technical assistance for Member States with a view to developing law enforcement institutions and domestic criminal law.

78. His Government had introduced a number of laws at the domestic level to ensure the necessary security and judicial investigations and to prosecute persons accused of such crimes. The Sudan had acceded to many international multilateral instruments and bilateral agreements on judicial assistance.

79. There was a need for concrete procedures to bring perpetrators to justice. Not only must justice be done, it must also be seen to be done. The immunities and privileges enjoyed by international personnel must not prevent host States with jurisdiction from bringing perpetrators to justice for crimes committed on their soil. It was imperative to introduce standard procedures for waiving the immunity of the perpetrators, especially when they had temporary contracts for particular programmes in the host State.

80. **Mr. Singto** (Thailand) said that his delegation commended United Nations peacekeepers for their efforts to maintain international peace and security, protect civilians and ensure that the principles and purposes of the Charter were upheld. Since 1946, over 27,000 personnel from Thailand, both men and women, had served in over 20 peacekeeping and related missions of the United Nations, most recently in the United Nations Mission in South Sudan. His Government had endorsed the Declaration of Shared Commitments on United Nations Peacekeeping Operations and the

Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, and had signed the voluntary compact on preventing and addressing sexual exploitation and abuse.

81. Criminal accountability of United Nations officials and experts on mission was fundamental in order to promote and sustain the rule of law both within and outside the Organization. Thailand accordingly supported the Secretary-General’s policy of zero tolerance for all forms of crime and misconduct, in particular sexual exploitation and abuse, committed by such officials and experts. When such a crime occurred, all effective measures must be taken to ensure that the perpetrators did not go unpunished and that the rights of victims were protected. It was essential that credible allegations were brought to the attention of the States concerned, and that information was exchanged with a view to facilitating investigations and prosecutions; however, many States faced challenges in that regard. Existing and potential jurisdictional gaps should be addressed, and action should be taken to promote the establishment by States of jurisdiction over serious crimes committed by their nationals while serving as United Nations officials and experts on mission.

82. The Thai Penal Code ensured criminal accountability of any Thai nationals serving as United Nations officials or experts on mission by establishing jurisdiction over serious criminal offences committed by Thai nationals outside the national territory. At the international level, Thailand had been strengthening its cooperation with many countries through mutual legal assistance and extradition with a view to facilitating the investigation of crimes, bringing perpetrators to justice and ending impunity.

83. Preventive measures were also crucial. Thailand attached great importance to predeployment and in-mission training programmes and vetting measures in order to ensure appropriate conduct and discipline of United Nations officials and experts on mission. Thailand stood ready to reinforce the integrity and credibility of United Nations peacekeeping operations and personnel. It also recognized the need to increase the participation of women in peacekeeping operations around the world. Lastly, immunity must not be used as a shield to allow wrongdoers to escape justice. Impunity must be ended.

84. **Ms. Fierro** (Mexico) said that the Secretary-General’s reports on the current item showed that there was a reluctance on the part of States to exercise jurisdiction over their nationals serving as United Nations officials or experts on mission, even though

their laws permitted it. That gap between prescriptive and enforcement jurisdiction was worrying because it meant that, in many cases, impunity prevailed. The efforts of United Nations entities to hold their officials accountable were to be commended but would be insufficient if States were not willing to exercise jurisdiction over their own nationals. United Nations officials and experts on mission stood accused of a wide range of offences, from corruption and fraud to sexual abuse. In view of the commitment of the international community to bring an end to such offences, and in order to preserve the credibility of the United Nations, continued efforts should be made to develop effective accountability mechanisms. It was also worrying that so few Member States had provided information on existing mechanisms to investigate and prosecute such offences at the national level. Moreover, some States had failed to provide the Organization with information regarding the status of investigations or prosecutions of their nationals, despite several requests to do so.

85. Mexico agreed with the Secretary-General that it was principally the State of nationality of a perpetrator that should exercise extraterritorial jurisdiction and prosecute those who committed offences while serving the United Nations on mission. In so doing, the State of nationality should act in accordance with its legal system, respect due process and the presumption of innocence, and ensure reparation for harm done.

86. **Ms. González López** (El Salvador) said that United Nations officials and experts made a significant contribution to the maintenance of international peace and security and to ensuring respect for human rights and fundamental freedoms. In order to preserve integrity in their conduct, her Government remained committed to ensuring that any crimes that they committed did not go unpunished and that the perpetrators were brought to justice, with full respect for their human rights and due process and without prejudice to their privileges and immunities. It therefore attached great importance to the information provided by States regarding national laws establishing their jurisdiction over offences, in particular serious offences, committed by their nationals while serving as United Nations officials or experts on mission. El Salvador had comprehensive criminal laws relating to both substance and procedure, in which the principles of active personality and universality were enshrined and which allowed the competent authorities to use the State's *jus puniendi* in accordance with the requirements of due process. The laws also provided that, if an offence took place wholly or partly outside the national territory or involved individuals connected with international organizations, prosecutors could form a joint investigation team with foreign or international

entities. The laws reduced the potential for impunity by enabling El Salvador to exercise jurisdiction over United Nations personnel who committed crimes while performing their duties.

87. As a troop- and police-contributing country, El Salvador was fully committed to the Organization's zero-tolerance policy on sexual exploitation and abuse. Before deployment, Salvadoran personnel were trained in human rights, international humanitarian law and United Nations codes of conduct. Her Government recognized the obligation to cooperate with the host State in the investigation of offences or to use legal and procedural mechanisms to ensure that the personnel involved were prosecuted and punished in accordance with the national laws of El Salvador. Her country was committed to the prompt investigation of all misconduct in compliance with the principle of due process and the relevant memorandums of understanding concluded with the United Nations.

88. As to the report of 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](#)), her delegation believed that the standardization of proceedings in criminal matters would be a complicated undertaking, particularly given that each State was entitled to exercise its own sovereignty. The draft convention proposed by the Group could provide a means to establish a standard for determining the jurisdiction of each and every State party. El Salvador recognized the importance of fulfilling the duty to prevent, investigate and exercise jurisdiction over crimes committed by officials and experts on mission in order to preserve the image, credibility, impartiality and integrity of the United Nations.

89. **Ms. Pierce** (United States of America) said that her delegation thanked the multitude of United Nations officials and experts on mission who performed their duties admirably, upholding the high standards of integrity expected of those working on behalf of the United Nations. However, incidents of criminal behaviour affected public confidence in the Organization. United Nations officials and experts on mission should be held accountable for the crimes they committed.

90. All stakeholders had a role in promoting accountability for alleged criminal activity. The United States therefore welcomed the Organization's cooperation with the United States authorities on various criminal investigations, including some that did not involve allegations against a United Nations official but regarding which the Organization might have

relevant information. The Office of Legal Affairs continued to carry out the request of the General Assembly for more follow-up with Member States that did not respond to referrals of criminal allegations. Her delegation appreciated the Office's readiness to assist, when requested, with all referrals.

91. It was the responsibility of Member States to take action on referrals; the information contained in the report of the Secretary-General (A/74/145) showed that some of them were not living up to that responsibility and must do better. Earlier in 2019, the United States Department of State had proposed legislation to Congress which, if enacted, would close jurisdictional gaps in domestic law so that the United States authorities could take appropriate steps to follow up on all referrals of criminal allegations involving United States citizens serving with the United Nations abroad. Her delegation urged other Member States to take similar steps.

92. Her delegation welcomed the progress made in training and vetting United Nations personnel, including the standardization of conduct and discipline induction training across the Secretariat. Appropriate and timely training was fundamental to instilling the expectation of high standards; such training should be standardized across United Nations funds and programmes as well. Her delegation also welcomed the implementation of enhanced vetting measures, particularly the expansion of the ClearCheck database, to screen for prior substantiated allegations of sexual exploitation, abuse and harassment, including in respect of personnel who had resigned from the Organization while allegations were pending.

93. The Secretary-General continued to demonstrate leadership in addressing sexual exploitation and abuse at the United Nations; the United States had been one of the leading proponents of reforms. Nonetheless, the information provided in the annexes to the report made it clear that the issue before the Committee went beyond sexual exploitation and abuse: allegations of corruption, fraud and theft accounted for a large portion of the referrals made by the United Nations to Member States. Rather than engaging in a parallel debate with the Fifth Committee on sexual exploitation and abuse in the context of peacekeeping, the Sixth Committee should focus more on issues involving civilian officials and experts on mission, and on the failure to hold them criminally accountable.

94. **Mr. Warraich** (Pakistan) said that, in the interests both of justice and of the integrity and credibility of the United Nations, the Organization's officials and experts on mission must be held criminally accountable. The

protectors of the vulnerable could in no circumstances be allowed to become their abusers. In endeavouring to uphold its values, the United Nations faced a number of constraints. Firstly, there was a lack of cohesion and consistency in policy and practice across the United Nations system. Secondly, the issue of criminal accountability was a cross-cutting and multifaceted one: although sexual exploitation and abuse was the most violent and heinous crime encountered, most of the cases at hand related to financial impropriety and fraud. A broader approach was therefore required. Thirdly, Member States all too seldom responded to requests for information from the Secretariat regarding allegations of misconduct; stronger referral and follow-up mechanisms should be developed. Fourthly, it was imperative to address jurisdictional gaps. In that regard, despite the existence of divergent viewpoints concerning the elaboration of a comprehensive international legal framework on criminal accountability, his delegation found it encouraging that the Committee's working group on criminal accountability of United Nations officials and experts on mission would henceforth be meeting more frequently. Likewise, since prosecution was critical for prevention, efforts should be made to strengthen the capacity of national institutions and criminal justice systems to hold the accused to account. Technical support from international organizations, including the United Nations, could contribute to that end. In addressing the problem, the United Nations should be mindful that the actions of a few should not be allowed to tarnish the record of the numerous officials and experts who served with selfless devotion and commitment.

The meeting rose at 1.05 p.m.