



INDIA
भारत

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STATEMENT

BY

THE INDIAN DELEGATION

ON

AGENDA ITEM 76

**“CRIMINAL ACCOUNTABILITY OF UNITED NATIONS
OFFICIALS AND EXPERTS ON MISSION”**

AT THE

**SIXTH COMMITTEE OF THE 67TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

NEW YORK

12 OCTOBER 2012

Mr. Chairman,

We thank the Secretary General for his Report A/67/213 entitled "Criminal accountability of United Nations officials and experts on mission, submitted pursuant to the General Assembly resolution 66/93.

The Report outlines the information received from member States regarding their national laws establishing jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission. It also provides information on cooperation among States and with the UN in the investigation and prosecution of crimes committed by such officials or experts.

Mr. Chairman,

We condemn the instances of crimes alleged to have been committed by United Nations officials and experts on mission as reported in paragraph 35 of the Secretary-General's report. It is imperative that all UN officials and experts on mission perform their duties in a manner consistent with the UN Charter that promotes the image, credibility and integrity of the Organization.

Mr. Chairman,

The General Assembly resolution 66/93 strongly urges all States to consider establishing jurisdiction over crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct of the person amounts to a crime both in the host country and the country of his nationality as well. Effective implementation of this element would help fill the jurisdictional gap in respect of member States that do not assert extra-territorial jurisdiction over crimes committed by their nationals abroad.

Mr. Chairman,

The provisions of the Indian Penal Code do extend to extra-territorial offences committed by Indian nationals. Accordingly, the offences committed by Indian officials or experts on mission while serving abroad are subject to the jurisdiction of Indian courts and are punishable under the Indian law. India is committed to punish those who may be found guilty of any misconduct.

The Indian law has provisions for assistance in criminal matters, which enables to seek from and extend to a foreign State assistance in criminal cases. These provisions are part of the Code of Criminal Procedure of India.

India has concluded bilateral treaties with about forty countries on mutual assistance in criminal matters, which are designed to provide and seek assistance in criminal matters that are necessary for the investigation and prosecution of offences.

Mr. Chairman,

Extradition of fugitive criminals and the related issues are dealt under the Indian Extradition Act, 1962. The Act allows for extradition in respect of extraditable offences in terms of an extradition treaty with another State. The Act also allows consideration of an international Convention as the legal basis for considering an extradition request in the absence of a bilateral extradition treaty.

Where there is no bilateral treaty on extradition or mutual assistance in criminal matters with a State, the Government of India can provide assistance on a reciprocal and case by case basis in accordance with the provisions of applicable national laws.

Mr. Chairman,

We are supportive of the strengthening of training materials and awareness-raising messages in order to ensure that the standards and values to be observed by the UN official and experts on mission are clearly communicated and understood.

In this regard, we note with appreciation the information in paragraph 44 of the Secretary General's report that the training and awareness-raising on United Nations standards of conduct remained central.

Mr. Chairman,

India considers it extremely important that any kind of violation of any national or international law by the UN officials and experts on mission are fully stopped.

We reiterate our view that dealing with the wrongdoings of UN officials or experts on mission, does not require the development of an international convention.

The member States need to ensure that their laws provide jurisdiction and have adequate provisions for prosecuting any such conduct of their nationals serving as the UN officials or experts abroad, and that their laws also have provisions for international assistance for the investigation and prosecution of the crimes committed.

Thank you, Mr. Chairman.