



Statement on behalf of the European Union and its Member States

By

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at the Sixth Committee

on

**Agenda item 75
"Criminal Accountability of United Nations Officials and experts on Mission"**

United Nations

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- CHECK AGAINST DELIVERY -

Mr. Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro* and Serbia*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, and Georgia, align themselves with this statement.

The European Union and its Member States welcome the Secretary General's report in document A/69/210 on the implementation of resolution 68/105. We underline our continued support for a zero tolerance policy for crimes committed by United Nations officials and experts on mission and more generally for a coherent approach within the Organization to establish the "age of accountability"; in particular when serious crimes are committed.

While upholding the privileges and immunities of UN officials and experts on mission it is expected that international law and national legislation of the host State shall be respected by such personnel and no crime committed by them should go unpunished.

Impunity for crimes of a serious nature committed by UN officials and experts on mission would have long term detrimental effects on the credibility of the Organisation and its effectiveness. Therefore, impunity for such crimes should not be tolerated, for the victims and the host States, and for the reputation of the UN.

In this respect, the EU and its Member States welcome the Rights Upfront initiative; we also welcome special measures for protection from sexual exploitation and sexual abuse, and reiterate that proper investigation must take place into allegations of criminal conduct where reported against UN officials and experts on mission.

While the primary responsibility for bringing offenders to justice lies with States themselves in conformity with the principle of complementarity enshrined in the Rome Statute, the International Criminal Court should exercise its jurisdiction where the preconditions to the exercise of the Court's jurisdiction are fulfilled and national authorities are unable or unwilling to genuinely prosecute the most serious crimes.

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

We note that training and awareness-raising on UN standards of conduct should remain at the centre of the preventive measures adopted by field missions and welcome the implementation of such additional measures at UN Headquarters level by the Department of Peacekeeping Operations and the Department of Field Support.

The EU and its Member States acknowledge that cooperation between States and with the UN in investigating allegations of criminal conduct is essential. In this regard, the UN plays a major role in enhancing the cooperation among states.

It is also crucial, with regard to the commission of crimes of a serious nature by UN officials and experts on mission, that the State of nationality of the relevant person is promptly informed and consulted by the UN in order to be able to establish the necessary jurisdiction to investigate and prosecute such crimes when appropriate. We underline, in this regard, that States have to implement fully their obligations under international law, including applicable agreements.

We also note that a few States have responded to the request for information from the Secretary-General pursuant to resolution 68/105 and we commend them for that.

The EU and its Member States continue to support the dual track approach, combining short-term measures and long-term measures to deal with existing jurisdictional gaps. We welcome efforts to provide requesting States with technical and other appropriate assistance in developing relevant national legal measures. We also acknowledge the value of discussions regarding principles for an international legal instrument. In the long-term, the EU remains ready to consider a proposal for a comprehensive legal framework which would clarify the circumstances under which Member States can exercise jurisdiction, as well as the categories of individuals and crimes subject to that jurisdiction.

I thank you Mr. Chairman.