



# MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS



CANDIDATE  
to the  
UNITED NATIONS  
SECURITY COUNCIL  
for the term 2015-2016

*(Please check against delivery)*

**STATEMENT BY  
MS. WAN AIMA NADZIHAN WAN SULAIMAN, REPRESENTATIVE OF MALAYSIA**

**ON AGENDA ITEM 76 ENTITLED  
“CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS AND EXPERTS  
ON MISSION”**

**AT THE SIXTH COMMITTEE OF THE SIXTY-NINTH SESSION OF  
THE UNITED NATIONS GENERAL ASSEMBLY  
NEW YORK, 22 OCTOBER 2014**

Mr. Chairman,

At the outset, my delegation wishes to align itself with the statement made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement. Malaysia also wishes to express its appreciation and gratitude to the Secretariat for preparing the comprehensive Report of the Secretary-General on this topic A/69/210 which was prepared pursuant to resolution 68/105.

2. Malaysia puts a profound interest in studying this topic as Malaysia is against any kind of serious crimes including sexual exploitation and abuse committed by its officials and experts on mission and fully supports UN's zero-tolerance policy regarding the same. Malaysia feels contented that serious efforts are being undertaken in addressing this issue as Malaysia views with concern any act which tarnishes the noble efforts and sacrifices of UN personnel and experts on peacekeeping and other missions.

3. Malaysia notes from the Report of the Secretary-General that serious efforts are being undertaken in promoting awareness and pro-activeness among Member States with regard to this issue. However, such incidents have continued to occur and it is not easy to ensure criminal accountability without the cooperation of the sending States nonetheless. The work of the General Assembly and its Committees on this issue is therefore of great importance in ensuring that adequate preventive measures are put in place through pre-deployment training as well as the availability of criminal justice measures when such serious crimes occur.

4. Malaysia notes paragraph 16 of Resolution 68/105 of 18 December 2013 that requested for the Secretary General to report to the General Assembly at its 69<sup>th</sup> Session on the implementation on this resolution in particular with respect to paragraphs 3, 5, 8 and 9 of the resolution.

Mr. Chairman,

5. With reference to paragraph 3 of General Assembly resolution 68/105 which strongly urges States to consider establishing jurisdiction over crimes committed by their nationals while serving as UN officials or experts on mission, Malaysia is able to establish jurisdiction on offences where the domestic laws allow Malaysia to claim extra-territorial criminal jurisdiction such as for offences of terrorism, offences against the State, corruption, money laundering, drug trafficking and trafficking in persons.

6. Further, Malaysia supports the call in paragraph 5 of General Assembly resolution 68/105 for cooperation among States and the UN in the exchange of information and the facilitation of investigations and prosecutions to ensure there is no impunity for serious crimes committed by officials and experts on UN missions. Malaysia's Extradition Act 1992 and Mutual Assistance in Criminal Matters Act 2002 together with its network of extradition and mutual assistance in criminal matters treaties provide the legal basis for such international cooperation. In the spirit of providing cooperation, Malaysia looks forward to receive request in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on mission.

7. In addition, Malaysia notes that Paragraph 8 of Resolution 68/105 which highlights that the comment from Member States on 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 and the inputs by the Secretariat shall be continued during the seventieth session in 2015 in the framework of a group of the Sixth Committee.

Mr. Chairman,

8. Malaysia reiterates its commitment to work together with the other Member States on this issue and to explore appropriate mechanisms for dealing with the criminal accountability of UN officials and experts on mission. Many issues have previously been raised on the practical aspects of establishing extra-territorial criminal jurisdiction and obtaining evidence over such crimes when committed in receiving States. Concerns have also been raised on the information and evidence sharing mechanisms required if the investigations are conducted by the UN. Such practical and operational issues merit in-depth consideration.

9. Malaysia notes that the Group of Legal Experts had proposed the elaboration of a Convention on this issue and has prepared a draft Convention for consideration in its Report. In the event that it is considered timely and appropriate to pursue the draft Convention, Malaysia is of the view that among the issues that need to be further deliberated in detail include the definitions of the terms used throughout the draft Convention especially in relation to 'serious crimes', the scope of application, limitation to the types of offences and the principle of dual criminality. In relation to the principal of dual criminality, Malaysia notes that the draft Convention seeks to do away with the

principal despite dual criminality being one of the requirements to enable mutual assistance or extradition by many Member States.

10. In view of these outstanding issues, Malaysia is of the opinion that further in depth study needs to be done by Member States in order to determine the feasibility of this draft Convention. Nonetheless, Malaysia reiterates its view that the work of the Group of Legal Experts should not prevent the Sixth Committee's Working Group on Criminal Accountability of UN Officials and Experts on Mission from identifying substantive issues and exploring practicable solutions independent of the proposals in the draft text. This is especially in view that most of the target groups are already adequately regulated by domestic laws and the terms of UN Status of Forces arrangements as well as international humanitarian law.

Thank you, Mr. Chairman.