



## UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America**  
**Sixth Committee**  
**69<sup>th</sup> Session of the UN General Assembly**  
**Criminal Accountability of United Nations Officials and Experts on Mission**  
**Agenda Item 75**

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Mr. Chairman:

The United States believes it is important for the General Assembly to remain seized of this issue. Although we appreciate the progress made in this area, Member States and the United Nations must identify concrete steps to close gaps in national legislation or other measures that will eliminate impunity for such crimes. It is absolutely critical that UN officials and experts on mission be held accountable if they commit crimes.

In this regard, the United States has a broad array of statutes that can be used to prosecute its nationals who commit crimes while abroad, including on service with the United Nations. These include sexual abuse of children, human trafficking, bribery of foreign officials, and a number of other serious offenses under specific circumstances.

We welcome the Secretary-General's report on Criminal Accountability of United Nations officials and experts on mission of July 2014. We also welcome the additional information provided by certain governments on the extent to which they have domestic jurisdiction over crimes of a serious nature committed by their nationals while serving as UN officials or experts on mission, as well as their cooperation with the United Nations in exchanging information and facilitating investigations and prosecutions.

We commend the UN's efforts to refer credible allegations against UN officials to the State of the alleged offender's nationality during the July 1, 2013, to June 30, 2014, reporting period. The UN referred fifteen cases involving UN officials to the respective States of nationality for investigation and possible prosecution. This was an increase from last year, when there were nine referrals during a similar period. Given the relatively small number of referrals in recent years, it is difficult to draw any certain conclusions. We take note that the UN continues to take practical measures to strengthen existing training on United Nations standards of conduct, including pre-deployment and in-mission training. This may be having an effect in increasing the awareness of, and the need to report violations. In order to assess better any long-term trajectories here, we invite the United Nations to provide us with more comprehensive analysis next year on

the outcome of these referrals in the state of the official's nationality over the same period. We would also welcome aggregated information on the nature of the crimes, requests to waive immunity, and the standard for determining whether such referrals are made.

We urge Member States to take appropriate action with regard to abuses committed by their nationals serving with the UN in peacekeeping and other capacities, and to report to the United Nations on the disposition of the cases to support and inform analysis of the actual, rather than speculative, gaps in jurisdiction and legislation. In addition, we believe it may be useful for the UN to provide a more systematic way for States to report to them on the outcome of such referrals in the future.

We are satisfied that the Sixth Committee decided in 2012, in resolution 67/88, to defer for three years further consideration of the Group of Legal Experts' 2006 report, which recommended a multilateral convention as a way of addressing this issue and, in particular, potential jurisdictional gaps and ways to encourage international cooperation among States. We continue to believe that such a convention would not present the most efficient or effective means through which to ensure accountability, particularly when it is unclear whether lack of jurisdiction over crimes is the principal reason for any current difficulties that may exist in carrying out prosecutions. A convention that merely closes theoretical gaps in jurisdiction would not make a significant contribution to ensuring the prosecution of these crimes if impediments to accountability lie elsewhere. Examples of other potential impediments include lack of political will, resources, or expertise to prosecute cases effectively and local laws that do not address the age of consent adequately. We continue to believe that one possibility this Committee might consider is asking the Secretary-General to examine and report on what obstacles may have blocked effective prosecutions in the past and add the results to the long-term analysis that we believe is necessary to complete. Another possibility, based on such analysis, would be for a team of legal experts to draft model legislation that Member States could use as a starting point for national legislation – as a tool for drafting, not a prescriptive template.

Finally, we urge States to redouble their efforts to develop practical ways to address the need for accountability, in particular for those crimes against the most vulnerable, such as rape and crimes against children. Ultimately, the burden is on States to act, and this is a responsibility that States must take seriously. We would support efforts to provide Member States with assistance to close any gaps in their laws or legal systems relating to accountability.

Thank you, Mr. Chairman.