

**Statement on behalf of the African Group by Mr Thembile Joyini, Charge d’Affaires a.i., Permanent Mission of South Africa to the United Nations, in the Sixth Committee of the General Assembly under Agenda Item 81 ‘Criminal Accountability of the United Nations officials and experts on mission’**

**16 October 2015**

**Mr Chairman**

My delegation has the honour to deliver this statement on behalf of the African Group. The African Group associates itself with the Statement delivered by the distinguished representative of the Islamic Republic of Iran speaking on behalf of the Non-Aligned Movement. At the outset, the African Group would like to thank the Secretary-General for his report on this topic. As you may recall, in its resolution 69/114, the General Assembly requested the Secretary-General to report to it at its seventieth session on the implementation of the resolution, in particular with respect to paragraphs 3, 5, 8 and 9, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat. By a note verbale dated 21 January 2015, the Secretary-General drew the attention of all States to that resolution and requested them to submit relevant information. The report of the Secretary-General therefore provides information on efforts undertaken in that regard.

**Mr Chairman**

With the number of United Nations Officials and Experts on Mission steadily increasing, and especially considering the number of UN peacekeeping missions active in Africa, this topic is as relevant today as it was at its inception, if not even more important. As you may recall, at its sixty-first session, in 2006, the General Assembly decided that the agenda item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects”, which had been allocated to the Special Political and Decolonization Committee (Fourth Committee), should also be referred to the Sixth Committee for discussion of 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. It is with regret that there are no comments received from States with respect to paragraph 8 of resolution 69/114, by which Member States were invited to submit further comments on the report of the Group of Legal Experts (A/69/980), including on the question of future action.

**Mr Chairman**

The African Group supports the zero tolerance policy of the United Nations concerning criminal conduct, particularly that involving sexual abuse and

exploitation, committed by United Nations officials or experts on mission. The Group's view is that criminal accountability is a fundamental pillar of the rule of law, and that it is crucial for the Organization's integrity and effectiveness. The criminal conduct has a negative impact to the credibility of the Organisation. It is therefore important for the Organization to give a clear political signal that it does not tolerate criminal behaviour. It is apparent from the Secretary-General's reports that some Member States do have the legislation and capacity to exercise jurisdiction, while others have some provisions for at least a limited exercise of jurisdiction. The Group encourages Member States to exercise jurisdiction in applicable cases in order to ensure that criminal acts do not go unpunished. In the meetings and deliberations that have preceded the present one, several delegations have expressed the view, with which the African Group concurs, that the existence of jurisdictional gaps in ensuring accountability lead to criminality, especially in situations where the host State is unable to exercise its criminal jurisdiction with respect to an alleged offender, and where the State of nationality of the alleged offender is not in a position to assert its jurisdiction over crimes committed in the host State. We are of the view that the remedial measures adopted under several GA Resolutions on this matter, if properly implemented, could address the issue of jurisdictional gaps. While a preference is expressed by some Member States for a predominant role to be played by the host State, the African Group and other Member States prefer to emphasize the role of the State of nationality. We commend the Organization for its efforts to refer cases of possible crimes of a serious nature to the State of nationality.

### **Mr Chairman**

The African Group also welcomes the measures implemented by the United Nations regarding existing training on UN standards of conduct, including through pre-deployment and in-mission induction training and awareness raising programmes. We further welcome the technical assistance offered by the UN to Member States requesting support in developing their domestic criminal law relevant to crimes of a serious nature. The expertise that the UN offers goes a long way in developing and strengthening national capacities to investigate and prosecute serious crimes, especially in the context of mutual legal assistance and extradition. In the same vein, the Group continues to encourage States to cooperate with each other in criminal investigations and/or extradition proceedings in respect of crimes of a serious nature committed by UN officials and experts on mission. In conclusion, Mr Chairman, the African Group welcomes the opportunity to utilise the meetings of the Sixth Committee to exchange views with other regional groups and delegations on this important topic with a view to coming up with concrete measures.