



GEORGIA

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Statement by Ms. Inga Kanchaveli, Counsellor at the Permanent Mission of Georgia to the United Nations

Agenda item 75 "Criminal Accountability of United Nations and Experts on Mission"

New York, 7 October 2016

(Please check against delivery)

Mr. Chairman,

At the outset, let me thank the Secretary-General for his report on the criminal accountability of United Nations officials and experts on mission pursuant to resolution 70/114 and for his continued commitment to the fight against impunity in order to better fulfill the mandate of the United Nations, its credibility and effectiveness.

Georgia submitted information for the compilation report contained in document A/71/167 prepared by the Secretariat regarding the national provisions regarding the establishment of jurisdiction over crimes of a serious nature by the nationals of Member states. In this regard, I would like to point out that according to article 5 (1) of the Criminal Code of Georgia, citizens of Georgia and stateless persons residing in Georgia who have committed an act prohibited by the Code abroad were criminally liable under the Code if that act was also considered to be a crime under the legislation of the State where it was committed. Article 5 (2) of the Code further established criminal liability for acts committed by Georgian citizens and stateless persons residing in Georgia even if the act prohibited in Georgia were not criminalized by the law of a country where it was committed. The provision stipulates that in such cases a culprit may still be held accountable if the crime were of a serious or especially serious nature and directed against the interests of Georgia or if criminal liability for the crime were prescribed by the treaties to which Georgia was a party. Georgia is a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Geneva Conventions of 1949 and its Additional Protocol I; and the Statute of the International Criminal Court as amended by the Kampala Amendments.

Mr. Chairman,

Georgia has a significant experience as a contributor to international security and stability by providing military contingents as part of peace operations in different parts of the world. Despite the

fact that 20 percent of our territory remains under illegal foreign military occupation, we continue to be committed to international peace efforts across the globe.

We believe that peacekeeping is also about trust. Therefore, Georgia is fully committed to a zero tolerance policy against sexual exploitation and abuse in peacekeeping and to ensure full accountability of perpetrators. In this regard, the Georgian Government and the Georgian Armed Forces quickly reacted to the allegations voiced by the UN High Commissioner for Human Rights in January 2016, regarding the sexual abuse cases of minors by members of foreign military forces in the Central African Republic (CAR) to ensure exemplary response in terms of promptness and readiness to conduct investigation.

The Minister of Defense of Georgia responded to the Report by immediately issuing a statement condemning any violence against local civilian population and highlighted the importance of timely and proper investigation of the matter.

Minister of Defense of Georgia issued an order creating an Inter-Agency Investigation Team. At the same time Madam Minister communicated the willingness of the Government of Georgia to properly and adequately investigate the allegations by creating an Interagency Investigation Team and sending it to Bangui to the United Nations Secretary-General Special Representative on Sexual Violence in Conflict, the Military Committee of the European Union, the UNHCHR, the UN ASG for Legal Affairs, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), Executive Director of UNICEF, as well as the Legal Director of *Médecins Sans Frontières*.

To ensure a well-coordinated and successful SEA investigation process, the interagency team of eight experts including the prosecutor, investigator, psychologist, lawyer and interpreter. On June 4, the group travelled to the field to conduct the investigation. The members of the group carried out the inquiry, attended the process of interrogation of the alleged victims and identification of the perpetrators. During the visit in CAR the investigative group closely cooperated with the local and international organizations including EUMAM, MINUSCA and UNICEF. The UN agencies acknowledged the team as highly professional setting an example to the other countries.

The materials collected during the visit to the Central African Republic, including protocols, reports and other legal documents were brought to Georgia and are carefully studied. At this stage, according to preliminary data of investigation, no sign of Georgian soldiers' involvement in the crime is revealed. Would the results of investigation prove them innocent, Georgia would welcome public denunciation of the allegations as this is of great importance to the national honour, which has been earned by serving with the highest standards of ethical conduct and even at the cost of the precious lives of the members of Georgian personnel.

In conclusion, I would like to underline that we hope that the abovementioned approach and measures undertaken by the Government of Georgia would become a part of UN best practices to trigger systemic and sustained change at the UN to deal with the scourge of crimes allegedly committed by the UN officials and experts on Mission more seriously than we ever have in the past.