



INDIA
भारत

Please check against delivery

Statement by
Mr. M. Koteswara Rao
Counsellor & Legal Adviser

On
Agenda Item: 75
**“Criminal accountability of United Nations officials and
experts on mission”**

At the
Sixth Committee of the 71st Session of the
United Nations General Assembly

New York

October 7, 2016

Mr. Chairman,

We align ourselves with the statement made on behalf of the NAM. We make the following observations in our national capacity.

As set out in the Article 1 of the UN Charter, the central purpose of the United Nations is to maintain international peace and security in the world. If the UN officials and experts on mission commit crimes while working for the UN in fulfilment of this purpose, it seriously undermines the image, credibility and integrity of the UN Organization.

We welcome the Report of the Secretary-General A/71/167 dated 20th July 2016 on this agenda item, submitted pursuant to the General Assembly resolution 70/114 of 14th December 2015.

The Report outlines the information provided by over 20 Member States on their national laws establishing jurisdiction over crimes of serious nature committed by their nationals while serving as United Nations officials or experts on mission as well as the information on legal provisions enabling the States to cooperate among themselves and to cooperate with the United Nations in the investigation and prosecution of such crimes. Further, the Report informs on the activities of the UN Secretariat in reporting to and receiving information from the Members States in respect of those crimes as well as the practical measures taken by the UN to strengthen the existing training methods and standards of conduct, including through pre-deployment and in-mission induction training.

Mr. Chairman,

According to paragraph 52 of the Secretary-General's report, during the reporting period (July 2015 – June 2016), nineteen cases involving twenty UN officials or experts on mission were referred to the States of their nationalities for investigation and prosecution. Further, pursuant to para 25 of the GA Resolution 70/114, the Report in the Annex-II listed out as many as 89 cases that were referred to the States for investigation and prosecution during the period between 2007 and 2016. And in none of the cases, the States reported of any legal difficulties or obstacles to investigate or prosecute the alleged crimes referred to them and in 15 cases the States reported initiation of investigation or prosecution.

While we hope that the concerned States will conduct thorough investigation and prosecution and if found guilty, will punish the officials involved, it is worrying to see the increase in number of cases reported over the years and especially the cases of sexual exploitation and abuse.

We note with appreciation the information in paragraphs 61 and 62 of the Report about the programme of vetting of the personnel and the awareness-raising activities to emphasize the obligations of all United Nations personnel to observe the laws of the host country, and the

consequences of failing to do so. We also appreciate the Secretary-General efforts to launch a dedicated e-learning programme on sexual exploitation and abuse.

Mr. Chairman,

The operative para 7 of the General Assembly resolution 70/114 strongly urges all States to consider establishing jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct of the person amounts to a crime both in the host country and the country of his nationality. In our view the implementation of this element would help fill the jurisdictional gap in respect of member States, which do not assert extra-territorial jurisdiction over crimes committed abroad by their nationals.

Mr. Chairman,

We reiterate our view that dealing with the wrongdoings of UN officials or experts on mission, does not require the development of an international convention. What is necessary is to encourage and provide necessary assistance to the member States to update their laws to provide for jurisdiction and lay down laws and regulations for prosecuting any such conduct of their nationals serving as UN officials or experts on mission abroad, and the laws should have provisions for international assistance for the investigation and prosecution of the crimes committed.

Mr. Chairman,

The Indian Penal Code and the Code of Criminal Procedure of India have provisions to deal with extra-territorial offences committed by Indian nationals and for seeking and providing assistance in criminal matters. The Indian Extradition Act, 1962 deals with extradition of fugitive criminals and the related issues. The Act allows for extradition in respect of extraditable offences in terms of an extradition treaty with another State. In the absence of bilateral treaty, our Act also allows an international convention as the legal basis for considering an extradition request.

Thank you.
