



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017-3505

Statement of the United States of America
71st General Assembly Sixth Committee
Agenda Item 75

Criminal Accountability of UN Officials and Experts on Mission
Statement by Emily Pierce, Attorney Adviser
October 7, 2016

Thank you, Mr. Chair.

Today we are discussing the important issue of ensuring that UN officials and experts on mission, serving with the UN in both field missions around the world and in headquarters, are held accountable for any criminal acts they may commit. We should remember that this discussion arose more than a decade ago from the broad discussion of establishing and enforcing a policy of zero tolerance for sexual exploitation and abuse by UN personnel. Since then, and in the wake of shocking allegations of sexual exploitation and abuse by UN peacekeepers, the Secretary-General has demonstrated strong leadership in promoting transparency, accountability, prevention, and assistance to victims. The Secretary-General's reforms have prompted a cultural shift in the Organization, taking sexual exploitation and abuse out of the shadows and holding all UN personnel, particularly UN commanders and senior managers, accountable for how they address this issue. We expect that the next Secretary-General will approach the scourge of sexual exploitation and abuse with the same thorough and determined dedication.

However, sexual exploitation and abuse is not the only form of misconduct with which we should be concerned. Annex II to the Secretary-General's report includes information on numerous allegations of other crimes and other violations of the UN's code of conduct committed by UN officials and experts on mission, including: criminal corruption, fraud, physical assault, counterfeiting, firearms violations, diamond smuggling, and theft. Any criminal activity by UN personnel tarnishes the UN's reputation, can seriously impede the effective implementation of mission mandates, and can victimize the very people that UN personnel are mandated to assist or protect.

In this context of seeking accountability for criminal acts, we welcome the work done by the Department of Field Support and the Office of Legal Affairs to finalize guidance for the field on procedures for referring possible criminal misconduct to host countries, and would appreciate an update during this session on the status of that guidance.

We note, however, that of the 89 reports from 2007 to 2016 involving UN personnel listed in Annex II to the Secretary-General's report, in only one did the UN request a waiver of immunity and in only 16 was there any information on actions taken by Member States. And, of

those 16, the information was simply that investigations had been initiated, with no further information on the outcome of those investigations. This is not acceptable. We underscore the critical importance of greater clarity and further detailed information regarding such allegations in the future. The lack of reporting and follow-up gives the impression of impunity for alleged crimes.

In his latest report on special measures for SEA, the Secretary-General again encouraged Member States to discuss creation of an international convention to address any jurisdictional gaps that might prevent Member States from seeking criminal accountability for actions by their nationals while serving the UN. The United States remains committed to consideration by this Committee of whether a convention could play a useful role in closing legal gaps, particularly jurisdictional gaps that may prevent accountability for serious crimes committed by UN officials and experts on mission.

The United States appreciates the Secretary-General's report, and welcomes the summary of information submitted by Member States on domestic laws related to nationals serving as UN personnel. This information provides an important starting point in identifying potential jurisdictional gaps in Member States' domestic legal systems that serve as roadblocks to accountability. For this Committee to have a well-informed discussion, more information is still needed, in particular about the domestic laws of those Member States who have said they face legal challenges to holding their nationals to account for criminal acts committed while serving with the UN abroad. For our part, the United States intends soon to make a submission in response to the Secretary-General's request for information, and we encourage others, especially Member States that acknowledge such legal gaps, to do so as well.

It is important that this Committee have a full picture of obstacles in the domestic legal landscape so that we may more deeply consider the possible impact and form of a potentially legally-binding instrument. Having a better understanding of the scope and nature of the issue would also help the Committee to examine other approaches or solutions that may be more effective in addressing obstacles to accountability in UN missions.

The United States strongly supports bilateral and multilateral efforts to address challenges that countries may be facing in terms of limited expertise and capacity for investigation and prosecution. We are reviewing our own programs to see where and how we can be helpful.

We look forward to hearing the views of other delegations.

Thank you.