



**INDIA**  
**भारत**

**STATEMENT BY**

**MR. YEDLA UMASANKAR**  
**FIRST SECRETARY/LEGAL ADVISER**  
**PERMANENT MISSION OF INDIA TO THE UN**

**ON**

**AGENDA ITEM 78**

**“CRIMINAL ACCOUNTABILITY OF UN OFFICIALS  
AND EXPERTS ON MISSION”**

**AT THE**

**SIXTH COMMITTEE OF THE 72<sup>ND</sup> SESSION OF THE  
UNITED NATIONS GENERAL ASSEMBLY**

**NEW YORK**

**6 OCTOBER 2017**

**Thank you Mr. Chairman,**

We align ourselves with the statement delivered by Islamic Republic of Iran on behalf of the Non Aligned Movement. I would like to make the following remarks in our national capacity.

The issue of accountability of UN personnel for any crimes committed by them during their work for the UN is an important one. Even a few of such instances or allegations of crimes committed by UN personnel is highly damaging for the image and credibility of the United Nations system and its work around the world.

We, therefore, thank the UN Secretary General for the Reports A/72/121, 126, 134 and 205 on this issue submitted pursuant to the General Assembly resolution 71/134 of December 2016.

The listing of policies and procedures across the UN system in this context; and information received from member states regarding the establishment of jurisdiction over their nationals is a useful exercise. It is encouraging to note that we, collectively, are making some progress on dealing with this problem.

**Mr. Chairman,**

There has been considerable focus on addressing the concerns over incidents of Sexual Exploitation and Abuse reported committed by certain individuals involved with UN peacekeeping operations. We welcome the further initiatives that have been taken by the Secretary General in this regard.

India was the first country to have contributed to the Secretary General's Trust Fund set up last year to assist the victims of Sexual Exploitation and Abuse. India has made such contribution this year also.

**Mr. Chairman,**

At a broader level, the issue of accountability has remained elusive in some cases because of the complexities of legal aspects relating to sovereignty and jurisdiction of member states; the 'legal personality' of the United Nations that may bestow some immunity or privileges that may be necessary for UN operations in a country; and the functional capacity or the willingness of member states to investigate and prosecute the accused.

The UN itself can take some disciplinary measures only and does not exercise any criminal jurisdiction. It is unclear whether investigations conducted by the UN may be accepted as evidence in criminal law proceedings in the courts of a member state.

It appears that the UN system itself may be reluctant to waive immunity even for serious misconduct carried out by its personnel while serving on its missions, so that such cases can be prosecuted by the host governments. We would like to have following data from the Secretariat:

- i. Total number of registered cases of serious misconduct committed by UN personnel;
- ii. Total number of cases where the host government asked for waiver of immunity of UN personnel;
- iii. Total number of cases where the UN refused to waive the immunity of their personnel;
- iv. Total number of cases where UN asked the sending state/host state to prosecute its personnel;
- v. Total number of cases where UN consulted the sending state before waiver of the immunity of their personnel; and
- vi. How many of cases where sending state refused to accept the request of the UN for waiver of the immunity of their national.

**Mr. Chairman,**

In cases of member states that do not assert extra-territorial jurisdiction over crimes committed abroad by their national, it is necessary to encourage and provide appropriate assistance to those member states to update their national laws to provide for such jurisdiction and laws and regulations to prosecute any such misconduct of their nationals serving as UN officials on mission abroad. Such laws should also provide for international assistance for the investigation and prosecution of the crimes committed.

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 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, this Act also allows an international convention as the legal basis for considering an extradition request.

**Mr. Chairman,**

It is important to be able to implement a policy of zero tolerance against any criminal acts committed by UN personnel. We hope that the UN system and the member states will further strengthen provisions to enforce accountability so that no such crimes go unpunished and the image and the work of the United Nations is not tarnished.

**Thank you Mr. Chairman.**