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STATEMENT
ON BEHALF OF THE AFRICAN GROUP
BY
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PERMANENT MISSION OF THE GAMBIA
TO THE UNITED NATIONS

BEFORE THE SIXTH COMMITTEE
73RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

UNDER AGENDA ITEM 79
“CRIMINAL ACCOUNTABILITY OF THE UNITED NATIONS OFFICIALS
AND EXPERTS ON MISSION”

NEW YORK, 5TH OCTOBER 2018

Mr. Chair,

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.

I would like to begin with thanking the Secretary-General for his reports as contained in documents **A/73/155 and A/73/128, A/73/129**. As usual, the important information contained in these annual reports including those received from the Member States back in 2007 regarding the establishment of jurisdiction over their nationals serving as United Nations officials or experts on mission serve as the basis of our annual debate in this Committee.

Mr. Chair,

With the increasing number of the United Nations Officials and Experts on Mission, especially, considering the physical presence of a number of UN peacekeeping missions in Africa, this topic is as relevant to Africa as it was at its inception, if not even more important today.

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.

Mr. Chair,

The African Group supports the zero tolerance policy of the United Nations concerning criminal conduct, in particular, conducts involving sexual abuse and exploitation committed by United Nations officials or experts while on mission. The Group's view is that

criminal accountability is a fundamental pillar of the rule of law, and it is crucial for safeguarding the integrity as well as protecting the trust, which we all share in our organization (the United Nations).

Criminal conduct has a negative indelible impact on the credibility of any organization including this one (the United Nations). As a result, the African group carefully deemed it necessary and important for this Organization to give a clear political signal that will condemn and express the United Nation's complete rejection of criminal behavior.

We take note as always of the apparent suggestions in the Secretary-General's reports that some Member States do have the legislative advantage and capacity to exercise jurisdiction, while others have some provisions for at least a limited exercise of jurisdiction. The African Group encourages Member States to exercise jurisdiction in applicable cases in order to ensure zero tolerance for impunity.

Mr. Chair,

It will be recalled that, in the deliberations of our past meetings, several delegations expressed the view, with which the African Group concurs, that the existence of jurisdictional gaps in ensuring accountability leads to the repetitive commission of crimes. This is particularly so in situations where the host State's options to exercise its criminal jurisdiction is limited in relation to an alleged offender whose state of nationality is incapable to assert its jurisdiction over crimes committed while on a mission.

We are of the view that the remedial measures adopted under several General Assembly 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. Chair,

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 to combat and deter such degrading and demeaning offence 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. Chair, the African Group welcomes the opportunity to utilize 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.

I thank you.