



**Statement by the Delegation of Indonesia
On
The Sixth Committee, agenda item 79:
“Criminal accountability of United Nations officials
and experts on mission”
New York, 5 October 2018**

Mr. Chairman,

Let me begin by expressing the profound appreciation of the delegation of Indonesia to the Secretariat for the comprehensive documents made available to on this agenda item.

In our view, this agenda item is as important now as the first time it was introduced, because criminal accountability is one of the fundamental principles of the rule of law, and affirms that impunity has no place in our world.

Indonesia has many reasons for attaching great importance to this agenda item. In our history, we have deployed more than 38,000 personnel to 28 UN peacekeeping operations.

In fact, not only we are now one of the largest troops/police contributing countries—ranked 8th of all T/PCCs, with 2,679 personnel currently serving in nine UN peacekeeping operations—a process now underway for Indonesia to deploy another 850 personnel to MONUSCO and 140 personnel to MINUSCA.

But before discussing the accountability of personnel currently on mission, we must not remiss to pay tribute to, and appreciate the outstanding contributions and sacrifices of peacekeeping personnel over the years. Since 1948, more than 3500 have lost lives serving in various UN Peacekeeping Operations, with 943 of that number was perished due to hostile acts.

It is equally significant that during the past four years (2013-2017), there has been a disturbing rise in peacekeeper fatalities due to violent acts. Deaths from these violent acts has amounted to 195 during this period, with 56 fatalities last year alone: the highest number since 1994.

This should not be taken for granted, and my delegation pays due recognition and respect to all those who have given their lives for the sake of peace, and our appreciation to their families and nations.

Mr. Chairman,

Having said that, Indonesia believes that serving in a peacekeeping mission should not be an excuse or a justification for any wrongful behavior or criminal activities on the part of any officials. Our stance remains that we cannot tolerate anyone violating laws, particularly in the area of sexual exploitation and abuse. Peacekeepers must adhere fully to the highest standards of conduct and integrity, and respect local laws and customs.

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It is critical that peacekeepers perform their duties in a manner that preserves the credibility of the UN. To ensure such high standards of conduct, Indonesia has established a state-of-the-art training facility to provide effective pre-deployment training for peacekeepers in such areas as protection of civilians, strategy, conduct and discipline, mission specific training and the role of women peacekeepers. Peacekeepers from many countries have also been trained in this facility along with our troops.

This training emphasizes that an expert professionally deployed has the utmost obligation to respect the laws of the host state, and must bear in mind at all times that he or she represents the United Nations and its most fundamental ideals.

On the other side of the coin, Indonesia has always advocated, and we hereby reiterate, that should this critical international public trust be violated, the official responsible must be held accountable, not only as a way of ending impunity, but also preserving and protecting the legacy, image and effectiveness of the United Nations.

On this point, it is important to ensure personnel and leadership accountable for proper conduct, including through support to the UN zero-tolerance policy. We need to also certify that prospective personnel meet UN standards for service in UN peacekeeping operations.

We need to also implement the UN Human Rights Due Diligence Policy for all UN support to non-UN security forces, as these troops also represents the symbol of the UN on the ground.

With that in mind **Mr. Chairman**, let me now turn to the technical aspect of ensuring accountability. We realize that on this point, gaps either in jurisdiction or enforcement may arise.

A jurisdictional gap is when a host state is unable to exercise its jurisdiction because of an existing conflict or institutional defunct, and at the same time the state of nationality cannot establish its jurisdiction due to lack of jurisdiction.

As scenario of this nature may occur, my delegation appeals to Member States, although we believe there are only a few, particularly among troop or police contributing countries, to equip themselves with the necessary jurisdiction toward their nationals. It is important to close this gap to end the impunity of the offenders.

An enforcement gap is also possible due to a number of variables—such as different jurisdictions between the location of a crime and the location of the prosecution—which may cause barriers. These may be because of different legal systems, problems in accessing the evidence, admissibility of evidence, immunity of the alleged offender, higher cost of investigation and prosecution, and so on. In this regard, we also urge Member States to equip themselves with the necessary legal tools, such as extradition and mutual legal assistance cooperation, to cooperate with other states in judicial matters.

We could also use the Status of Force Agreement between the UN and host country as well as the UN and T/PCCs to prescribe prevailing jurisdiction on misconduct. This is very critical in our effort to close the jurisdictional gap.

I am pleased to point out that in Indonesia, our penal code allows us to establish criminal jurisdiction over Indonesian nationals wherever they commit crimes. Furthermore, Indonesia has the necessary legal tools, such as extradition and mutual legal assistance legislation, for judicial cooperation with other states, allowing us to provide assistance in the absence of treaties, or on a reciprocal basis.

I thank you, Mr. Chairman.