



INDIA
भारत

STATEMENT BY

DR. KAJAL BHAT

COUNSELLOR & LEGAL ADVISER

PERMANENT MISSION OF INDIA TO THE UN

ON

AGENDA ITEM 79

**"CRIMINAL ACCOUNTABILITY OF UN OFFICIALS
AND EXPERTS ON MISSIONS"**

AT THE

**SIXTH COMMITTEE OF THE 76th SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

NEW YORK

12 OCTOBER 2021

THANK YOU MADAM CHAIR,

We thank the UN Secretary General for his report A/76/205 on the issue of Criminal Accountability of United Nations Officials and Experts on Missions, submitted pursuant to the General Assembly Resolution 75/132. We align with the statement delivered by Islamic Republic of Iran on behalf of the Non Aligned Movement. I would like to put forth the following remarks in our national capacity:

2. Considering the legal aspects of States Sovereignty and jurisdictional issues, the United Nations may take disciplinary measures but cannot take criminal actions directly by itself. The legal personality of UN and consequent immunity and privilege under International Law necessary for its operation in a Sovereign State may hinder the exercise of criminal jurisdiction by host State as well. However, India believes that immunity does not at imply impunity for crimes and misconduct.

3. .It is absolutely essential for any organization not to let actions of a few employees tarnish the achievements of the majority. It is, therefore, very relevant for the Organization to have clear code of conduct and a policy of "Zero tolerance" towards any instance of abuse, exploitation or any other act of criminal nature.

4. It is also important for every State to sensitize its personnel serving as UN officials and Experts on mission regarding the implications of any untoward action by them. At the same time pre-deployment and on-the-job training as well as supervision would also be required to enhance professional ethics and standards of conduct.

5. It goes without saying that rights and responsibilities go hand-in-hand. Thus, while enjoying immunity in accordance with International Law, UN officials must be groomed to respect laws of the host country as well as of their country of nationality.

Madam Chair,

6. While sensitizing UN personnel on Mission towards respecting the rule of law, we must not be ignorant towards the plight of victims of exploitation and abuse more particularly of the sexual one. India has been regularly contributing to the Secretary General's Trust Fund created to assist victims of sexual exploitation and abuse and hopes that all state parties do the same.

7. The laws prevalent in India and relating to the crimes committed abroad by its nationals have detailed provisions under the Indian Penal Code and the Criminal Procedure Code, empowering the courts to exercise extra-territorial jurisdiction as also for seeking and providing assistance in criminal matters. Additionally, extradition of fugitive criminals can be sought under The Indian Extradition Act

in terms of any Treaty in-force with another State and where there is no treaty in-force, an International Convention can be made basis for considering an extradition request.

Madam Chair

8. It becomes all the more relevant to have technical assistance and capacity building measures between The UN and member States particularly with regard to extra-territorial jurisdiction of courts over crimes committed abroad by their nationals for further strengthening the system of accountability. This is essential to bridge the gap between culpability and jurisdiction. A concerted effort between States and UN for exchange of information, conduct of investigation and mutual acceptance of findings as evidence in disciplinary proceedings of UN as well as in domestic criminal proceedings of States would avoid multiple investigation on the same alleged misconduct.

9. We believe that UN has an institutional responsibility to collaborate with member states to ensure accountability. The member States need to ensure that their laws provide jurisdiction and have adequate provisions for prosecuting any such conduct of their nationals serving as the UN officials or experts abroad, and that their laws also have provisions for international assistance for the investigation and prosecution of the crimes committed. Reporting of action taken by States on instances of misconduct or crimes alleged against their nationals would not only ensure transparency but also send a strong and clear signal against impunity.

Thank you, Madam Chair.