



MALAYSIA

Permanent Mission to the United Nations, New York

**STATEMENT BY
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TO THE UNITED NATIONS**

**ON AGENDA ITEM 79:
CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS
AND EXPERTS ON MISSION**

**AT THE SIXTH COMMITTEE OF
THE 76TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 12 OCTOBER 2021

Madam Chair,

My delegation wishes to align our statement with that made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

2. We thank the Secretary-General for his reports, in particular A/76/205 which provides updates regarding the United Nations (UN) system's policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations of crimes committed by UN officials or experts on mission. My delegation is pleased to note that considerable efforts are being consistently made by the Secretariat as well as its affiliated funds and programmes, specialised agencies and related organisations, to institute and implement relevant policies and procedure in this regard. We found the UNDP's Clear Check database, which serves to ensure that individuals with a record of sexual exploitation and abuse or sexual harassment are not engaged by a UN entity, including by making the information available to the relevant hiring unit, as a practical way that could contribute to preserving the credibility and integrity of the organisation as a whole.

Madam Chair,

3. With reference to the report of the Secretary-General in A/76/208), my delegation continues to be concerned that many Member States have failed to provide information on cases of alleged criminal conduct by UN officials and experts on mission. As the list of referred cases lengthened and States failed to provide the necessary information on follow-up, the pressure on the UN and its Member States to address the problem increases. If this is allowed to persist, it would corrode the confidence of countries in accepting UN officials and experts on mission.

4. Member States have a primary responsibility for establishing jurisdiction for crimes committed by their nationals while serving on UN missions. In this regard, Malaysia strongly encourages States that had not provided the required information regarding those cases as well as the implementation of relevant resolutions, to do so. Malaysia's Position and Observations of the Implementation of Resolution 74/181 of 18 December 2019 is available online in the Compilation of Government Comments maintained by the Secretariat.

Madam Chair,

5. The issue of the criminal accountability of UN officials and experts on mission is relevant to Malaysia as both the sending country and the receiving country. As a responsible Member of the UN, Malaysia upholds and adheres to its obligations under the UN Charter as well as related instruments such as the UN Convention on the Privileges and Immunities. Malaysia gives effect to these obligations primarily through the International Organisations (Privileges and Immunities) Act 1992 [Act 485] and Regulations made under it. Malaysia also expects that the UN and its officials and experts on mission will respect and comply with Malaysian law and procedures when carrying out their missions on Malaysian territory. Malaysia also fully supports the zero-tolerance policy of the UN concerning criminal conduct, especially sexual exploitation and abuse, committed by UN officials and experts while on mission.

Madam Chair,

6. Malaysia is a stalwart supporter of the UN' central role in the maintenance of international peace and security. As a sign of this commitment, Malaysia has participated in 39 UN Peacekeeping Operations, involving nearly 40,000 military personnel and civilian police personnel since 1960. In keeping abreast with new scope and dimension of peacekeeping operations, the Malaysian Peacekeeping Centre established in 1996 continues to adapt to meet new standards and conduct of present-day peacekeeping operations. The centre also provides training for peacekeepers from the Southeast Asia region and beyond. Malaysia, therefore, views with concern any act which discredits the noble efforts and sacrifices of UN personnel and experts on peacekeeping and other missions.

7. In conclusion, Malaysia reiterates its commitment to working together with other Member States on this issue and to explore appropriate mechanisms in dealing with the criminal accountability of UN officials and experts on mission. In order to be successful, those efforts would need genuine cooperation from Member States, especially the State of nationality of the alleged perpetrator. It is therefore crucial for Member States to exercise their jurisdiction by duly investigating allegations and prosecuting the alleged offenders.

Thank you.