



*The Permanent Mission of Portugal
to the United Nations*

**Criminal accountability
of United Nations officials and experts on mission
(*Agenda item 79*)**

Madam Chair,

At the outset, and this being the first time that Portugal takes the floor during this session, allow me to congratulate you and the other members of the Bureau on your election, and to assure the Bureau that it can count on the full support of the Portuguese delegation throughout the session.

Portugal aligns itself with the statement delivered on behalf of the European Union and its Member States and would like to offer a few additional remarks in its national capacity.

Madam Chair,

The United Nations officials and experts on mission provide an invaluable contribution to the fulfilment of the goals and principles of the United Nations. Their high character and their work as active contributors for peace, development and human rights, often in the face of very difficult conditions in the field, must be recognised and praised.

The vast majority of United Nations officials and experts on missions have an impeccable and unpolluted behaviour, showing a firm dedication and selflessness – sometimes sacrificing their own safety and lives – and living up to the very high integrity and ethical standards of the United Nations and of the States where they operate at.



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Madam Chair,

The occasional reproachable behaviour of United Nations officials or experts on mission can compromise the credibility of the Organization and of its agents. Impunity, or the mere perception of undue protection to wrongful behaviours, is detrimental to the Organization.

The sound administration of justice is thus key for the ability of the United Nations to fulfil its mandates. That is why this topic is of the utmost relevance.

Madam Chair,

Portugal deeply appreciates of the constant commitment and leadership of the Secretary-General on this topic and acknowledges the equally important role of the Office of Legal of Legal Affairs.

We thank the Secretary-General for his two reports. They are useful repositories of important information on these matters.

Madam Chair,

It is important that States establish national frameworks suitable to ensure criminal accountability of UN officials and experts on mission, namely by allocating adequate and effective resources for States to exercise their jurisdiction.

With several nationals deployed as UN officials or experts on mission, Portugal takes very seriously any crime, or allegations thereof, that may involve them and that are brought to the attention of Portuguese authorities.



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We provided additional and updated information on this subject in 2020, in response to the request by the Secretary-General for Member States to provide information and concerning the implementation of the General Assembly Resolution A/RES/74/181, of 18 December 2019, entitled "*Criminal Accountability of United Nations Officials and Experts on Mission*".

That information explains the national provisions regarding the establishment of jurisdiction by Portugal, that allow for a criminal prosecution of a UN official or an expert on mission, whose immunity has been waived, for facts committed in or outside the Portuguese territory, within certain conditions. Furthermore, this competence is articulated with international judicial co-operation in criminal matters, giving effect to the *aut dedere aut judicare* principle.

In addition to these reactive measures, my delegation stresses that preventive measures adopted by Member States and by the United Nations are of the highest importance. Specific examples of the preventive measures are the pre-deployment training of armed forces and security forces personnel, including on good-conduct and discipline.

Madam Chair,

To conclude, and taking very good note of the recommendation of the Secretary-General in his report contained in document A/76/205, Portugal continues to encourage "(...) *the distinct legislative bodies of the UN system and related organisations to help to ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations revealing that a crime may have been committed by personnel of such agencies and organizations who fall outside the scope of General Assembly resolutions, with policies and procedures related to United Nations officials and experts on mission.*".



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My delegation also encourages the United Nations and the Members States to continue working on the prevention and prosecution of crimes committed by UN officials and experts on mission in an effective and transparent manner.

Thank you, Madam Chair.