



INDIA
भारत

STATEMENT BY

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ON

AGENDA ITEM 74

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

AT THE

**SIXTH COMMITTEE OF THE 77th SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

NEW YORK

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Mr. Chairman,

My delegation appreciates the continued efforts of the United Nations to promote accountability for misconduct and serious crimes committed by UN officials, experts on UN Missions and members of UN peacekeeping forces. We extend our gratitude to the Secretary General for his recent reports in this regard.

2. India aligns itself with the statement made by Iran on behalf of the NAM. In addition, in our national capacity, we would like to add the following remarks.

3. The officials in the United Nations *inter alia* have an important responsibility to advance the purposes and principles of the Organization. If UN officials and experts on UN missions commit crimes while working for the UN in fulfillment of its purpose, it seriously undermines the integrity, credibility, and image of the Organization and may compromise the Mission itself or seriously impact the functioning of the UN Mission.

4. Therefore, streamlining of policies and procedures across the UN system in this context, is an important exercise. The information received from member states regarding the establishment of jurisdiction over their nationals is useful for the purpose. It is encouraging to note that we are collectively making progress on dealing with this issue.

Mr. Chairman,

5. The Secretary General's Reports outline the information provided by Member States on their national laws establishing jurisdiction over crimes of serious nature committed by their nationals while serving as United Nations officials or experts on mission as well as information on legal provisions enabling the States to cooperate with each other and to cooperate with the United Nations in the investigation and prosecution of such crimes.

6. Further, the Reports inform on the activities of the UN Secretariat in reporting to and receiving information from the Members States in respect of those crimes as well as the practical measures taken by the UN to help strengthen the existing training methods and standards of conduct, including through pre-deployment and in-mission induction training.

7. As reported, during the period from July 2021 to June 2022, 45 cases involving UN officials or experts on missions were referred to the States of their nationalities for investigation and prosecution. It is further listed that as many as 177 cases were referred to the States for investigation and prosecution during the period between 2016 and 2022. In none of the cases, the States reported of any legal difficulties or obstacles to investigate or prosecute the alleged crimes referred to them. In 16 of these cases, the States have reported about conclusion of trials and conviction of the accused.

8. While we hope that in the remaining cases, the concerned States will conduct thorough investigation and prosecute and, if found guilty, will punish the accused officials concerned. At the same time, it is a matter of concern to see the increase in number of cases reported over the years and the significant number of instances where States to which allegations have been referred to, are failing to report on the steps taken in response to such referrals.

Mr. Chairman,

9. The operative Para 10 of the General Assembly resolution 76/106 strongly urges all States to consider establishing jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct of the person amounts to a crime both in the host country and the country of his nationality. Implementation of this element would help fill the jurisdictional gap in respect of member States, which do not assert extra-territorial jurisdiction over crimes committed abroad by their nationals.

10. It is vital to encourage and provide necessary assistance to the member States to lay down or update their laws and regulations providing for jurisdiction and prosecution of any wrongful conduct of their nationals serving as UN officials or experts on mission abroad.

11. We support the recommendation of Secretary General that there is a need 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.

12. We further support the recommendation to internally examine the existing policies and procedures to identify potential disparities and to promote cooperation in cross cutting issues such as financial recovery when such a crime is committed.

13. We appreciate the initiative towards development of a reinforced training package as part of the learning programme entitled "Pipeline to peacekeeping command". The training package will, undoubtedly, be a useful guide in pre-deployment training conducted by contributing countries to provide their military and police commanders with the desired attitudes, knowledge, and skills to prevent all forms of misconduct, including sexual exploitation and abuse, report allegations of misconduct and cooperate effectively with investigations.

14. India subscribes to the Pipeline for Leadership. We believe in the effectiveness of training, and the importance of leadership. It is with this belief that we have already nominated two officers with vast experience in Conduct and Discipline training

Mr. Chairman,

15. Our domestic legislation particularly the Indian Penal Code and the Code of Criminal Procedure, contain provisions to deal with extra-territorial offences committed by Indian nationals and for seeking and providing assistance in criminal matters. The Indian Extradition Act, 1962 deals with extradition of fugitive criminals and the related issues. The said Act allows for extradition in respect of extraditable offences in terms of an extradition treaty with another State. In the absence of bilateral treaty, the Act also allows an international convention as the legal basis for considering an extradition request.

16. Before concluding, let me highlight that 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 sexual abuse. 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 the Member States would do the same.

Thank you.
