

Seventy-seventh session
Sixth Committee
Agenda item 74

Criminal accountability of United Nations Officials and Experts on Mission

Oral report of the Chairperson of the Working Group

Chair: Aahde **Lahmiri** (Morocco)

I. Introduction

1. Pursuant to General Assembly resolution 76/106 of 9 December 2021, the Sixth Committee decided, at its 1st meeting, on 3 October 2022, to establish a working group, with the view to continuing the consideration of the report of the Group of Legal Experts (A/60/980), in particular its legal aspects, taking into account the views of Member States and also noting the inputs by the Secretariat. The Committee also decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

2. At its 1st meeting, on 2 October 2020, the Sixth Committee also elected Ms. Aahde **Lahmiri** as Chairperson of the Working Group.

3. The Working Group had before it the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (A/60/980); the two reports of the Secretary-General (the two Reports of the Secretary-General at the present session, A/77/225, and A/77/237); as well as the previous reports of the Secretary-General on the item (A/63/260 and Add.1; A/63/331; A/64/183 and Add.1; A/65/185; A/66/174 and Add.1; A/67/213; A/68/173; A/69/210; A/70/208; A/71/167; A/72/121, A/72/126 and A/72/205; A/73/129, A/73/128; A/73/155, A/74/142, A/74/145, A/75/228, A/75/217, A/76/205, A/76/208, together with a web-based update of the information on national provisions); the Note by the Secretariat on criminal accountability of United Nations officials and experts on mission (A/62/329); and General Assembly resolution 76/106 of 9 December 2021.

II. Proceedings of the Working Group

4. Pursuant to paragraph 16 of resolution 76/106, representatives of the Office of Human Resources and of the Conduct and Discipline Service of the Department of Management, Strategy, Policy and Compliance, the Ethics Office, the Office of Internal Oversight Services, the Office of the Special Coordinator on Improving United Nations Response to Sexual Exploitation and Abuse, the Victims' Rights Advocate and the Office

of Legal Affairs of the United Nations Secretariat were present on 11 October 2022 to provide a briefing to delegates. The briefing was followed by question and answer segment.

5. The Working Group held two meetings, on 11 and 20 October 2022. This was against the backdrop of the plenary debate at the 5th and 6th meetings of the Sixth Committee, on 6 October 2022. The Working Group adopted its programme of work and agreed to conduct its discussions in the framework of informal consultations.

6. The Working Group focused its consultations on whether the criminal accountability of United Nations officials and experts on mission should be addressed in the form of a convention, and if so, when; on which substantive issues a convention should cover; and on any matters that could be included in this year's resolution to further enhance the mechanisms of accountability initially developed in resolutions 62/63 and 63/119.

7. The following section of the report constitutes a brief informal summary for reference purposes only, not an official record of the proceedings, of the exchange of views in the Working Group.

III. Informal summary of discussions in the Working Group

8. During their briefing, the Secretariat representatives set out the respective roles and responsibilities of their units in addressing the item under examination, and provided updates on relevant policies and procedures, as well as information on other developments.

9. At its meetings, on 11th and 20th October, the Working Group had an exchange of views among delegations regarding the three questions mentioned above (para. 6). The views of delegations continued to remain divided as to whether and when it was the appropriate time to commence negotiations on a draft international convention relating to the criminal accountability of United Nations officials and experts on missions. Views expressed in the plenary debate on the item were recalled. Moreover, questions were raised about the scope *ratione personae* of a potential convention, which crimes it would cover and how such a convention would interact with national legislation. It was also highlighted that a potential convention would only apply to those States that would become parties to it. However, it was also suggested that a convention would be important to establish a harmonized standard as to the jurisdiction of its States Parties and would fill a legal vacuum. It was noted that the work of the Group of Legal Experts could be a basis for work on a draft convention and that procedural modalities for such work should be explored. The importance of ensuring accountability was emphasized, as was the need to enhance the number of responses from Member States to referrals by the Secretariat in order to better inform the General Assembly's future action. No comments were made in the Working Group on whether there were any matters that could be included in this year's resolution to further enhance the mechanisms of accountability initially developed in resolutions 62/63 and 63/119. These matters were considered in the context of informal consultations of the draft resolution on the item.

Mr. Chair,

10. I am most grateful to delegations for their cooperation and assistance. In my capacity as Chair of the Working Group, I remain available to work with delegations to ensure that there is no impunity for criminal activity committed by United Nations officials and experts on mission. This concludes my oral report on the work of the Working Group on Criminal Accountability of United Nations Officials and Experts on Mission at this year's session.

Thank you.