

Permanent Mission of India to the UN

New York

6th Committee of the 78th Session of the UNGA

(Agenda Item 76)

“Criminal accountability of United Nations officials and experts on Mission”

India Statement

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

2.We extend our gratitude to the Secretary General for his recent report A/78/248 concerning Criminal accountability of United Nations officials and experts on mission, submitted pursuant to the General Assembly resolution 77/98.

3.The Report outlines the information received from member States on their national laws establishing jurisdiction over crimes, committed by their nationals while serving as United Nations officials or experts on mission. Information is also provided on cooperation among States and with the United Nations in the facilitation of investigations and prosecutions of such individuals, as well as the protection of victims and witnesses in the process; and on the activities within the UN Secretariat towards disciplining the officials and assisting the States to help prevent such crimes.

4.It goes without saying that the United Nations’ officials have the utmost responsibility of advancing the purposes and principles of the Organization. Any illegal action on their part seriously undermines the integrity, credibility, and image of the Organization.

5.As such, streamlining the 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.

6. 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.

Mr. Chairman,

7. As reported by the Secretary General, during the period from 1st July 2022 to 30th June 2023, the Office of Legal Affairs referred to States of nationality, 11 cases involving 11 United Nations officials and experts on mission for investigation and possible prosecution. Of those cases, 1 concerned allegations of corruption and fraud; 5 concerned allegations of fraud; 3 concerned allegations of entitlement fraud; and 2 concerned allegations of sexual assault and harassment.

8. Even though the reported referrals are substantially lower than those made during the period from 1st July 2021 to 30th June 2022, however, we believe that even a single case is enough to tarnish the image of the Organization. But at the same time it is encouraging to note that we are collectively making progress on dealing with this issue.

9. As would be evident from paragraph 22 of the Secretary General's report, the Secretariat has been informed in only one case of action taken in relation to referrals made during the reporting period. We hope that in the remaining cases, the concerned States will conduct thorough investigation and prosecute and, if found guilty, punish the accused officials concerned. It is a matter of concern to see 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.

10. We recognise that primary responsibility to bring perpetrators to justice rests with the member States. It is only through concerted action and cooperation between States and the UN, with both playing their part, that we can achieve this goal. It is crucial that the State of nationality of an alleged offender is promptly informed and consulted by the UN. It is equally crucial that the State of nationality acts in a timely manner, establishes and exercises jurisdiction, investigates and where appropriate prosecutes.

Mr. Chairman,

11 Operative Para. 10 of the General Assembly resolution 77/98 strongly urges all those States which have not yet done so to consider establishing, jurisdiction over crimes, of a

serious nature, committed by their nationals while on the United Nations mission, serving as its officials or experts on mission, at least where such conduct is considered as crime or illegal under their laws and also constitutes a crime under the laws of the host state and, further, urges States and international organizations concerned to provide technical and other appropriate assistance in developing such legal measures to those States requesting for such support or assistance. 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.

12. 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.

13. We appreciate the initiative towards development and finalization 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.

Mr. Chairman,

14. India’s domestic laws, particularly, the Indian Penal Code extends to extra-territorial offences committed by Indian nationals. As such, any offence committed by Indian official or expert on mission while serving abroad, is subject to the jurisdiction of the Indian courts and is punishable under the Indian law. The Indian Code of Criminal Procedure has provisions for assistance in criminal matters, which enables to seek from and extend to a foreign State, assistance in criminal cases.

15. The Indian Extradition Act, 1962 deals with extradition of fugitive criminals and the related issues. The Act allows for extradition in respect of extraditable offences in terms of an extradition treaty with another State. The Act also allows consideration of an international convention as the legal basis for considering an extradition request in the absence of a bilateral treaty. Where there is no bilateral treaty, the Government of India can provide assistance on a reciprocal and case by case basis, in accordance with the provisions of the applicable national laws.

16. Before concluding, we would like to reiterate the need for regular contribution to the Secretary General’s Trust Fund created to assist victims of sexual exploitation and abuse.

India has been regularly contributing and hopes that all the Member States would do the same.
