



MALAYSIA

Permanent Mission to the United Nations, New York

**STATEMENT BY
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PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS**

**ON AGENDA ITEM 76
CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS
AND EXPERTS ON MISSION**

AT THE SIXTH COMMITTEE OF THE 79TH SESSION OF THE GENERAL ASSEMBLY

NEW YORK, 15 OCTOBER 2024

Mr. Chair,

Malaysia aligns itself with the statement by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM), and adds the following remarks in our national capacity.

Mr. Chair,

2. Malaysia thanks the Secretary-General for his reports on the agenda item. We unequivocally support the United Nations' ongoing efforts and zero tolerance policy against criminal conduct, especially sexual exploitation and abuse, committed by its officials and experts while on mission. We 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 procedures in this regard.

3. Malaysia also notes from the Secretary-General's report that 25 cases were referred to States of nationality during the reporting period, adding to what is now a list of 367 allegations of serious criminal offenses committed by United Nations officials or experts since 2007. We remain concerned that many Member States have failed to provide information on cases of alleged criminal conduct by United Nations officials and

experts on mission. The persistence of such allegations could negatively affect the confidence of countries in accepting United Nations officials and experts on mission. As a sending and receiving country, the issue of criminal accountability of United Nations officials and experts on mission is of importance to Malaysia. As we uphold our obligations under the Charter of the United Nations as well as related instruments such as the Convention on the Privileges and Immunities of the United Nations, it is only natural for us to expect that the United Nations as well as its officials and experts on mission respect and comply with Malaysian law and procedures when carrying out their missions on Malaysian territory.

4. Malaysia reiterates the view that Member States have the primary responsibility for establishing jurisdiction for crimes committed by their nationals while serving on United Nations missions. In this regard, Malaysia strongly encourages States that have not provided the required information regarding alleged cases of criminal conduct, as well as the implementation of relevant resolutions on this matter, to consider doing so.

Mr. Chair,

5. Yesterday, we heard the delegation of Israel making assertions that the United Nations is quote, “not investigating the massive employment of terrorists by UNRWA”, unquote, and that quote, “severe breaches of neutrality are not being investigated by UNRWA”, unquote. We also heard a finding in page 20 of the report of the Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, also known as the Colonna report, about involvement in groups such as Hamas or Islamic Jihad as a violation of the principle of neutrality, being cited by Israel.

6. Let us not forget that page 4 of the same Colonna report states that, quote, “UNRWA has established a significant number of mechanisms and procedures to ensure compliance with the humanitarian principles, with emphasis on the principle of neutrality, and that it possesses a more developed approach to neutrality than other similar United

Nations or NGO entities”, unquote. Let us also not forget that the Secretary-General as well as UNRWA, have fully accepted the recommendations contained in the Colonna report to address the neutrality challenges faced by the Agency.

7. In this regard, we wholeheartedly echo the view expressed by Mexico that the pursuit of criminal accountability against United Nations officials cannot be used as justification for the use of force and violation of the principles of international humanitarian law. It also cannot be used to justify the enactment of legislation that would effectively prevent a General Assembly-mandated United Nations entity from discharging its responsibility of providing lifesaving services to Palestinian civilians. Let us remind ourselves that it is Israel, through its prolonged occupation of Palestinian land, unhinged violence and apartheid policies, that is the root cause of the problem, not UNRWA.

8. In conclusion, Malaysia reiterates its commitment to working together with other Member States on this issue and to explore appropriate mechanisms in dealing with criminal accountability of United Nations officials and experts on mission.

Thank you.