

Statement by the Indian delegation in the Sixth Committee at the sixty-ninth UNGA session on agenda item 75 “Criminal accountability of United Nations officials and experts on mission.”

Mr. Chairman,

At the outset, my delegation would like to align itself with the statement made by the distinguished representative of the Islamic Republic of Iran on behalf of the NAM this morning, and now we state the following from our national perspective.

Mr. Chairman,

The instances of crimes being committed by the United Nations officials and experts on mission are a matter of grave concern to us. We condemn all kind of crimes committed by them. This has adverse impact over the image, credibility and integrity of the Organization.

We welcome the Report of the Secretary General A/69/210 on “Criminal accountability of United Nations officials and experts on mission”, submitted pursuant to the General Assembly resolution 68/105.

The Report outlines the information received from certain States on their national laws establishing jurisdiction over crimes, committed by their nationals while serving as United Nations officials or experts on mission. It also provides information on cooperation among States and with the United Nations in the investigation and prosecution of such crimes; and on the activities within the UN Secretariat towards disciplining the officials and assisting the States to help prevent such crimes.

Mr. Chairman,

According to paragraph 14 of the Secretary-General’s report, during the period reported upon, cases of fifteen UN officials were referred to the States of their nationalities for investigation and prosecution. We are fully confident that the concerned States will conduct thorough investigations and prosecution and if found guilty, will punish the officials involved.

We note with appreciation the information in paragraph 22 of the report that the awareness-raising activities continue to emphasize the obligations of all United Nations personnel to observe the laws of the host country, and the consequences of failing to do so.

Mr. Chairman,

The General Assembly resolution 68/105 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 as well. It is our considered view that implementation of this element would help fill the jurisdictional gap

in respect of member States that do not assert extra-territorial jurisdiction over crimes committed abroad by their nationals.

Mr. Chairman,

As informed earlier, the Indian Penal Code extends to extra-territorial offences committed by Indian nationals. Accordingly, the offences committed by Indian officials or experts on mission while serving abroad, are subject to the jurisdiction of the Indian courts and are punishable under the Indian law.

The Indian law has provisions for assistance in criminal matters, which enables to seek from and extend to a foreign State, assistance in criminal cases. These provisions are part of the Code of Criminal Procedure of India.

Mr. Chairman,

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.

Mr. Chairman,

We reiterate our view that dealing with the wrongdoings of UN officials or experts on mission, does not require the development of an international convention. The member States ensure that their laws provide for jurisdiction and have adequate provisions for prosecuting any such conduct of their nationals serving as UN officials or experts on mission abroad, and the laws should have provisions for international assistance for the investigation and prosecution of the crimes committed.

Mr. Chairman,

India considers it extremely important that the crimes committed by the UN officials and experts on mission are properly investigated and prosecuted. The UN officials and experts should act and perform their duties in a manner consistent with the UN Charter that promotes the image, credibility and integrity of the Organization.

Thank you.