



**PERMANENT MISSION OF THAILAND  
TO THE UNITED NATIONS**

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**Statement**

**by**

**His Excellency Mr. Norachit Sinhaseni**

**Ambassador and Permanent Representative of Thailand  
to the United Nations**

**before the Sixth Committee**

**of the 67<sup>th</sup> Session of the United Nations General Assembly**

**Agenda Item 76: Criminal accountability of United Nations  
officials and experts on mission**

**New York, 12 October 2012**

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Mr. Chairman,

Thailand associates itself with the statement made by Iran on behalf of the Non-Aligned Movement for this agenda item.

Criminal accountability is a fundamental element in upholding the rule of law. It requires that all persons be held accountable for their actions, regardless of their role and status. This basic principle must also apply to the United Nations and its personnel who are expected to adhere to the highest standards of the rule of law. Any criminal conduct by UN officials or experts while on mission, particularly those that involve sexual abuse, violence and exploitation against women and children by peacekeeping personnel is unacceptable. Such conduct tarnishes the integrity, credibility and effectiveness of the UN and its peacekeeping operations and must not go unpunished. In this regard, my delegation strongly supports the policy of zero tolerance and calls upon Member States to work together to strictly enforce this policy.

Mr. Chairman,

Thailand would like to thank the Secretary-General for his annual report on this agenda item. The information and comments given by Member States as well as the material on the Secretariat's activities are invaluable for understanding the work and measures that need to be taken. We commend the UN's efforts in providing technical support to Member States in developing their domestic legal framework to deal with such crimes, and in strengthening the existing training on the United Nations' codes of conduct, including through pre-deployment and in-mission induction training.

We recognize the urgent need to eliminate existing legal gaps, which allow UN personnel guilty of serious crimes to escape justice. Thailand, therefore, calls upon all States to establish jurisdiction over serious crimes committed by their nationals while serving as UN officials and experts on mission, if they have not done so already. We support the enhancement of cooperation between host States and the States of the nationalities of the alleged offenders under existing treaties or other arrangements on mutual legal assistance. Equally vital is the cooperation between States and the United Nations in investigating and prosecuting crimes alleged against UN personnel.

At the same time, measures taken by any State party against UN personnel must be consistent with the provisions of the Convention on the Privileges and Immunities of the United Nations of 1946. UN officials or experts on mission must, in principle, continue to enjoy immunities under the Convention. That is, unless the competent organ of the United Nations has waived such immunities, either generally or in relation to specific measures to be taken. In this respect, Thailand commends the commitment of the Secretary-General to ensure the lifting of immunity of staff members and experts on mission who are alleged to have engaged in criminal conduct, provided that it can be guaranteed that suspects will receive due process during the investigation process and court proceedings.

In addition, one of the possible ways to ensure the successful prosecution of these crimes is for States to adopt a more flexible test for satisfaction of the double criminality rule. In this regard, States should not focus on the terminology or the constituent elements of the offence, which may differ from one legal system to another, but rather on the totality of the acts or omissions alleged against the person whose extradition is sought.

Mr. Chairman,

Thailand, as a country that has contributed its forces to peacekeeping operations, firmly adheres to the policy of zero tolerance and will uphold the highest standards in its codes of conduct for our contingent. We strongly believe that adequate and mandatory pre-deployment training is an essential preventive approach that should be taken. In this regard, Thailand supports the ongoing training, awareness-raising activities and preventive measures taken by the Department of Peacekeeping Operations and the Department of Field Support. We wish to place on record our sincere appreciation to the two departments' assistance in the pre-deployment training of Thai troops in the various UN peacekeeping missions.

Mr. Chairman,

On the proposed international instrument aimed at ensuring the accountability of United Nations officials and experts who are on assignment with UN peacekeeping operations, Thailand is of the view that while there is merit in the proposal, there also remain many unresolved concerns. These concerns should be addressed before we begin discussions on the draft convention.

Thailand looks forward with great interest to the outcome of the working group established during this session, especially on the issue of investigation and exchange of information. The issues of difficulties in gathering sufficient evidence for a prosecution under the applicable substantive and procedural law and the way to communicate this information to the most useful parties require careful consideration. Resolving these two issues in a satisfactory manner will go a long way in facilitating the process of bringing perpetrators of serious crimes to justice.

Mr. Chairman,

In conclusion, Thailand would like to express its profound appreciation for the valuable work of UN officials and experts on missions, especially those who face great hardships and risk their lives for the principles enshrined in the UN Charter. The sacrifice of these personnel should not be tarnished by the criminal actions of a few, and those few should not be able to escape justice. It is to honour the selfless sacrifice of the majority of UN personnel and to maintain the integrity and credibility of the UN as an organization that Thailand shall remain firmly committed to ensuring the accountability of UN experts and officials on missions.

Thank you.