



MALAYSIA

Permanent Mission to the United Nations, New York

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**STATEMENT BY
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ATTORNEY GENERAL'S CHAMBERS OF MALAYSIA**

**ON AGENDA ITEM 74:
CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS
AND EXPERTS ON MISSION**

**AT THE SIXTH COMMITTEE OF
THE 77TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 6 OCTOBER 2022

Mr. Chair,

My delegation wishes to align our statement with that made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

2. We thank the Secretary-General for his reports on the criminal accountability of UN officials and experts on mission, and for his commitment to tackling impunity. Malaysia fully supports his efforts, leadership, and zero-tolerance policy on sexual exploitation and abuse.

3. My delegation is pleased to note that considerable efforts continue to be made by the UN Secretariat as well as its affiliated funds and programmes, specialised agencies and related organisations, to institute and implement relevant policies and procedure in this regard. We appreciate, among others, the practical measures taken to strengthen existing pre-deployment training and vetting measures, including through the use of the Clear Check database.

Mr. Chair,

4. Malaysia records its gratitude to the UN officials and experts on mission for their important work, sometimes serving even at great personal risk and in harsh conditions. Early this week, the President of the General Assembly at the Fourth Committee stated that this year so far 72 people have paid the ultimate price while serving under the UN flag. Since that statement, we have received the tragic news of three Bangladeshi peacekeepers killed, and one injured in an IED explosion in Central Africa in the middle of this week. Our hearts go out to the families of the victims of this terrible tragedy, as well as the Government, and people, of Bangladesh. As a troop contributing country ourselves, Malaysia views with serious concern any act which tarnishes the noble efforts and sacrifices of UN personnel and experts on peacekeeping and other missions.

Mr. Chair,

5. Malaysia continues to reiterate that Member States have a primary responsibility for establishing jurisdiction for crimes committed by their nationals while serving on UN missions. Malaysia, in this regard, wishes to highlight that it has jurisdiction over crimes committed by its military personnel, in their capacity as officials and experts on mission, by virtue of the Armed Forces Act 1972. The provisions of this legislation continue to apply to such personnel wherever they may be deployed. This is also provided in the applicable UN Status of Forces arrangements. To promote integrity and credibility among its peacekeeping personnel in the performance of their duties, Malaysia established the Malaysian Peacekeeping Training Centre (MPC) in 1996. The MPC has become an internationally-worthy operational and training facility for peacekeepers emphasizing on international humanitarian law and respect for the rule of law.

6. Malaysia further supports the call for cooperation among States and the UN regarding the exchange of information and facilitation of investigations and prosecutions to ensure that there is no impunity for serious crimes. Malaysia's Extradition Act 1992 and Mutual Assistance in Criminal Matters Act 2002 together with its network of extradition and mutual assistance in criminal matters treaties provide the legal basis for such international cooperation.

Mr. Chair,

7. Accountability is crucial not only for the integrity of the UN, but also for the sake of victims. My delegation notes from the Secretary-General's report (A/77/225) that 45 cases were referred to States of nationality during the reporting period, adding to what is now a list of 331 allegations of serious criminal offenses committed by UN officials or experts since 2007. We continue to be concerned that many Member States have failed to provide information on these cases, which only adds to the pressure on the UN and its Member States to address the problem, and corrodes the confidence of receiving countries.

8. We acknowledge that it is extremely challenging to ensure criminal accountability without the cooperation of the sending State. The work of the General Assembly and its Committees on this issue is therefore of great importance in ensuring that adequate preventive measures are put in place through pre-deployment training as well as awareness regarding the availability of criminal justice mechanisms when such serious crimes occur.

9. To conclude, Malaysia reiterates its commitment to working together with other Member States on this issue and to explore appropriate mechanisms in dealing with the criminal accountability of UN officials and experts on mission. In order to be successful, those efforts would need genuine cooperation from Member States, especially the State of nationality of the alleged perpetrator. It is therefore crucial for Member States to exercise their jurisdiction by duly investigating allegations and prosecuting the alleged offenders. Malaysia will participate actively in the deliberations of the Working Group on Criminal Accountability under the able stewardship of Ms. Aahde Lahmiri of Morocco, and reaffirms its commitment to the process as a whole.

Thank you.