



United Nations General Assembly | Sixth Committee

**Criminal accountability of United Nations officials and experts on mission
(Agenda item 76)**

October 10th, 2023

(check against delivery)

Madam/Mr. Chair,

Brazil aligns itself with the statement delivered by the representative of Saint Vincent and the Grenadines on behalf of the CELAC countries.

Brazil thanks the Secretary-General for the two reports submitted this year on criminal accountability of UN officials and experts on mission. By providing updated information about State practice and the policies and procedures of UN entities and related organizations to fight impunity, the two documents facilitate the identification of gaps and current challenges.

For years, United Nations officials and experts have been diligently performing their duties. The actions of a few must not tarnish the achievements of the whole. Still, it is essential to

ensure that any possible criminal action perpetrated by a UN official on a mission be investigated and, if appropriate, prosecuted, always in strict compliance with due process guarantees. This is critical to ensure the very legitimacy of the Organization, otherwise its ability to send missions serving the purposes of the Charter of the United Nations may be undermined.

In this light, it is reassuring to note in the report prepared pursuant to resolution 76/106 that standard procedures are in place among UN entities to make referrals to national jurisdictions in cases of credible allegations of misconduct.

Brazil reiterates its support for the zero-tolerance policy in cases of sexual exploitation, abuse, fraud, corruption and other criminal conduct. Preventive and repressive measures should go hand in hand to forestall such crimes. The victims, whose right to justice should also be safeguarded, must receive adequate support and protection.

Important progress has been made in addressing credible allegations of crimes that might have been committed by United Nations officials or experts on mission and in expanding protection against retaliation for reporting misconduct. Nevertheless, there is still room for improvement.

Brazil endorses the Secretary-General's suggestion and thus encourages UN system entities and related organizations to review the adequacy of their existing policies and procedures and to identify potential disparities among them. In this regard, we commend those Secretariat units and other entities which appointed a Conduct and Discipline Focal Point to provide advice and support on matters related to conduct and discipline.

All Member States should strive to overcome remaining legal challenges to assert jurisdiction over crimes committed by their nationals when they serve as UN officials or experts on mission. The instances of sexual violence, exploitation and abuse in peacekeeping operations reported by the Secretary-General are a matter of serious concern and must be addressed in earnest by the concerned State of nationality, which is the primary forum for the prosecution of alleged crimes.

Cooperation between the UN and Member States is also of the essence, including with regard to sharing information and material for purposes of criminal proceedings initiated by States with jurisdiction.

Madam/Mr. Chair,

Brazil is proud of more than seven decades of contributions to UN peacekeeping. Our peacekeepers are known for their high discipline and technical skills.

At the same time, we have strict protocols to address any possible misconduct, including, if necessary, the criminal accountability of alleged perpetrators. Efficient peacekeeping is a priority of Brazil's current mandate at the Security Council.

Crimes committed abroad by Brazilian nationals are subject to the jurisdiction of our domestic courts according to Brazilian law. Brazil has a robust framework of laws and regulations which enable investigation and prosecution in both criminal and administrative cases. Our penal code, penal procedural code, military penal code and military penal procedural code, as applicable, provide the necessary legal bases for addressing credible allegations of serious misconduct by Brazilian nationals serving in UN Missions.

Since 2015, the Office of the Military Public Prosecutor and the Ministries of Foreign Affairs and Defense have maintained a structured dialogue in order to promote the Zero Tolerance Policy, including the Special Measures outlined by the Secretary General in 2019.

In 2017, we adopted regulation aimed at reinforcing that military personnel serving in UN missions must undergo specific training on sexual exploitation and abuse. In 2021, another regulation was adopted updating procedural mechanisms to address any allegation of misconduct which could entail possible criminal accountability of military personnel serving in UN missions.

Additionally, Brazil has a wide and ever-increasing network of bilateral and multilateral mutual legal assistance treaties in criminal and civil matters, which allow for speedy and effective exchange of evidence and information when necessary.

Mr./Madam Chair,

It is essential to hold perpetrators of serious crimes accountable, including those committed by United Nations officials and experts on mission. Credible allegations must be properly investigated and its perpetrators must be brought to justice in line with the values that inspire the work of the United Nations.

Thank you.