



78th session of the Sixth Committee

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

Statement by Portugal – Mr. Sergio Carvalho (Legal Adviser)

Thank you Mr. Chair, for giving me the floor.

[Portugal aligns itself with the statement delivered on behalf of the European Union and its Member States and would like to offer a few additional remarks in a national capacity.]

United Nations officials and experts on mission continue to be at the forefront of the fulfilment of the purposes and principles of the Charter, providing a priceless contribution to peace, sustainable development, and the respect for international law. These officials embody the highest integrity and ethical standards of the United Nations and its Member States.

Most of the UN officials and experts on mission show an impeccable legal record and an unwavering moral character, even when facing many adversities in the field, sometimes sacrificing their wellbeing, safety, and even their lives. That notwithstanding, their remarkable work and legacy must continue to be complemented by a zero-tolerance policy for the rare cases of misconduct and criminal activity.



Mr. Chair,

Throughout the years, the topic of criminal accountability of UN officials and experts on mission has remained of utmost relevance in the context of the implementation of the mandate of the United Nations, including as a result of its close link with the preservation the credibility of the organisation and its agents and with the fight against impunity. Upholding the sound administration of justice and the right to due process is important to fulfilling the mandates of the United Nations, including its specialised agencies and subsidiary organs.

Portugal wishes to voice its deep appreciation for the commitment and leadership of the Secretary-General on this topic and praises the work of the Office of Legal Affairs in cases involving allegations that a crime may have been committed by a United Nations official or expert on mission.

Mr. Chair,

These sensitive matters demand a whole-of-Organization approach, as the Secretary-General and the General Assembly have noted over the years.

In addition to the United Nations system, Member States must also assume an active role, by establishing domestic legal and practical frameworks that guarantee effective criminal accountability of UN officials and experts on mission, including by allocating adequate resources for exercising State jurisdiction.

Portuguese authorities treat with great care all allegations of crimes that may involve any of its several nationals deployed as UN officials or experts on mission.



Accordingly, we have – on regular basis – answered requests by the Secretary-General on the implementation of General Assembly Resolutions under this agenda item; and we have also provided information on domestic legal provisions establishing Portuguese jurisdiction over certain facts committed in or outside the Portuguese territory, allowing criminal prosecution of a UN official or an expert on mission whose immunity has been waived. This competence is articulated with international legal co-operation in criminal matters, giving effect to the principle of *aut dedere aut judicare*.

In addition to the reactive measures by Member States and by the United Nations system, Portugal wishes to further recall the importance of preventive measures – such as pre-deployment training of armed forces and security forces personnel, including on good-conduct and discipline.

Mr. Chair,

In closing, my delegation [*takes good note of the recommendation of the Secretary-General in his report and*] encourages the various legislative bodies of the UN system and related organisations to maintain the coherence and coordination of their policies and procedures relating to the reporting, investigation, referral and follow-up of credible criminal allegations relating to personnel of such agencies and organizations who fall outside the scope of resolutions of the General Assembly, with the policies and procedures applicable to United Nations officials and experts on mission.

Portugal urges the United Nations system and the Members States to continue to collaborate transparently and effectively towards preventing and prosecuting crimes committed by UN officials and experts on mission.

Thank you, Mr. Chair.