

**UNITED STATES MISSION TO THE UNITED NATIONS
NEW YORK**

July 14, 2009

The United States Mission to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honor to refer to his Note of December 31, 2007, regarding General Assembly resolution 63/119 of December 11, 2008 under Sixth Committee agenda item 73, entitled "Criminal accountability of United Nations officials and experts on mission".

In response to the Secretary-General's note, regarding operative paragraph 3, the United States has a broad array of statutes that can be used to prosecute U.S. nationals who commit crimes while working for the United Nations or when acting as experts on mission, even when those crimes may be committed outside of the United States. For certain conduct, the United States has extraterritorial jurisdiction over U.S. citizens. Examples include a citizen who goes abroad and sexually abuses a child or engages a child for prostitution. Thus any U.S. citizen working for the UN who pays a child for an act of prostitution or has sex with a child too young to consent, or with a child of sufficient age difference under federal law, can be prosecuted in the United States for such offenses. In addition, as a result of legislation enacted in December 2008, the United States now has jurisdiction to prosecute U.S. nationals or legal permanent residents who engage in human trafficking offenses abroad.

DIPLOMATIC NOTE

The United States also has jurisdiction generally to prosecute any federal crime where even a minor part of the crime was committed in the United States, even when the bulk of the conduct was committed abroad. For example, a UN official or expert abroad who engaged in fraudulent activities will be subject to prosecution in the United States even if all he does is make a phone call to the U.S. in furtherance of his activities, or wire money to the United States if it is part of the criminal scheme. Similarly, regarding trafficking in persons, a person who affects commerce between the United States and a foreign state by engaging in trafficking in persons as defined by U.S. law can be prosecuted in the United States. This type of jurisdiction is particularly broad where a conspiracy of two or more people is involved, because an act by one conspirator in the United States can bring the entire conspiracy within U.S. jurisdiction.

Also, under the Travel Act, any person who travels or uses a facility in foreign commerce (meaning between the U.S. and a foreign country) for the purpose of distributing the proceeds of unlawful activity or committing a crime of violence in furtherance of unlawful activity, or otherwise carrying on an unlawful activity can be prosecuted in the United States. For the purposes of this statute, unlawful activity includes offenses related to gambling, narcotics, prostitution, extortion, bribery, arson or other racketeering activity.

The United States also has jurisdiction over certain corruption related offenses even when most of the conduct takes place abroad. Bribery of a foreign official by a U.S.

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citizen to gain contracts is a crime prosecutable in the U.S. courts, even if the bribery occurs outside the United States.

Regarding operative paragraphs 5 and 9, we have no relevant experience or additional information to convey.

The United States Mission to the United Nations avails itself of this opportunity to renew to the United Nations the assurances of its highest consideration.

A handwritten signature in black ink, appearing to be "MGM", is located on the right side of the page.