
Translated from Spanish

Permanent Mission of El Salvador to the United Nations

DNU-0050

A.550.AG

New York, 27 June 2010

I have the honour to refer to General Assembly resolution 64/110 of 15 January 2010 on criminal accountability of United Nations officials and experts on mission.

In that regard, I transmit herewith the comments of the Government of El Salvador as requested in the aforementioned resolution.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Carlos Enrique **García González**

Chargé d'Affaires a.i.

Permanent Representative

Mr. Vaclav Mikulka

Director of the Codification Division, OLA

Fax

To : Carlos García
Charge d'Affaires a.i.,
Permanent Mission of El Salvador to the United Nations

From : Manuel Montecino Giralt
Director General of Legal Affairs

Subject : A/RES/64/110 " Criminal accountability of United Nations officials and experts on mission".

Date : 24 June 2010

I have the honour to refer to fax No.00010 dated 22 February from this Permanent Mission transmitting a request from the United Nations Secretary-General concerning General Assembly resolution 64/110 of 15 January 2010 entitled " Criminal accountability of United Nations officials and experts on mission".

On the basis of the information provided by the ministries of Justice and Public Security and Defence, to which the aforementioned resolution was referred for information on its implementation, I hereby wish to transmit the relevant report prepared by the Government and should be grateful if you would transmit it to the United Nations Secretariat by 1 July next, the deadline for submission.

Yours sincerely

Report of the Republic of El Salvador

General Assembly resolution 64/110 entitled " Criminal accountability of United Nations officials and experts on mission"

The Republic of El Salvador, having considered General Assembly resolution 64/110, especially paragraphs 3, 4, 5 (a), (b), (c) and (d), and 14, would like to state that relations among States are based on the principles of equality, equity, reciprocity, cooperation and recognition of the right to self-determination of peoples. In the area of criminal accountability, such principles are set forth in the bilateral and multilateral treaties that clearly define the conduct of States in their interactions with each other. In this connection, mutual assistance in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature and criminal conduct committed abroad is of critical importance. Through such cooperation, the perpetrators of crimes may be prosecuted with the requisite guarantees of due process.

One of the goals pursued through such instruments is to demonstrate the commitment of States Members of the United Nations to the establishment of a climate of peace, security and respect for the laws of the host States. Crimes of a serious nature, such as sexual exploitation and abuse, by a member of any peacekeeping operation are inimical to the very essence of the peacekeeping mission of which the offender is a member and bring the Organization he represents into

disrepute; thus, such offences should not be viewed as merely common crimes given the attending circumstances, even where they do not necessarily rise to the level of international crimes.

With a view to helping to achieve the expected goals at the international level, the State of El Salvador is fully prepared to provide such assistance as is necessary in promoting the adoption of conventions or treaties to help to rapidly attain the expected goals.

At the domestic level, any Salvadoran serving in United Nations missions who would commit sexual or other crimes under domestic law can be prosecuted in El Salvador before criminal courts (under articles 8 and 9 of the Code of Criminal Procedure) and military tribunals (under article 185 of the Code of Military Justice) both of which have concurrent jurisdiction under the principle of territoriality.