

Permanent Mission of the Republic of Iraq to the United Nations

PRCL/2010/56

The Permanent Mission of the Republic of Iraq to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations, and with reference to the Memorandum of the Secretary-General LA/COD/50 dated 8 January 2010, has the honour to enclose herewith decision 112/2008 of the State Consultative Council, dated 3 August 2008, containing Iraq's legal opinion on the issue of criminal accountability of United Nations officials and experts on mission.

The Permanent Mission avails itself of this opportunity to express to the Office of the Secretary-General its highest consideration.

New York, 17 February 2010

[Note from the translator: Attached to the letter is the decision of the State Consultative Council. Attached hereunder is a summary of the said decision.]

Decision n° 113/2008

Date, 3 August 2008

Decision

The Minister of Justice requested the opinion of the State Consultative Council regarding operative paragraphs 3 and 4 of General Assembly Resolution 62/63 of 6 December 2007, regarding the criminal accountability of United Nations officials and experts on mission.

The State Consultative Council, after reviewing the relevant provisions of the said resolution and the relevant provisions of the Iraqi Criminal Law, determines as follows:

- 1 -The Iraqi laws apply to Iraqis serving as UN officials or experts on missions, notwithstanding any immunity granted by the state wherein the incriminating act is perpetrated. The Iraqi courts may use the evidence obtained from the state concerned or from the United Nations or any other relevant source.
- 2 -The rules and regulations that the General Assembly enjoins Member States to observe in accordance with operative paragraphs 3 and 4 of the said resolution, already exist in the Iraqi legislation.