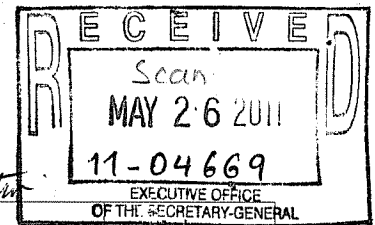


Ms. O'Brien (w/enc.)

SM (COD/OLA)

→ Ms. Morris → TC



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DOCUMENT SUMMARY TRANSLATION

DOC. TYPE:	Note verbale	DOC. DATE:	24 May 2011
SENDER:	Permanent Mission of Iraq to the United Nations		
ADDR. TO:	The Secretary-General		
TOPIC:	Observations of the Iraqi authorities concerning General Assembly resolution 65/20, paragraphs 3, 4, 5 and 15, on criminal accountability of United Nations officials and experts on mission		
ATTACHMENT(S):			

SUMMARY OF CONTENT:

In response to the letter of the Secretary-General LA/COD/50, dated 1 March 2011, the Permanent Mission of Iraq conveys the observations of the Iraqi authorities concerning criminal accountability of United Nations officials and experts on mission.

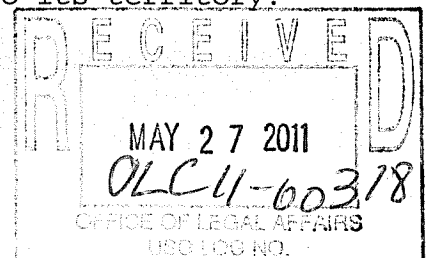
The authorities state that all diplomatic personnel and the staff of missions, including United Nations officials, enjoy diplomatic immunity in Iraq. They also note that diplomatic immunity can serve to prevent the competent authorities from prosecuting offenders and deny justice to injured parties. Currently, the courses of action a host State could take in case a foreign diplomat violates its laws are to declare the offender persona non grata and request his immediate recall, or to protest to the State which the diplomat represents. The competent authorities of the State of which the diplomat is a national may also file charges against him upon his return to its territory.

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Given that international organizations do not fall under the jurisdiction of any criminal court, such organizations may choose to establish their own systems of justice in order to prosecute their officials who commit criminal acts. The State of which the accused official is a national may prosecute him at the request of the international organization, or the organization may waive that official's diplomatic immunity, thus enabling the host State to prosecute him. In order for States to be able to act on any of the above-mentioned possibilities, they should be explicitly stated in an international instrument concluded under the auspices of the United Nations or in the instrument establishing the relevant international organization.

The special status enjoyed by United Nations officials has led some Member States to call on the Organization to establish clear conditions and standards for the waiving of the diplomatic immunity of its officials, thereby removing such immunity as an obstacle to the exercise by the host State of its jurisdiction and the application of its laws.

Iraq supports a zero-tolerance policy in respect of criminal acts committed by United Nations officials or experts, including sexual exploitation and abuse, and financial misconduct. In addition to the harm they cause, such acts damage the reputation of the United Nations and hinder the Organization's effectiveness. Member States, both individually and in the General Assembly, should therefore take the measures required to ensure that the special status enjoyed by United Nations officials does not allow them to escape prosecution. This can

be accomplished either by establishing mechanisms that would allow Member States to exercise jurisdiction over their nationals who commit serious crimes while serving in United Nations operations outside their territories, or by allowing the judicial authorities of the State in the territory of which the criminal act was committed to exercise jurisdiction. The Iraqi authorities favour the latter approach.