

Translated from Arabic

Jurisdiction of the national courts of the Arab Republic of Egypt in respect of the criminal accountability of United Nations officials and experts on mission who commit serious offences while abroad

Pursuant to the Egyptian Criminal Code, articles 3 and 4, any Egyptian who perpetrates abroad an act that is considered a felony or a misdemeanour under that Code is liable to punishment in accordance with the provisions thereof, provided that:

1. The perpetrator of criminal conduct has returned to Egyptian territory;
2. That act is punishable under the laws of the State in which it was perpetrated;
3. He or she has neither been acquitted by a foreign court nor been found guilty and completed the sentence imposed.

Judicial immunity does not preclude application of the Egyptian Criminal Code to Egyptian United Nations officials who commit an offence abroad that is punishable as a felony or misdemeanour, provided that the aforementioned conditions apply and that such criminal behaviour exceeds the limitations on immunity set forth in the Convention on the Privileges and Immunities of the United Nations, article V, section 18 (a). Under that article, officials of the United Nations enjoy immunity in respect of words spoken or written and all acts performed by them in their

official capacities; they do not enjoy immunity in respect of their conduct when they are not carrying out their official duties.

Judicial immunity does not, moreover, preclude application of the Egyptian Criminal Code to Egyptian experts on missions for the United Nations abroad, provided that the conditions set forth in articles 3 and 4 of that Code apply and the criminal conduct exceeds the limitations set forth in the Convention on the Privileges and Immunities of the United Nations, article IV, section 22. Under that article, experts are afforded immunity as is necessary for the independent exercise of their functions during the period of their missions.

Pursuant to the above, Egyptian courts are therefore empowered to hold criminally accountable United Nations officials and experts on mission in respect of any serious offences that they perpetrate abroad provided that the conditions set forth in articles 3 and 4 of the Criminal Code apply and that the criminal conduct exceeds the aforementioned limitations on judicial immunity provided for in the Convention on the Privileges and Immunities of the United Nations.
