

STATEMENT BY DR. VISHNU DUTT SHARMA, COUNSELLOR
ON AGENDA ITEM 78 - "CRIMINAL ACCOUNTABILITY OF UNITED NATIONS
OFFICIALS AND EXPERTS ON MISSION" AT THE
SIXTH COMMITTEE OF THE 68TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 16, 2013

Mr. Chairman,

The instances of crimes being committed by the United Nations officials and experts on mission are a matter of grave concern to the international community. We condemn all kind of crimes committed by them. This has adverse impact over the image, credibility and integrity of the Organization.

Mr. Chairman,

We welcome the Report of the Secretary General A/68/173 on "Criminal accountability of United Nations officials and experts on mission, submitted pursuant to the General Assembly resolution 67/88.

The Report outlines the information received from member States on their national laws establishing jurisdiction over crimes, committed by their nationals while serving as United Nations officials or experts on mission. It also provides information on cooperation among States and with the United Nations in the investigation and prosecution of such crimes; and on the activities within the UN Secretariat towards disciplining the officials and assisting the States to help prevent and stop such crimes.

Mr. Chairman,

According to paragraph 18 of the Secretary-General's report, during the past one year, cases of nine UN officials were referred to the States of their nationalities for investigation and prosecution. We are fully confident that the concerned States will conduct thorough investigations and prosecution and if found guilty, will punish the officials involved.

We note with appreciation the information in paragraph 27 of the report that the awareness-raising activities continue to emphasize the obligations of all United Nations personnel to observe the laws of the host country, and the consequences of failing to do so.

Mr. Chairman,

The General Assembly resolution 67/88 strongly urges all States to consider establishing jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct of the person amounts to a crime both in the host country and the country of his nationality as well. Implementation of this element would help fill the jurisdictional gap in respect of member States that do not assert extra-territorial jurisdiction over crimes committed abroad by their nationals.

Mr. Chairman,

As informed earlier, the Indian Penal Code extends to extra-territorial offences committed by Indian nationals. Accordingly, the offences committed by Indian officials or experts on mission while serving abroad, are subject to the jurisdiction of the Indian courts and are punishable under the Indian law.

The Indian law has provisions for assistance in criminal matters, which enables to seek from and extend to a foreign State, assistance in criminal cases. These provisions are part of the Code of Criminal Procedure of India.

Mr. Chairman,

The Indian Extradition Act, 1962 deals with extradition of fugitive criminals and the related issues. The Act allows for extradition in respect of extraditable offences in terms of an extradition treaty with another State. The Act also allows consideration of an international convention as the legal basis for considering an extradition request in the absence of a bilateral treaty.

India has concluded more than forty bilateral treaties on extradition and mutual assistance in criminal matters. Where there is no bilateral treaty, the Government of India can provide assistance on a reciprocal and case by case basis, in accordance with the provisions of the applicable national laws.

Mr. Chairman,

We reiterate our view that dealing with the wrongdoings of UN officials or experts on mission, does not require the development of an international convention. What, in our view, is required is that the member States ensure that their laws provide for jurisdiction and have adequate provisions for prosecuting any such conduct of their nationals serving as UN officials or experts on mission abroad, and that their laws have provisions for international assistance for the investigation and prosecution of the crimes committed.

Mr. Chairman,

India ascribes to the zero tolerance policy and considers it extremely important that violation of any national or international law by the UN officials and experts on mission is properly investigated and prosecuted. The UN officials and experts should act and perform their duties in a manner consistent with the UN Charter that promotes the image, credibility and integrity of the Organization.

Thank you, Mr. Chairman.

BACK TO TABLE OF CONTENTS