

STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, ON AGENDA ITEM
73 – CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS AND EXPERT ON
MISSION AT THE SIXTH COMMITTEE OF THE 63RD SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY ON OCTOBER 10, 2008

Thank You Mr. Chairman

We thank the Secretary General for his Report outlining the information received from Member States regarding the extent to which their national laws establish Jurisdiction, particularly over crimes of a serious nature committed by their citizens while serving as United Nations officials or experts on mission, as well as information on cooperation both between States and with the United Nations and the facilitation of investigations and prosecution of such individuals. We also thank the Chairperson of the Adhoc Committee for her Report.

We note with great concern the instances of sexual abuse and exploitation and other criminal acts committed by United Nations officials and experts on mission in spite of clear codes of conduct and a policy of zero tolerance. My Government is totally committed to punishing those found guilty of any misconduct and concurs with the view that officials and experts on mission should be held accountable whenever they commit criminal acts not only because of the prejudice or harm caused to the victims but also because they undermine the work and image of the United Nations. It is important that all UN Officials and Experts on Mission perform their duties in a manner consistent with the Charter of the United Nations and in a manner that promotes the image, credibility, impartiality and integrity of the United Nations.

It is essential to ensure that in no circumstance are any United Nations personnel exempt from the consequences of criminal acts committed at their duty station. The legal gap in jurisdiction has been identified as the main barrier in this regard and to address the problem a number of measures were proposed in the General Assembly Resolution A/62/63 adopted last year.

The Resolution strongly urges all States to consider establishing jurisdiction over crimes of a serious nature committed by their citizens while serving as United Nations

officials or experts on mission, at least where the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State.

We sincerely hope that the implementation of this Resolution would help fill the jurisdiction gap in respect of Member States that do not assert extraterritorial jurisdiction over crimes committed by their citizens abroad.

As regards India, the Indian Penal Code extends to extra-territorial offences committed by Indian citizens. Therefore offences committed by Indian officials or experts on missions while serving abroad are punishable under Indian law.

The Resolution also encourages all States to cooperate with each other in the conduct of investigations and prosecution of those who are charged.

In this area, India has a well developed law which enables it to seek from and extend cooperation to foreign States in respect of mutual legal assistance in criminal matters. This law is contained in the Code of Criminal Procedure, 1973. It includes provisions on execution of judicial processes; assistance in relation to orders of attachment or forfeiture of property identified as unlawfully acquired; management of property so seized or forfeited; procedure to be followed in case of letter of request; letter of request to competent authority for investigation in a country or place outside India; and the execution of a letter of request from a country or place outside India to a Court or authority for investigation in India.

India has also concluded several bilateral agreements on mutual assistance in criminal matters. These agreements are designed to provide mutual legal assistance in criminal matters that is necessary for the prosecution of offences, searching persons and property in question, location of fugitives and property involved, transfer of witnesses and exhibits and freezing and confiscation of proceeds.

The Indian Extradition Act, 1962 deals with extradition of fugitive criminals. It allows for extradition for extraditable offences i.e. an offence provided for in the extradition treaty with another State. This Act also allows treating of an international Convention as the legal basis for considering extradition in the absence of a bilateral agreement.

Mr. Chairman

The issues of pre deployment and in-mission training are crucial. Careful preparatory training in terms of a democratic, multi-cultural, pluralistic and tolerant outlook is as important as subsequent swift punitive action, once culpability is established. We thank the Secretariat for providing the details of measures taken to strengthen existing training on United Nations Standards of Conduct, which include not

only pre deployment and in-mission training but also mission specific training that takes into account cultural aspects of the host population.

In conclusion, Mr. Chairman, we welcome the adoption of the “comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by the United Nations staff and related personnel” and would hope that it is promptly implemented.

Thank you

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