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UNITED STATES MISSION TO THE UNITED NATIONS

Statement of the United States of America

68th Session of the UN General Assembly
Sixth Committee
Agenda 78
Criminal Accountability of United Nations Officials and Experts on Mission
John R. Arbogast, Counselor for Legal Affairs October 16, 2013

Mr. Chairman:

The United States believes it is important for the General Assembly to remain seized of this issue. Although we appreciate the progress made in this regard, this year Member States and the United Nations must identify concrete steps to close gaps in national legislation or other measures that will eliminate impunity for such crimes. It is absolutely critical that UN officials and experts on mission should be held accountable if they commit crimes.

In this regard, we welcome the Secretary-General's report on Criminal Accountability of United Nations officials and experts on mission of July 2013. We note that the report contains comments and additional information provided by six governments on the extent to which they have domestic jurisdiction over crimes of a serious nature committed by their nationals while serving as UN officials or experts on mission. It also includes information on the cooperation of certain governments with the United Nations in the exchange of information and the facilitation of investigations and prosecutions of such individuals, as well as the information provided concerning activities within the Secretariat in relation to General Assembly resolutions on this topic.

We acknowledge the UN's efforts to refer credible allegations against UN officials to the State of the alleged offender's nationality during the July 1, 2012, to June 30, 2013, reporting period. There were nine cases of UN officials being referred to the official's state of nationality for investigation and possible prosecution. This was down by almost half from last year - when there were seventeen referrals during a similar
period, and six referrals the previous year. Given the relatively small number of referrals
over the last three years, it is difficult to draw any certain conclusions. We take note that
the UN continues to take practical measures to strengthen existing training on United
Nations standards of conduct, including pre-deployment and in-mission training. This

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aggregated information on the nature of the crimes, requests to waive immunity, and the standard for determining whether such referrals are made.

We urge Member States to take appropriate action with regard to abuses committed by their nationals serving with the UN in peacekeeping and other capacities, and to report to the United Nations on the disposition of the cases to support and inform analysis of the actual, rather than speculative, gaps in jurisdiction and legislation. In addition, we believe it may be useful for the UN to provide a more systematic way for States to report to them on the outcome of such referrals in the future.

We are satisfied that the Sixth Committee decided last year, in resolution 67/88,
to defer for three years further consideration of the Group of Legal Experts' 2006 report, which recommended a multilateral convention as a way of addressing this issue and, in particular, potential jurisdictional gaps and ways to encourage international cooperation among States. We continue to believe that such a convention would not present the most efficient or effective means through which to ensure accountability, particularly when it is unclear whether lack of jurisdiction over crimes is the principal reason for any current difficulties that may exist in carrying out prosecutions. A convention that merely closes
theoretical gaps in jurisdiction would not make a significant contribution to ensuring the
prosecution of these crimes if impediments to accountability lie elsewhere. Examples of
other potential impediments include lack of political will, resources,

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