

Statement on behalf of the European Union and its Member States

By

Ms. Daniela Gauci, Counsellor, Delegation of the European Union to the
United Nations

at the Sixth Committee

on the Agenda item 79

"Criminal accountability of UN officials and experts on mission"

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The primary responsibility for the investigation and prosecution of crimes against United Nations officials and experts on mission lies with the State of nationality. However, lack of State cooperation or jurisdictional issues should not be a barrier to holding those responsible for crimes to account. In this regard, we request States with technical and other appropriate assistance to provide legislative measures. We also encourage Member States to provide more updates on the status of their investigations or prosecutions.

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The State of nationality, the host State or other States cooperate with misconduct and crimes. Justice could only be achieved through cooperation between States and the Organization. With this in mind, the European Union and its Member States remain ready to cooperate in the development of a comprehensive international legal framework, which would clarify the independence of justice, the circumstances under which the UN Mission can exercise jurisdiction, as well as the categories of individuals and crimes.

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Mr./Madam Chair,

While investigation and prosecution is key

We would like to share some practice from the EU side. The Code of Conduct and Discipline for European Union Civilian Common Security and Defence Policy (CSDP) Missions provides the civilian CSDP missions with consistent procedures in order to ensure that the highest norms and standards in terms of professionalism and conduct are being effectively implemented. Additional measures and safeguards have also been included, such as the possibility to call for independent experts (investigators and Disciplinary Board members) or the proper protection of whistle-blowers. The implementation of the Code is an ongoing process.

In this context there is a strong focus on prevention. Mandatory Pre Deployment Training for Missions' staff contains an extensive session on the Code and the Standards as well as on Human Rights and Gender. The Civilian Planning and Conduct Capability (CPCC), the operational headquarters of all EU's civilian CSDP Missions, supports the missions in induction trainings, whilst an e-learning module on the Code and the Standards is mandatory for all mission members. Currently, the EU is establishing a mechanism to make confidential counselling available to mission' staff. Finally, selection is a key word in the framework of integrity as well. Exemplary behaviour of mission members starts with recruiting of qualified staff.

Before concluding, we would like to take note of the policies and procedures of the UN Secretariat, funds and programmes and other entities, as detailed in the Report of the Secretary General A/76/205 regarding credible allegations that reveal that crime may have been committed and information with respect to investigations or prosecutions of such crimes. We encourage the distinct legislative bodies of the UN system and related organizations to ensure the coherence and coordination of policies and procedures relating to reporting, investigation, referral and followup of credible allegations.

In closing, Mr./Madam Chair, we stand ready to work towards making progress on this file.

I thank you.