Mr. Chairman,

Let me first congratulate you and other members of the bureau on your election and assure you of full cooperation of my delegation.

We thank the Secretary General for his Report outlining the information received from Member States regarding the extent their national laws establish Jurisdiction, particularly over crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission, as well as information on cooperation among States and with the United Nations in the exchange of information and the facilitation of investigations and prosecution of such individuals.

Mr. Chairman,

We align with the statement made by Iran on behalf of NAM. We note with great concern the instances of serious crimes committed by United Nations officials and Experts on Mission in spite of clear codes of conduct and a policy of zero tolerance by 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. My Government is totally committed to punishment of 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 essential to ensure that in no circumstance are any United Nations personnel exempt from the consequences of criminal acts committed by them at their duty station.

The latest GA Resolution on this agenda item strongly urges all States to consider establishing jurisdiction over crimes of a serious nature committed by their nationals 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 nationals abroad.

Mr. Chairman,

As regards India, the Indian Penal Code extends to extra-territorial offences committed by Indian nationals, 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 aspect, India has a well developed law on mutual assistance in criminal matters 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 are 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 of crime.
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 consideration of an international Convention as the legal basis for considering extradition in the absence of a bilateral agreement.

In cases where there is no bilateral treaty on extradition or mutual legal assistance in criminal matters with a State, the Government of India can offer assistance on a reciprocal and case by case basis in accordance with the provisions of the Indian Criminal Procedure Code and the Extradition Act.

Mr. Chairman,

The issues of pre deployment and in mission training are crucial. Careful preparatory training in terms of a 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.

We appreciate the offer of the United Nations to support Member States, at their request, in the development of domestic criminal law relevant to the crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission. We, in particular appreciate the expertise of the UNODC in this regard. We hope that Member States, who perceive a gap in their national system will rely on the expertise of UNODC to help them close the gaps so as to enable them to criminalize the conduct of a serious nature, establish jurisdiction, conduct investigation and provide international cooperation as they relate to UN officials and experts on mission committing serious crimes.

Mr. Chairman,

In conclusion, we once again reiterate and support the policy of zero tolerance and view with serious 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. On the issue of elaboration of a convention we are of the view that there seems to be no need to elaborate specific convention as the existing provisions in domestic laws are adequate to address this issue and wherever jurisdictional or other gaps persist, attention should be focused on those issues and specific countries to enable them to bridge the gaps.

Thank you, Mr. Chairman.
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