

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

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New York: The United Nation has issued the following press release:

Delegates Conclude Debate on Measures to Eliminate International Terrorism, Take up Report on Rule of Law Principle

Holding United Nations officials and experts on mission accountable for **crimes** required Member States to increase their exercise of national extraterritorial jurisdiction in order to ensure the integrity of the Organization, the Sixth Committee (Legal) heard today as it took up that topic, alongside the matter of the principle of rule of law.

After concluding its debate on measures to eliminate international terrorism (see Press Release GA/L/3594), the Sixth Committee took up the report of the Secretary-General, "Criminal accountability of United Nations officials and experts on mission" (documents A/74/142 and A/74/145).

"These numbers paint a dire picture," said the representative of Switzerland, referring to the report stating that 75 per cent of the 190 allegations referred to Member States against United Nations officials and experts on mission since 2008 have gone unanswered. Furthermore, the General Assembly's request to Member States to provide information on how they have established jurisdiction over their nationals in these cases has also gone largely unanswered. States must do better, he stressed.

Echoing that, the representative of Slovakia urged that even a single **crime** committed by a United Nations official or expert on mission is one too many. Indeed, such acts diminish the trust of those communities that are in the greatest need of assistance and help. The Organization cannot fight impunity alone, however, and requires the cooperation of alleged perpetrators' States of nationality.

Mexico's delegate pointed out that this cooperation was also lacking, as demonstrated by a worrying trend of States failing to exercise jurisdiction over their nationals for **crimes** committed on mission, despite the existence of a legal framework facilitating such jurisdiction. Another significant obstacle was that some Member States continue to withhold investigatory and prosecutorial information relating to their nationals who have committed such **crimes**, she observed.

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

The representative of Sudan concurred, emphasizing that serious gaps exist in terms of verifying, alerting and providing information among host countries, missions and troop-contributing countries. This legal void affects not only the victims, but also the reputation of the United Nations. He called on the Organization to strip the special status that benefits offending personnel on missions, as this leads to impunity.

This impunity, observed the representative of Haiti, undermines the right of victims of these **crimes**. In many cases, the Organization received no information regarding investigation or prosecution of these cases from the State of nationality and, in other cases, administrative disciplinary measures were taken while criminal prosecution was dropped with no additional explanation. He urged that this legal vacuum in the exercise of national extraterritorial jurisdiction be filled.

The Committee also began consideration of the report of the Secretary-General, "Strengthening and coordinating United Nations rule of law activities" (document A/74/139), which will be introduced tomorrow by the Assistant Secretary-General for Strategic Coordination, Volker Türk (Austria).

Denmark's representative, also speaking for Finland, Iceland, Norway and Sweden, spotlighted a negative trend towards a weaker principle of the rule of law, along with a concomitant decrease in the protection of human rights and increase in opposition to multilateralism international efforts.

Similarly, the representative of Nicaragua warned that some large Powers were utilizing new arrangements to subjugate the rights of smaller countries. He reminded the Committee that the rule of law at the international level is built upon respect for global norms, including the principles of non-interference in domestic affairs and the non-threat or use of force against other nations.

Morocco's representative highlighted the link between the principle and development. Encouraging States to share best practices, he added that mutual consent is crucial for a treaty-based framework. "It would be a very bad thing to forget the cultural aspect of this cooperation," he said, also stressing that Morocco's commitment to rule of law is not simply about acceding to treaties.

At the top of the meeting, the Committee concluded its debate on measures to address international terrorism, with speakers continuing to underscore the importance of collective action to address terrorists' use of the Internet, as well as the complex issues created by foreign terrorist fighters.

Kazakhstan's delegate announced that to combat terrorists' use of the Internet, his country was developing a national programme — the Cyber Shield of Kazakhstan — that will also combat illicit use of the dark web and encryption technology by these groups. He also pointed to his country's unique experience in safely repatriating 595 of its nationals — including over 400 children — from Syria.

The representative of the International Committee of the Red Cross was similarly concerned with the plight of children affected by measures taken against foreign terrorist fighters and their families. Such children should be treated as victims, and States should act in their best interest.

Prior to commencing the day's debates, Tijjani Muhammad-Bande (Nigeria), President of the General Assembly, addressed the Committee, noting that this year was the fiftieth anniversary of the Vienna Convention on the Law of Treaties. This widely ratified Convention symbolizes the universality of international law and remains an essential framework for the rules-based international order. However, this order cannot be guaranteed without international legal education.

He went on to highlight the work of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which provides developing countries with training programmes and audiovisual libraries and assists in the preparation and dissemination of international law publications. The international community, he emphasized, must recall that "we are nations united".

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

Speaking on measures to eliminate international terrorism were representatives of Libya, Niger, Iran, Democratic Republic of the Congo, Bangladesh, Sierra Leone, Panama, Guinea, Eritrea, Brazil and Yemen, as well as observers from the Holy See and the State of Palestine.

Speaking on criminal accountability of United Nations officials and experts on mission were representatives of Iran (for the Non-Aligned Movement), Norway (also for Denmark, Finland, Iceland and Sweden), Zambia (for the African Group), Canada (also for Australia and New Zealand), Israel, Thailand, El Salvador, United States, Pakistan, Russian Federation, South Africa, Portugal, Brazil, Saudi Arabia, Egypt, Ethiopia, Cameroon, Zambia, Senegal, India, Nigeria, Indonesia, Morocco, Malawi and the Netherlands, as well as a representative of the European Union delegation.

Also speaking on the rule of law at the national and international levels were representatives of Iran (for the Non-Aligned Movement), Gambia (for the African Group), New Zealand (also for Australia and Canada), Argentina and Israel, as well as a representative of the European Union delegation.

The Sixth Committee will next meet at 10 a.m on Friday, 11 October, to continue its consideration of the rule of law at the national and international levels.

Statement by General Assembly President

TIJJANI MUHAMMAD-BANDE (Nigeria), President of the General Assembly, underscored that the promotion of justice and international law has always been of fundamental importance to the work of the Assembly and he expressed appreciation for the flexibility of all delegations to commence the work of the Sixth Committee. During the high-level week, Heads of State and Government reiterated their support for multilateralism, which is based on the rule of law, he said, noting that this year is the fiftieth anniversary of the Vienna Convention on the Law of Treaties. This widely ratified Convention symbolizes the universality of international law and remains an essential framework for the rules-based international order.

It is timely that the Committee will discuss rule of law, he continued, encouraging delegates to discuss best practices, ideas to promote the respect of States of international law, mechanisms that promote the effective implementation of international law and ways in which the United Nations can provide best assistance. Calling attention to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, he highlighted the direct assistance it provides to developing countries through training programmes, audiovisual libraries and the preparation and dissemination of international law publications. International rule of law can hardly be guaranteed without international law education, he said, encouraging Members to continue supporting the Programme.

This past year has seen terrorist attacks all over the world, he noted, calling on delegates to take action to effectively counter the phenomenon of terrorism in all its forms and manifestation. It is necessary to build momentum towards finalizing the draft comprehensive convention on international terrorism through the General Assembly's review of the Global Counter-Terrorism Strategy and the High-level Conference of Heads of Counter-Terrorism Agencies of Member States. Commending the International Law Commission for its fruitful work, he added that the international community must recall that "we are nations united".

Statements on Measures to Eliminate International Terrorism

MOHAMED A. M. NFATI (Libya), associating himself with the Non-Aligned Movement, the African Group and the Organization of Islamic Cooperation (OIC), said that his country — like others in the region — has experienced attacks resulting from political crisis. Those who have not accepted political agreements have attacked the Capital and its suburbs, aided by foreign intervention. In coordination with its friends, particularly the United States, the Government of National Accord is determined to eliminate terrorism. It has entered into agreements with neighbouring countries to monitor and combat terrorist networks and hopes for international support for these efforts. The world must also focus on the conditions conducive to terrorism and promote human rights and respect

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

for the rule of law. As well, the international community should assist countries in conflict or post-conflict status in their efforts to anchor domestic stability.

AMADOU ADAMOU (Niger), associating himself with the Non-Aligned Movement, the African Group and OIC, recalled that his country has confronted terrorist attacks in recent years, chiefly from Boko Haram in the Lake Chad region. Further, Niger's northern border with Libya is also a source of major concern, as the drug traffickers and terrorists destabilizing Libya have a "knock-on" effect in the Sahel. For its part, Niger has developed a legal arsenal with which to counter terrorist financing and money-laundering. Implementation of these measures, however, is complicated by short custody periods, given the complexity of counter-terrorism investigations. Since 2010, Niger has been pushing back against Boko Haram with help from its neighbours, especially Nigeria. Roughly 8,000 men fight to curb the threat in Lake Chad. Unfortunately, regional initiatives started in 2014 to address attacks across the Sahel region struggle due to a lack of resources. The international community must deliver on what it has pledged so that these States may continue to function as a bulwark against the spread of terrorism in the region.

ALI NASIMFAR (Iran), associating himself with the Non-Aligned Movement and OIC, said that as a past and current victim of terrorism, his country will always remain at the forefront of genuine confrontations with the menace. Outlining various legislative measures undertaken by his Government, including amendments to the Countering Money-Laundering Act, he said that dishonest approaches in combating terrorism have led to certain challenges in achieving a world free of that threat. The politicization of the fight against terrorism by some countries is a long-standing issue that has always hindered genuine international efforts. Condemning unilateral coercive measures, he added that illegal economic sanctions against developing nations such as his own are a clear example of "naked economic terrorism".

Mr. KAHZOI (Democratic Republic of the Congo), associating himself with the Non-Aligned Movement and the African Group, said that the proliferation of terrorist fighters pose a growing threat to international security, while also plunging people around the world into misery. Expressing concern about the large number of terrorist groups linked to Al-Qaida and their burgeoning activities across the African continent, particularly in the Maghreb, East Africa, Central Africa and West Africa, he said his country is facing an unstable environment, especially because of the presence of armed groups working in its eastern parts. The Government is tackling this through institutional structures as well as preventive action, he said, highlighting the work of the Congolese National Police in fighting trafficking in small arms and light weapons.

TAREQ MD ARIFUL ISLAM (Bangladesh), associating himself with the Non-Aligned Movement, said capacity-building of law enforcement, intelligence and border management agencies have allowed Bangladesh to ensure its territory is not used for terrorist attacks against any neighbours. The Financial Action Task Force effectively combats the financing of terrorism and weakens the nexus between terrorist groups and transnational organised criminal networks. Bangladesh is constantly enhancing its engagement with the United Nations and its counter-terrorism-related bodies, he said, noting its support of and partnership with the United Nations Office of Counter-Terrorism.

SOLOMON ALPHONSO JUSU JAMIRU (Sierra Leone), associating himself with the Non-Aligned Movement, the African Group, and OIC, highlighted the collective steps being taken by the Economic Community of West African States (ECOWAS) member States to address terrorism in that sub-region. The recent fifty-fifth ECOWAS Ordinary Session resolved to convene a summit on terrorism in Ouagadougou, Burkina Faso that would address a myriad of challenges including slow adoption and implementation of concrete measures by member States, the limited role played by civil society and inadequate resources. Sierra Leone faces the biggest challenge in the Sahel region and has called for enhanced cooperation with a priority on intelligence-sharing and coordination to fight terrorism. He added that military and security approaches alone will not effectively address terrorism, as a civil-society stakeholder component is also critical. States must impress upon those stakeholders that national development depends on security.

GERARDO IRIMIA AROSEMENA (Panama) stated that his country fights against terrorism and its financing by prioritizing information exchange, border protection and the prevention, deterrence, detection and elimination of

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

terrorist networks. Panama maintains a national watchlist to monitor those aiding and abetting terrorist activities. Its domestic law is aligned with international standards to combat terrorism and the illicit activities that finance it, including money-laundering. International counter-terrorism measures cannot be used as a pretext for violating international or refugee law and must instead uphold peace, security and human rights, he stressed.

FATOUMATA KABA (Guinea), associating herself with the Non-Aligned Movement, the African Group and OIC, said that the complex and transnational nature of terrorism means that no country is free from the threat. It is urgent to tackle the root causes of poverty such as exclusion and violations of human rights. Calling for enhanced international cooperation in the implementation of relevant resolutions, the exchange of information and intelligence, freezing the sources of funding for international terrorism and countering hate speech, she voiced concern about the critical situation in West Africa.

DIDAR TEMENOV (Kazakhstan), associating himself with OIC, pointed out that terrorist groups continue to adapt their tactics and methods, including using the Internet and artificial intelligence to recruit, finance, plan and execute attacks against civilians. Foreign terrorist fighters also pose new challenges to their countries of origin. To combat terrorists' use of the Internet, the dark web and encryption, his country is developing a national programme — the Cyber Shield of Kazakhstan. Kazakhstan has also safely repatriated 595 of its nationals — including over 400 children — from Syria after they were led to that crisis-hit country under false pretext and became trapped in armed conflict. As one of the few nations that carries out such humanitarian actions, it stands ready to share its experience in this area, he said.

SOPHIA TEFAMARIAM (Eritrea) called for the creation of robust regional and global mechanisms of coordination to combat terrorism and extremism. This was a matter of urgency, particularly in regard to the establishment and consolidation of suitable coalitions that encompass all stakeholder countries. This flexible architecture of defence cooperation can be created to address specific threats and be geographically limited and temporal. Beyond these specific coalitions, there is a need to enhance the scope of continuous exchange of information, coordination and experiences, involving more countries that interact more frequently. Eritrea's two-pronged approach has evolved around judicious policies of inclusiveness and social justice as well as purposeful and persistent sensitization programmes. It continues to take measures in improving its legislative and law enforcement capacities to prevent and prosecute acts of terrorism, she added.

MAITE DE SOUZA SCHMITZ (Brazil), noting that the repudiation of terrorism is enshrined in her country's Constitution as a guiding principle of its foreign policy, highlighted various pieces of national legislation that enable the Brazilian regulatory framework to fight terrorism. The current patchwork of sectoral conventions prohibiting well-specified acts related to terrorism lacks the unity and coherence that a comprehensive convention would provide, she pointed out, adding that it is vital to overcome the stalemate in the negotiating processes. Calling for the strong political push that will be needed to take this final step, she said that the emergence of new expressions such as "radicalism" and "violent extremism" might add confusion in the absence of a universally agreed-upon definition of terrorism.

ABUBAKER ALI ABUBAKER BA ABBAD (Yemen), associating himself with the Non-Aligned Movement and OIC, condemned all acts of terrorism targeting civilians, including those on religious minorities, and those targeting the global economy such as attacks on the Aramco oil facilities and international navigation routes. Highlighting Yemen's contribution to the fight against Islamic State in Iraq and the Levant (ISIL/Da'esh), he pointed to three things on which the Government has focused. First, it is fighting the spread of terrorist propaganda and recruitment over the Internet. Second, supported by the United States, it is securing land, sea and airports to prevent the infiltration of foreign terrorist fighters. Third, it is working to freeze sources of terrorist financing by empowering monetary authorities to monitor transactions and blacklist terrorist financiers. The international community must hold both terrorist groups and States that sponsor terrorism accountable, he stressed.

DAVID PAUL CHARTERS, the Permanent Observer of the Holy See, said the international community must deny financial support and access to weapons to those who employ the tactics of terrorism. Particular attention must be given to preclude the radicalization of youth through media and cybertechnologies. In this regard, local populations,

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

including religious leaders, are important in providing education and keeping youth from radicalization. With regards to eradicating terrorism, he underlined respect for freedom of conscience, religion and belief; the equality of all citizens before the law; a condemnation of the abuse and manipulation of religion and religious belief to incite hatred and violence; intercultural and interreligious dialogue; and education. In their joint document, "Human Fraternity for World Peace and Living Together", Pope Francis and the Grand Imam Ahmed Al-Tayyeb appealed to religious, political and cultural leaders to promote dialogue. Such an approach can contribute to reducing the root causes of terrorism.

MAJED S. F. BAMYA, an observer for the State of Palestine, associating himself with the Non-Aligned Movement and OIC, said humanity should refuse to play along the dividing lines drawn by terrorists and reject their self-proclaimed titles. In order to vanquish terrorism, it must never be associated with a religion, especially when terrorists distort the religion to advance their nihilist ideas. "You will discover that the religion you are accusing is the one of a great number of victims," he emphasized, condemning terrorism in all forms and manifestations. The State of Palestine has developed a wide range of legislation, instruction and tools in this regard, including a national committee to implement Security Council resolutions on counter-terrorism. Reiterating the importance of concluding a comprehensive convention to combat international terrorism, he said it should include a clear definition of the issue. Moreover, the fight against terrorism cannot be used to justify acts of aggression, extra-judicial killings, torture or continued denial of rights, he stressed.

CHRISTOPHER BRADLEY HARLAND, International Committee of the Red Cross (ICRC), said counter-terrorism activities must be conducted with full respect for international law, particularly when individuals are arrested and detained in connection with terrorism. Independent monitoring mechanisms, such as the ICRC, should be granted access to those individuals to help ensure they are treated humanely. Expressing concern over measures taken against foreign fighters and their families, he said children affected by such measures should be treated as victims and States should find solutions that are in the best interest of those children. The activities undertaken by humanitarian organizations must never be considered a form of unlawful support to non-State actors or criminalized in any way, he continued, recalling that such activities are part of the humanitarian mandate assigned to them by State parties to the Geneva Conventions of 1949 and the Additional Protocols of 1977. Failure to exclude humanitarian activities from criminal laws dealing with terrorism would negate international humanitarian law and jeopardize the mission of humanitarian organizations in general.

Statements on Criminal Accountability of Experts on Mission

Mr. NASIMFAR (Iran), speaking on behalf of the Non-Aligned Movement, requested the Secretary-General to continue improving reporting methods by providing a full picture of obstacles in the domestic legal systems as well as the United Nations. Such efforts should aim at developing appropriate policy and legal solutions. The Movement's countries contribute more than 80 per cent of the peacekeeping personnel in the field. He underlined the importance of maintaining a policy of zero tolerance in addressing all cases of sexual exploitation and abuse. Thus, the Organization should continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant international law agreements, with information and materials for purposes of criminal proceedings initiated by States.

The development of "harmonized United Nations standards" for investigations of crimes allegedly committed by officials and experts on mission can be critical to strengthening the Organization's system of accountability, he continued. Member States should exercise their jurisdiction in applicable cases so that criminal acts do not go unpunished. In that regard, States of nationality must act in a timely manner to investigate and prosecute alleged crimes, he stressed. Although reiterating concern about alleged crimes on the part of the United Nations officials and experts on mission, including allegations of fraud, corruption and other financial crimes, he noted that it was still premature to discuss a draft convention on criminal accountability.

DANIELA GAUCI of the European Union said that despite the Organization's zero tolerance policy for sexual exploitation and abuse, allegations of those crimes continue. "If we want the United Nations to fulfil its mandate, being a credible and effective partner for victim and host States, we must work together to bring the perpetrators of

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

these crimes to justice,” she said. The Secretariat’s continued efforts to gather relevant information was commendable, she added, encouraging all States to answer requests for information on investigations and prosecutions undertaken by the competent national authorities, including, where appropriate, the reasons why investigations or prosecutions have not been pursued.

The Union requires that all civilian and military personnel serving in common security and defence policy missions and operations maintain the highest standards of conduct, she continued. Training and awareness-raising on the Organization’s standards is an indispensable preventive measure that should remain at the core of action by field missions and Headquarters. She voiced support for the effective combination of short-term measures with long-term processes to address the jurisdictional gaps and obstacles to accountability. In the long term, the bloc and its member States remain ready to consider a proposal for a comprehensive international legal framework, which would clarify the circumstances under which States can exercise jurisdiction, she said.

ODD INGE KVALHEIM (Norway), also speaking for Denmark, Finland, Iceland and Sweden, cited the Secretary-General’s report on the matter which noted that there were 190 cases of serious criminal offenses committed by officials and experts on mission reported since 2007. It is unacceptable that only in very few of these cases has the sending State informed the Organization of investigative or prosecutorial measures taken. This insufficient response puts the credibility and integrity of the United Nations and its missions at stake. States that have not provided required information on these cases should do so.

He went on to propose the compilation of a list of Member States that have followed up on these cases at the national level to incentivize States to inform the Secretary-General of national responses and to promote the exchange of information and experience. The primary responsibility for addressing this serious issue lies with Member States and their respective national jurisdictions. It is crucial, then, that States establish jurisdiction over crimes committed by their nationals while serving as officials or experts on mission. He also expressed support for the Special Coordinator on improving the Organization’s response to sexual exploitation and abuse and the Secretary-General’s strategy to prevent and respond to such exploitation and abuse system-wide.

LAZAROUS KAPAMBWE (Zambia), speaking for the African Group and associating himself with the Non-Aligned Movement, expressed support for the Organization’s zero-tolerance policy, particularly conduct involving sexual exploitation and abuse. The African Group also supports a system-wide approach to combat this abuse, he said, reiterating the importance of General Assembly resolutions 71/278, 72/312 and 73/302. Criminal accountability is a fundamental pillar of the rule of law and is crucial for safeguarding the integrity of the Organization.

On that point, he encouraged Member States to exercise jurisdiction in applicable cases to amplify the call for zero-tolerance against impunity. Recalling that several delegations have previously noted that jurisdictional gaps lead to repeat crimes, he emphasized that the responsibility of ensuring criminal accountability of officials or experts on mission lies with the State of nationality. Welcoming the United Nations training measures on standards of conduct and the technical assistance it provides to States in developing domestic criminal law and deterring such offenses, he stressed that States should cooperate in criminal investigations and extradition proceedings where crimes of a serious nature are committed by officials and experts on mission.

CATHERINE BOUCHER (Canada), also speaking for Australia and New Zealand, said the deplorable acts of a few United Nations officials and experts proliferates suffering among the people they are mandated to help and protect. Seventy-five allegations of sexual exploitation or abuse involving United Nations personnel have been reported in the first two quarters of the year. All such allegations must be investigated in an impartial, thorough and timely manner to ensure that substantiated cases are appropriately dealt with. As such, the updated table of national provisions regarding Member States’ establishment of jurisdiction over nationals for relevant criminal offenses is useful, and she encouraged all to contribute to the table to provide clarity and fill gaps.

She went on to emphasize that Member States have the responsibility to implement measures including pre-deployment training and screening. Moreover, they should investigate allegations of criminal misconduct by their nationals, cooperate with other Member States in these matters and hold perpetrators accountable according

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

to their domestic criminal law. Information should be shared on any obstacles to effective prosecution. Canada, Australia and New Zealand also support the proposal for a convention requiring Member States to exercise criminal jurisdiction over their nationals participating in United Nations operations abroad, she added, welcoming further discussions in that regard.

MATÚŠ KOŠUTH (Slovakia), associating himself with the European Union, said that even a single crime committed by a United Nations official or expert on mission is one too many, as it undermines the noble goals that the United Nations strives to achieve. In addition, it diminishes the trust of those communities that are in biggest need of assistance and help. Expressing support for the Secretary-General's zero-tolerance policy for criminal activities and his efforts to fight impunity, he stressed that the United Nations itself, without genuine cooperation, especially that of the State of nationality of alleged perpetrator, cannot achieve the desired results.

SARAH WEISS MA'UDI (Israel) noted that the current agenda item originated as a response to serious allegations of sexual exploitation and abuse by United Nations peacekeepers but evolved to take on a much broader scope. However, those actions must be properly investigated and prosecuted and a zero-tolerance policy applied. Underlining the importance of transparency and of ensuring that internal investigations on such matters are made public, she spotlighted recent allegations of acts of misconduct by experts on mission and senior officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); those individuals must be held accountable if proven guilty. Privileges and immunities granted to United Nations personnel are done so in the interest of the Organization and not for the personal benefit of individuals, she stressed, adding that the Secretary-General has the right to waive them in cases where immunity would impede the course of justice.

ELSADIG ALI SAYED AHMED (Sudan), associating himself with the Non-Aligned Movement and the African Group, expressed concern about the grave allegations of sexual abuse and exploitation and other crimes committed by the Blue Helmets. Of even more concern was the phrase that appears in parts of the report stating, "no information communicated by the Member State". That phrase shows serious gaps that exist in terms of verifying, alerting and providing information among host countries, missions and troop-contributing countries. Because of this legal void, allegations affect not only the victims but also the reputation of the United Nations. The Organization must strip the special status that experts and officials at missions benefit from, as this leads to impunity, he said.

NATTHAKIT SINGTO (Thailand), associating himself with the Non-Aligned Movement, said that the achievement of peacekeeping mandates depends on the quality and capabilities of peacekeepers. Criminal accountability of United Nations officials on mission is fundamental to promote and sustain the rule of law at the Organization and elsewhere. In ensuring accountability, jurisdictional gaps must be addressed, he said, calling for Member States to exercise jurisdiction over serious crimes committed by their nationals while serving as United Nations officials. Turning to prevention, he highlighted the importance of training programmes and vetting measures to ensure appropriate conduct.

Ms. FIERRO (Mexico) pointed to a worrying trend of States failing to exercise jurisdiction over their nationals for crimes committed on mission, despite the existence of a legal framework facilitating such jurisdiction. Underscoring that this results in perpetrators of serious crimes going unpunished, she called upon bodies within the United Nations to hold their staff accountable and on States to exercise jurisdiction over their nationals. These crimes range from corruption and fraud to sexual abuse, she said, adding that the international community must develop mechanisms allowing for the effective exercise of justice to uphold the Organization's credibility. However, the lack of information provided by some Member States who continue to withhold investigatory and prosecutorial information relating to their nationals who have committed such crimes remains an obstacle.

Ms. LOPEZ (El Salvador) highlighted the significant contributions of officials and experts on mission towards achieving the objectives in the United Nations Charter. However, it was critical to adopt appropriate measures to guarantee that crimes committed do not go unpunished and that proceedings are in line with human rights standards, without prerogative to the immunities enjoyed by the concerned persons. Regarding the relevant domestic legal architecture in her country, she said that if the criminal conduct takes place outside national borders,

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

the Attorney General of El Salvador is empowered to establish a joint investigative team to work with foreign institutions or bodies. Such features reduce the possibility of impunity, she said, calling for more international cooperation in communication and prosecution.

EMILY PIERCE (United States) welcomed cooperation between the Organization and her country's authorities on various criminal investigations — including those that do not involve a United Nations official but about which the Organization has relevant information. Proposed legislation will close domestic jurisdictional gaps so that the Government can follow up on all referrals of criminal allegations involving United States citizens serving with the United Nations abroad. "One case of impunity is one case too many," she stressed. She also welcomed the implementation of enhanced vetting measures, particularly the expansion of the ClearCheck database to screen for prior sexual exploitation and abuse or harassment — including for those personnel who resigned from the Organization while allegations were pending. The Sixth Committee should focus on the failure to hold civilian officials and experts on mission criminally accountable rather than engaging in a parallel debate with the Fifth Committee on sexual exploitation and abuse in the peacekeeping context.

SAAD AHMAD WARRAICH (Pakistan), associating himself with the Non-Aligned Movement, said ensuring accountability for crimes committed by experts and officials on mission is crucial, both as an imperative of justice and for the maintenance of the Organization's credibility. Under no circumstance can the protectors of the vulnerable be allowed to become their abusers. Yet, the international community's collective commitment to that is constrained by the lack of cohesion and consistency across the United Nations system. Calling for a more streamlined approach, he said that accountability is cross-cutting in nature. While sexual exploitation and abuse is the most heinous of crimes, a majority of reported cases are related to financial impropriety and fraud. Stressing that the response of Member States to cases referred to them needs to be stronger, he said, "it does not make for encouraging reading" that of the 42 referred cases, information has been received on only two cases.

ALEXANDER S. PROSKURYAKOV (Russian Federation), welcoming measures taken by States to train and prepare their troops before peacekeeping operations and special political missions, stressed that the Secretariat must inform a State immediately if its citizens on missions are suspected of committing offences. Underscoring the need to bolster the communication channels, he added that when a United Nations official is accused of a crime, the State of nationality must play an active role in the judicial process. States do possess the legal mechanisms to prosecute citizens who are employed by the United Nations. "We see no legal lacunae in this area," he observed and therefore, the need to draft a convention is not obvious. He also noted that the part of the Secretary-General's report on Secretariat regulations and procedures is piecemeal. Furthermore, the report does not cover all sections of the Secretariat.

THABO MICHAEL MOLEFE (South Africa), associating himself with the Non-Aligned Movement and the African Group, called attention to the courage of officials within the United Nations system who report criminal activity and misconduct at the risk of personal prejudice. He expressed his support for a multilateral, rules-based regime to protect vulnerable populations who are supposed to benefit from United Nations deployment. For its part, South Africa is developing domestic law that vests local courts with the requisite jurisdiction to hold United Nations personnel on mission accountable. He urged Member States to prioritize closing jurisdictional gaps and strengthen pre-deployment vetting procedures and training as a preventative measure.

SERGIO AMARAL ALVES DE CARVALHO (Portugal), aligning himself with the European Union, said that United Nations officials and experts on missions are generally known to have impeccable and unpolluted behaviour. However, the occasional reproachable behaviour of some officials and experts can compromise the credibility of the Organization and its agents, he said, adding that States must ensure that they have adequate resources to exercise their jurisdiction. With several of its nationals deployed as officials or experts on mission, Portugal takes these issues very seriously and may criminally prosecute an expert or official whose immunity has been waived, for acts committed in or outside the Portuguese territory.

Ms. SCHMITZ (Brazil), emphasizing that "we owe it to victims" to ensure proper accountability for all crimes committed by the Organization's officials and experts on missions, noted that three United Nations entities and

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

related organizations submitted for the first time information about their policies and procedures on the matter. Underlining the need for more coherence and coordination of policies, she added that Member States should strive to overcome legal challenges to assert jurisdiction over crimes committed by their nationals. Further, they should be promptly and adequately informed of criminal acts that may have been committed by their nationals. She also stressed that when implementing the zero-tolerance policy, due regard should be paid to the protection of victims' rights and to the observance of the rule of law.

VINCENT OLIVIER RITTENER (Switzerland) noted that, since 2008, the Secretary-General has referred 190 allegations against United Nations officials and experts on mission to Member States, of which three-quarters remain unanswered. "These numbers paint a dire picture of the commitment by Member States to provide for effective accountability," he observed, calling upon States to do better and the Secretariat to continue follow-up. In terms of the legal framework, the General Assembly requests Member States to provide information on how they have established jurisdiction over their nationals. However, no additional State has submitted such information during the reporting period. Noting that States have responded favourably to the idea of establishing an international legal framework to ensure effective accountability, he strongly encouraged more Member States to comment on the report by the Group of Legal Experts of 2006.

SAAD ALARJANI (Saudi Arabia) urged the international community to protect victims of crimes committed by United Nations personnel on missions and to demand accountability from the same. As well, uniformed personnel and other members of peacekeeping missions should also be held accountable. Officials should receive predeployment training not only on Organization procedure but also on the law applicable in the host country. He called for a strategic partnership between United Nations bodies to implement an impartial, precise and transparent mechanism that exercises oversight on how missions are implemented — particularly those that are humanitarian in nature. In addition, States must ensure that officials do not use their positions to conduct criminal activities, and nations, such as Saudi Arabia, that donate to missions, must be made aware of efforts to address fraud.

Mr. ABDELAZIZ (Egypt), associating himself with the Non-Aligned Movement and the African Group, said that the issue of criminal accountability is crucial to multilateralism as it affects the credibility of the United Nations. There should be no impunity for anyone who commits a crime while on a United Nations mission. The impact of that extends to thousands of officials who serve with dedication and sincerity. That is especially applicable to sexual exploitation and abuse, he said, noting that his country has been active in adding this issue to the General Assembly's agenda. The non-applicability of punitive legislation of States to crimes committed outside their territory did not justify impunity. Calling for cooperation in closing such loopholes, he said the Egyptian penal code provides for accountability for its nationals committing wrongdoing outside its territory.

Mr. MOHAMMED (Ethiopia), associating himself with the Non-Aligned Movement and the African Group, pointed out that his country is one of the world's largest contributors to United Nations peacekeeping missions as well as a member of the Organization's Economic Commission for Africa, among others. That puts Ethiopia on both sides of the "aisle" of criminal accountability, he said, noting that rule of law related to diplomatic privilege and immunity is necessary to maintain the United Nations credibility. Though it is difficult to establish jurisdiction of domestic courts over crimes committed by United Nations officials and experts on mission, it is advisable to put in place a mechanism to hold them accountable in the country of their nationality. He also underlined the importance of prevention, noting that States deploying peacekeepers have a major role to play in ensuring that they have the training and personality that befits their role as protectors and role models. States should adopt a zero-tolerance policy at the local level and ensure that their nationals working for the United Nations do not escape justice due to diplomatic immunity, he emphasized.

ZACHARIE SERGE RAOUL NYANID (Cameroon) stated that United Nations officials need privilege and immunity to carry out their duties. However, the world must ensure that these individuals obey the law applicable in their duty station and uphold their private legal obligations. He encouraged countries to exchange information and facilitate investigation and prosecution; the Organization should cooperate with national authorities in this regard. For its part, Cameroon will, at the request of the Secretary-General, and in accordance with domestic law, provide access to witnesses, documentation or other relevant evidence to another Member State carrying out an external

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

investigation. He called upon the Organization to provide information and awareness-training to potential United Nations personnel as part of the recruitment process as a preventative measure. On this point, he highlighted his country's school for international security forces that has been training peacekeepers since 2008.

SYLVESTER MUNDANDA (Zambia), associating himself with the Non-Aligned Movement and the African Group, said that his country's criminal law contains no specific provision regarding criminal liability for acts committed by its nationals when acting as United Nations officials or experts on mission. However, it does provide for liability for offences committed outside the country's jurisdiction. Recalling the words of the former United Nations Police Advisor, Ann-Marie Orlor, he said supervisors are responsible for ensuring that officers under their watch are not involved in any kind of activity that would undermine the important work of the United Nations. Also citing Sun Tzu, the grand master of strategy, he said, "when the leader is morally weak and his discipline is not strict... then neighbouring rules will take advantage of this." His Government is therefore investing heavily in programmes designed to instil high ethical standards among officers and experts selected for mission, he said.

MAMADOU RACINE LY (Senegal), associating himself with the Non-Aligned Movement and the African Group, praised the work of peacekeepers, who often worked in precarious situations to uphold international peace and highlighted the recent tragic accident that involved a Senegalese helicopter in the Central African Republic. His Government stands by the zero-tolerance, he said, noting a recent Presidential directive that calls on all involved in peacekeeping missions as well as those training contingents to uphold high standards of behaviour. The question of appropriate training is as important as disciplinary actions. There must be a coordinated approach between the United Nations, the national authorities of the alleged perpetrator and the host country, especially in situations where the opportunity for the host State to exercise penal jurisdiction is limited. Accountability is a moral duty to victims, he said, adding that the privileges enjoyed by United Nations officials should not become pretexts to commit crimes.

YEDLA UMASANKAR (India), associating himself with the Non-Aligned Movement, said the issue of accountability remains elusive because of the complexities of legal aspects relating to sovereignty and jurisdiction of Member States. The United Nations may bestow some immunity or privileges necessary for its operations in a country. Member States may not have the functional capacity or the willingness to investigate and prosecute the accused. These factors have further complicated this matter. The first approach to rectify this would be to ensure that all Member States have the jurisdiction needed to prosecute their nationals. The United Nations could compile a list of those Member States that have implemented the principle of nationality. India's penal code and its code of criminal procedure have provisions to deal with extraterritorial offences committed by Indian nationals.

FRITZNER GASPARD (Haiti) stated that the legal vacuum in the exercise of national extraterritorial jurisdiction must be filled. Haitian domestic law also has such a gap when it comes to its nationals that commit crimes abroad while on official government business. In many cases of crimes perpetrated by United Nations personnel on mission, there is no information regarding the investigation or prosecution from the State of nationality. In other cases, administrative disciplinary measures were taken while criminal prosecution was dropped with no additional explanation. This situation, if left unaddressed, could create a form of impunity that undermines the rights of the victims of these crimes. He called for the Organization and the States of victims to be continually updated and for greater synergy between States, the United Nations and civil society.

Ms. ANUKAM (Nigeria), associating herself with the Non-Aligned Movement and the African Group, condemned criminal acts by United Nations officials and called for their accountability. In visits to various missions, her country's trainers worked with its troops to sensitize them on the consequences, implications and impacts of any untoward actions. Calling for more targeted orientation and awareness-raising campaigns, she welcomed the United Nations zero-tolerance policy, expressing support for the idea of referring cases of alleged criminal conduct to States of nationality of the official concerned for investigation and prosecution. She also urged States to report to the United Nations on steps taken thereafter. Nigeria has embarked on the provision of recreational activities for its peacekeepers stationed abroad in order to boost their morale. As well, a work environment must be created that prevents sexual exploitation and abuse through increased women's participation, improved personal welfare, and timely investigations and prosecutions.

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

MOHAMMAD KURNIADI KOB (Indonesia) highlighted his country's contribution of at least 2,700 military and police officers to nine peacekeeping missions around the world. In Indonesia, such service in a peacekeeping mission is considered a noble duty that should never excuse or justify any wrongful act or criminal activity by an official or expert. Its national penal code allows for the establishment of extraterritorial jurisdiction under certain conditions, and domestic law also provides for extradition, mutual legal assistance and judicial cooperation with other States even in the absence of treaties. He called for effective predeployment training to enforce high standards of conduct for such personnel and, to that end, offered the services of the Indonesian Peacekeeping Centre as a hub for international training.

HASSAN LASRI (Morocco) stressed that crimes committed by United Nations officials and experts not only jeopardize the achievement of the aims of the mission but also besmirch the reputation of the Organization. He called for an integrated approach that harmonizes the policies and procedures of specialized agencies and organizations and improves communications among States and between States and the United Nations. Highlighting the need for sufficient enquiry on alleged crimes before proceeding to national courts, he said that the campaign against impunity is not enough in itself. "Prevention must take place a priori," he stated, noting that Morocco's troops in peacekeeping operations are given holistic training, including on the matter of sexual exploitation and abuse, human rights and international humanitarian law.

PERKS LIGOYA (Malawi), associating himself with the Non-Aligned Movement and the African Group, said that the report is a cause for concern. Member States must hold their nationals responsible for any crimes on mission. Extra vigilance is required as the number of Organization staff serving on missions grows. As a troop-contributing country, Malawi has taken steps to prevent and combat such crimes, including predeployment briefing on international law and the national law at their posting location. In addition, troops sign declarations binding them to abide by all relevant guidelines and laws. If crimes do occur, Malawi's legal codes provide cross-border jurisdictions over crimes against humanity and other serious crimes by utilizing traditional links of nationality with the ability to deal with situations where crimes are wholly committed abroad. Noting that most referrals cited by the report remain unresolved, he called for enhanced international cooperation to fight impunity. His country remains committed to that effort, he stated, stressing the importance of safeguarding the integrity of the United Nations and securing public trust.

SIDNEY KEMBLE (Netherlands) recalled the Secretary-General started referring cases to Member States for investigations, prosecution and punishment in 2008, four years after the first stories of sexual exploitation and sexual abuse. Yet, 11 years later, "we are still waiting for answers from some Member States" on those cases referred to them in 2008, he pointed out. He urged the Secretary-General to ask two of three members of the Circle of Leadership to bring the referrals to the attention of the Member States refusing to provide information. This would bring the allegations of criminal misconduct of a national to the attention of the highest level and most senior officials in Government. It would also bring to their attention the refusal to undertake any action at all. He also highlighted paragraphs 2 and 3 of Council resolution 2272 (2016), which excludes Member States from participation in current and/or future United Nations peacekeeping operations if they refuse to comply with their obligations and do not take the appropriate steps to investigate, hold accountable and inform the Secretary-General of the progress of their investigations.

Statements on Rule of Law at National and International Levels

ALI NASIMFAR (Iran), speaking for the Non-Aligned Movement, said that the rule of law from the international dimension needs greater attention by the Organization. The principle of sovereign equality of States inter alia entails that all States have equal opportunity to participate in law-making processes at the international levels. All States should equally respect and comply with their obligations under treaty and customary international law; selective application of international law must be avoided. States should resort to pacific settlement of disputes through mechanisms and tools established under international law. In addition, human rights, the rule of law and democracy are interdependent and mutually reinforcing, he stressed.

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

While the General Assembly must play a leading role in promoting and coordinating efforts towards strengthening the rule of law, the international community must not replace national authorities in the task of establishing or strengthening the rule of law, he continued. Recognizing the importance of national ownership in rule of law activities and underlining the importance of strengthening the national capacities of Member States in the domestic implementation of their respective obligations, he emphasized that there is no single agreed definition of the rule of law. This fact should be taken into account in preparing reports and at the time of collecting, classifying and evaluating the quality of data on issues which are directly or indirectly related to rule of law, he added.

AMADOU JAITEH (Gambia), speaking for the African Group and associating himself with the Non-Aligned Movement, expressed concern about the proliferation of hate speech and incitement to violence around the world. Welcoming several positive United Nations initiatives, including one to help ensure the safety of religious sanctuaries, he commended the Organization for its continued support for accountability and prevention efforts, as well as its work in peacebuilding and sustaining peace.

Underlining the importance of disseminating international law around the world, including with the help of technological tools, he said the African Union Commission on International Law serves as a lever for its dissemination at the regional level. Among other things, the Commission encourages the teaching, study, publication and dissemination of literature on international law, especially with a view to the peaceful resolution of conflicts. Meanwhile, the Asian-African Legal Consultative Organization sets a good example of dissemination between two regions, working to exchange views, experiences and information. That body could serve as a model for further cooperation between regions, he said.

ERIC CHABOUREAU of the European Union expressed concerns about new challenges to the rule of law emerging from climate change, the proliferation of hate speech and incitement to violence, the displacement of persons and new technologies. He stressed the crucial role of the United Nations in promoting the rule of law in domestic legal systems and celebrated measures introduced in countries, such as Mali, Central African Republic or the Democratic Republic of Congo relating to effective, inclusive, transparent and functioning justice, corrections and security institutions. As for the death penalty, he asked Member States that continue to impose and implement death sentences to establish a moratorium with a view of abolishing it all together.

He applauded the use by States of international justice mechanisms, including the International Court of Justice, among others to resolve inter-State disputes and to uphold the rules-based international order. He also expressed support for the work of the International Criminal Court, among others, adding that he hoped the necessary resources would be available for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. In addition, he commended the initiation of an Independent Investigative Mechanism for Myanmar. "Injustice and impunity have proven in the past to be the main obstacles to healing the deep wounds in societies caused by the most serious crimes and could create fertile ground for the recurrence of conflict", he added.

RASMUS JARAK NEXØ JENSEN (Denmark), speaking for the Nordic countries, warned that countries in many parts of the world continue to see a negative slide towards weaker rule of law. As a result, the protection of human rights is also weakened and there is increased opposition to multilateralism. Pointing out that, in December, States will attend an International Conference of the Red Cross and Red Crescent, he said the meeting will be an opportunity to promote respect for the rule of law and cross-regional cooperation on topics related to international humanitarian law.

Spotlighting the Independent International Fact-Finding Mission on Myanmar mandated by the Human Rights Council as a good example of interaction between the latter and the General Assembly, he recalled that a joint European Union-Organization for Islamic Cooperation (OIC) resolution put forward in that Council led to the Mission's establishment. Decades of denial for justice for victims in Myanmar and impunity for perpetrators have severely eroded the rule of law there. International efforts must ensure that anyone responsible for genocide,

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

crimes against humanity, ethnic cleansing or war crimes — in Myanmar or anywhere else — must be brought to justice, he emphasized.

LUKE ROUGHTON (New Zealand), also speaking for Canada and Australia, praised the rules-based international law system that emerged after the Second World War. The Geneva Conventions of 1949 illustrate humanity's capacity to achieve consensus on fundamental and universal obligations that are legally binding. Current challenges stem from new and rapidly developing technologies that operate in virtual spaces and introduce non-traditional actors. Yet, the international rules-based system provides an anchor and these new and emerging threats can be tackled with the current laws.

Calling for all States to uphold the rule of law, he encouraged Member States to initiate and welcome dialogue about what it means to adhere to the principle. He also praised the role of the United Nations, underscoring that the Organization has contributed to ensuring the effective, inclusive and functioning justice institutions, ensuring accountability for violations of human rights, curbing corruption and making justice accessible.

JAIME HERMIDA CASTILLO (Nicaragua), associating himself with the Non-Aligned Movement, said the rule of law at the international level is built upon respect for global norms, including the principles of non-interference in domestic affairs and the non-threat or use of force against other nations. Nicaragua's love of peace is reflected in all its international efforts, including its engagement with the International Court of Justice. Noting that more than seven decades have elapsed since the adoption of the Charter of the United Nations, he warned that new arrangements today are being used by some large Powers to subjugate the rights of smaller countries. Multilateralism leads States towards social justice and peace, and it must be strengthened. Peace and sustainable development must be achieved through full respect for international law without any intervention. The application of unilateral sanctions run counter to those ultimate goals.

FERNANDO ANDRÉS MARANI (Argentina) said justice and peace are not only compatible, but also complementary principles. The Rome Statute of the International Criminal Court is one of the world's most significant achievements in fighting impunity and stands as a key element in the rule of law, he said, calling for its universalization. Another pillar of the rule of law is the peaceful settlement of disputes, in which the International Criminal Court plays a critical role. However, parties must comply in good faith with calls to negotiate. Also spotlighting the importance of United Nations good offices, he said the rule of law is an essential way to push forward the implementation of the 2030 Agenda. In that regard, he recalled that Argentina, along with a number of other States, presented a statement at this year's High-Level Political Forum titled "Pioneers for Peaceful, Fair and Inclusive Societies", which advocates for stronger partnerships, among other things. Only by working together in a cross-cutting manner and enhancing dialogue will States be able to achieve their development goals, he stressed.

Mr. LASRI (Morocco), welcoming the support provided by the United Nations to its Member States to reinforce the rule of law, said that the principle is inextricably linked to development. Encouraging States to share best practices, he added that mutual consent is crucial for a treaty-based framework. Morocco's activities in South-South cooperation include bilateral agreements and technology transfer. As well, solidarity and partnerships with African neighbours is key to Morocco's foreign policy. "It would be a very bad thing to forget the cultural aspect of this cooperation," he said, also stressing that Morocco's commitment to rule of law is not simply about acceding to treaties, it is also about peacekeeping and campaigning against terrorism.

SARAH WEISS MA'UDI (Israel), emphasizing that the rule of law, particularly the of equality before the law, is enshrined in her country's basic documents, highlighted the representation of women, non-Jews and Jews from developing countries in the judiciary. Describing active promotion of the rights of vulnerable groups, she underlined the country's leading role in preventing sexual harassment, for which best practices are being shared at the United Nations. Israel also seeks to deepen its efforts to promote rule of law through capacity-building in developing countries and is actively engaged in treaty practice forums. Supporting the Secretary-General's call for criminal accountability, she stressed the primary responsibility of individual States in that regard, as well as the need for safeguards to prevent politicization of the laudable effort to end impunity. In that regard, she emphasized the

Sixth Committee Speakers Say Member States Must Increase National Extraterritorial Jurisdiction, Hold Officials, Experts on Mission Accountable for Crimes

importance of rules of jurisdiction for both international treaty practice and for national and international courts and tribunals.

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