



**Permanent Mission of**  
**Malaysia** (12)  
**to the United Nations**

*(Please check against delivery)*

**STATEMENT BY MS. NOOR RUWENA MOHD.-NURDIN, REPRESENTATIVE OF MALAYSIA ON AGENDA ITEM 80: CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS AND EXPERTS ON MISSION AT THE SIXTH COMMITTEE OF THE 62<sup>ND</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, NEW YORK, 15 OCTOBER 2007**

Mr. Chairman,

My delegation takes this opportunity to express once again its appreciation to the Secretary General and the Group of Legal Experts (GLE) established under Resolution 59/300 of 22 June 2005 for their comprehensive analysis of the problems of imposing accountability for criminal acts committed by United Nations staff and experts on mission in peacekeeping operations and their constructive and reasoned proposals to deal with this matter to ensure there is no impunity.

2. My delegation also records its appreciation to the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission which held its first session from 9 to 13 April 2007 for its detailed and clear report on the discussions held.

Mr. Chairman,

3. Malaysia is concerned to ensure that the good name and image of UN peacekeeping missions are not tarnished through the exploitative acts of a few individuals. As of the one troop contributing countries which contributes national contingents comprising military and police personnel as well as civilian personnel that are currently deployed in Timor Leste under the United Nations Integrated Mission in Timor Leste (UNMIT) and in Lebanon under the United Nations Interim Force in Lebanon (UNIFIL), Malaysia is an interested party in this matter. Thus any measures elaborated by the United Nations and its constituent bodies, whether through streamlined resolutions, enhanced guidelines, revised model agreements or even, if necessary, a new legally binding instrument will have an impact on troop contributing countries.

4. Malaysia participated actively in the first session of the Ad Hoc Committee and intends to continue contributing constructively to that process. Malaysia notes that basic issues arising from the Report of the Group of Legal Experts are

still being considered with discussions being focused on elucidating problem areas while considering viable solutions in each context. In Malaysia's view, this is an appropriate approach with consideration of the final form of the vehicle for the implementation of agreed measures being left as a secondary consideration.

Mr. Chairman,

5. The areas considered by the Ad Hoc Committee at its first session touch upon fundamental issues with reference to the draft Convention suggested by the Group of Legal Experts. These issues should also be considered in a wider context in the event that it is determined that such a Convention is not necessary. The issues generally pertain to the scope of application in relation to *ratione personae* and *ratione materiae*, basis and primacy of the exercise of jurisdiction over the identified criminal acts, and investigation, custody and prosecution of alleged offenders with due regard for the need for cooperation between States and between States and the United Nations.

6. Malaysia's Armed Forces Act 1972 and the Police Act 1967 cover Malaysian personnel serving as experts on missions abroad, wherever they may be deployed. Thus Malaysia is able to exercise jurisdiction over them. Further, it is Malaysia's view that in order to ensure that these personnel are adequately accountable, provision may be made in the deployment authorization document, whether a UN Status-of-Forces-Agreement or otherwise, accordingly.

Mr. Chairman,

7. Malaysia notes that the scope of the offences for which the UN staff and experts on mission are to be held accountable requires further discussion. The other point which needs to be addressed is that the types of crimes identified are duly criminalized in the host and sending States to ensure that there is prosecution for those offences and comparable penalties on conviction.

8. Malaysia notes that other procedural and evidential issues were also considered by the Ad Hoc Committee and that these matters will require further deliberation taking into account the existing legal and procedural requirements of Member States. In this regard, Malaysia is of the view that we should not rush into any discussion on the form and should be taken up, if necessary, at a later stage. We look forward to the discussion in the working group on these outstanding issues.

Thank you, Mr. Chairman.