



**Statement by the Delegation of Indonesia
On
The Sixth Committee
“Criminal accountability of United Nations officials
and experts on mission”
New York, 5 October 2018**

Mr. Chairman,

Let me begin by expressing the profound appreciation of the delegation of Indonesia to the Secretary-General for the comprehensive and balanced agenda item on this subject.

In our view, this agenda item is as important now as the first time it was introduced. Criminal accountability of United Nations officials and experts on mission is a subject that has no place in our world.

Indonesia has many reasons for attaching great importance to this agenda item. In our history, we have deployed more than 23,000 personnel to 24 UN peacekeeping operations.

In fact, not only we are now one of the largest troops/police contributing countries—ranked 8th of all T/PCCs, with 2,679 personnel currently serving in nine UN peacekeeping operations—the process now under way for the deployment of 1,000 Indonesian personnel to MINUSCA.

But before discussing the accountability of personnel currently on mission, we must not forget to pay tribute to, and appreciate the contributions and sacrifices of peacekeeping personnel over the years. Since 1948, more than 2500 have lost their lives in UN Peacekeeping Operations, with 43 of that number was perished due to hostile acts.

It is equally significant that during the past four years (2013-2017) there has been a rise in peacekeeper fatalities due to violent acts. Deaths from these violent acts has amounted to 195 during this period, with 56 fatalities last year alone, the highest number since 1994.

This should be a strong reminder to all of us that we must not forget those who have given their lives for peace and justice in the world. More work must be done to ensure the safety and well-being of peacekeepers and their families.

Mr. Chairman,

Let me also express our strong opposition to any excuse or a justification for any wrongful behavior or criminal activities on the part of UN officials. Our stance remains that we cannot tolerate anyone violating laws, particularly in the area of sexual exploitation and abuse. Peacekeepers must adhere fully to the highest standards of conduct and integrity and respect local laws and customs.

Check against delivery

It is critical that peacekeepers perform their duties in a manner that respects the law of the host state, and must bear in mind at all times that they or she represents the United Nations and its most fundamental ideals.

On the other side of the coin, Indonesia has always advocated, and we hereby reiterate, that should this critical international trust be violated, the official responsible must be held accountable, not only as a way of ending impunity, but also preserving and protecting the legacy, image and effectiveness of the United Nations.

On this point, it is important to ensure personnel and leadership accountable for proper conduct, including through supervision and oversight mechanisms, and to ensure that the prospective personnel are properly trained and equipped.

We need to also implement the UN Human Rights Due Diligence Policy for all UN support and non-UN security forces, as these troops also represents the symbol of the UN on the ground.

With that in mind, Mr. Chairman, let us now turn to the technical aspect of ensuring accountability. We realize that at this point, gaps either in jurisdiction or enforcement may arise.

A jurisdictional gap is when a host state is unable to exercise its jurisdiction because of an existing conflict of institutional interest, and at the same time the state of nationality is unable to establish its jurisdiction due to lack of jurisdiction.

As scenario of this nature may occur, my delegation appeals to Member States, although we believe there are only a few, particularly among troop or police contributing countries, to equip themselves with the necessary jurisdiction toward their nationals. It is important to close this gap to end the impunity of the crime.

An enforcement gap is also possible due to the geographical distance between the location of the crime and the location of the national. These may be best addressed through the cooperation of Member States with the necessary legal tools, such as extradition and mutual legal assistance cooperation with other states in judicial matters.

We could also use the UN and T/PCCs to prescribe prevailing jurisdiction on misconduct. This is very critical in our effort to close the jurisdictional gap.

I am pleased to point out that in Indonesia, our penal code allows us to establish criminal jurisdiction over Indonesian nationals who commit crimes. Furthermore, Indonesia has the necessary legal tools, such as extradition and mutual legal assistance cooperation with other states, on a reciprocal basis.

I thank you, Mr. Chairman.