



Permanent Mission of the United Kingdom

866 U.N. Plaza, New York, N.Y.

STATEMENT

BY

MINISTER COUNSELLOR

PERMANENT MISSION OF THE UNITED KINGDOM  
TO THE UNITED NATIONS

TO

SIXTH COMMITTEE

ON

AGENCY FOR

CRIMINAL ACCOUNTS

UNITED

DURING THE

UNITED NATIONS

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**Mr. Chairman...**

Kenya associates itself with these statements delivered by the distinguished representative of the Islamic Republic of Iran speaking on behalf of the Non-Aligned Movement and the statement delivered by the distinguished representative of South Africa speaking on behalf of the African Group. Kenya would also like to thank the Secretary-General for his informative report under this agenda item.

Kenya is home to the United Nations Office at Nairobi, the UN Headquarters in Africa, and various agencies of the United Nations including UN Human Settlements Programme (UN Habitat), United Nations Environmental Programme (UNEP) just to mention but a few.

With the number of United Nations Officials and Experts on Mission steadily increasing, and especially since the end of the Cold War, UN operations are more active in the world, this topic is as relevant today as it was in the past and is now even more important.

It has been acknowledged in many General Assembly resolutions that the prosecution of criminals who are committed by United Nations officials on a mission poses a serious threat to the reputation of the United Nations, undermines the work of these Missions and in most cases hampers the deployment of these UN deployments even in very early situations.

It is for these reasons that Kenya considers it extremely important that the crimes committed by UN-affiliated personnel are properly investigated and prosecuted in a timely manner keeping in line with the various conventions on diplomatic relations, privileges and immunities.

**Mr. Chairman,**

Kenya supports the zero tolerance policy of the United Nations concerning criminal conduct, particularly that involving sexual abuse and exploitation, committed by United Nations officials on country and mission. Criminal responsibility is a fundamental pillar of the rule of law, and that it is crucial for the Organization's integrity and effectiveness. It is indeed an obligation for the Secretariat to give a clear and visible signal that it does not tolerate criminal behaviour.

We note that the immunity for UN staff members on mission is only waived by the Secretary-General and only where he is persuaded that the host country is incapable of adhering to the principles of the process and mechanisms.

In the recent past Kenya has further strengthened its government and criminal justice system following the promulgation of the Constitution in 2010. Key institutions such as the judiciary, the Office of the Director of Public Prosecutions,

the Police have been empowered to ensure that the law and order is maintained in accordance with law and good practices set for such offices.

Kenya is thus well equipped to prosecute nationals who have committed serious offences in our and other countries. The challenge we face is the existence of a fairly lengthy process of seeking immunity by the Secretary of State.

It is apparent from the Secretary-General's reports that there are gaps in legislation and capacity to exercise jurisdiction. The Government of Kenya encourages Member States to examine, and if necessary, amend their laws in order to ensure that criminal acts do not go unpunished thereby closing the impunity gap.

**Mr Chairman,**

Further to these bureaucratic and jurisdictional challenges, Kenya has a comprehensive procedural law providing for the seamless procedure from complaint to investigation, by waiver of immunity, by prosecution and eventually sentencing.

We are of the view that the remedial measures set out in the Assembly Resolutions on these matters, if properly implemented, will ensure that these agreements are given effect.

We however call for the harmonization of these efforts and the development of a model law that guides States in addressing these challenges. Such a law can then be replicated in the domestic law of the Member States.

Kenya welcomes the continued international dialogue, including with the standards of accountability, and encourages the provision of training and awareness-raising programmes and other technical assistance offered by the UN to Member States requesting support in developing their domestic criminal law, especially in the context of war crimes, crimes and extradition.

In conclusion, Kenya calls for greater cooperation amongst States in criminal investigations and/or extradition proceedings in respect of crimes of a serious nature committed by UN officials and experts on mission.

I thank you