

Questionnaire on Criminal accountability of United Nations officials and experts on mission, pursuant to resolution 70/114, paragraph 23

By operative paragraph 23 of General Assembly resolution 70/114 of 14 December 2015, entitled **3 & ULPLQDO DFFRXQWDELQDW\ RI 8QLWHG 1DWLRQV** General Assembly LD OV D O requested to prepare a compilation, based on information which should be received from all Member

Office of Legal Affairs of the United Nations would appreciate receiving excerpts of relevant national provisions and short references or citations of such national provisions.

1. Please indicate the available forms of jurisdiction and list the relevant national provision(s) which criminal law is applicable to nationals while serving as United Nations officials or experts on mission; please also specify whether specific legislation applies to United Nations officials and experts on mission:

- (a) Territoriality
- (b) Nationality
- (c) Passive personality
- (d) Effects doctrine
- (e) Protective principle
- (f) Universality
- (g) Other (if any)

2. To what extent (a) General application to all persons

- (b) Jurisdiction over nationals
- (c) Jurisdiction over stateless persons
- (d) Jurisdiction over foreign nationals (list specific exceptions)
- (e) Specific legislation for particular categories of persons
 - (i) Military United Nations officials and experts on mission

3. To which extent do national provisions establish jurisdiction *ratione materiae* over crimes committed extraterritorially by nationals while serving as United Nations officials or experts on mission (please indicate all that apply and cite relevant national provisions):

(a) General application of criminal law

(b) Application limited to international treaty obligations

(c) § SSOLFDFWLRQ OLPLWHG WR FULPHV RI D μVHULRXV QDWXUH ¶
G § SSOLFDFWLRQ OLPLWHG WR μLQWHUQDWLRQDO FwLPHV ¶ LQF
crimes

(e) Application limited to crimes accompanied with minimum imprisonment term (eg. 3/5 years)

I § SSOLFDFWLRQ OLPLWHG WR FULPHV DIIHFWLQJ μHVHQQWLDO

(g) Application limited to crimes affecting public security

(h) Application limited to specific list of crimes

(i) Other limitations to the application *ratione materiae* of domestic law (if any)

4. Which, if any, prerequisites are placed before the application of extraterritorial jurisdiction for United Nations officials or experts on mission (please indicate all that apply and cite relevant national provisions):

(I)

(a) Agreement (SOFA/SOMA) with host State on extraterritorial jurisdiction

(b) Agreement (SOFA/SOMA) with host State with respect to United Nations officials or experts on mission

(c) Any other agreement

(d) National law

(II)

(a) Offence must be extraditable

- (a) Exclusive application of military law to military personnel deployed as United Nations officials or experts on mission
- (b) Exclusive use of military courts for military personnel deployed as United Nations officials or experts on mission
- (c) Potential application of civilian law/courts to military personnel

7. Please provide any other comments