



Accountability System for the Protection of Civilians

CASE STUDY South Sudan

The UN Mission in South Sudan (UNMISS) has saved thousands of lives by hosting civilians fleeing clashes in its compounds, and then in its “protection of civilians sites” across the country. However, the mission is also known for having blatantly failed to protect civilians in the immediate vicinity of its bases, including in Malakal on February 17, 2016, and Juba in July 2016. These cases reveal strikingly similar shortcomings, demonstrating an inability to quickly integrate lessons learned and address systemic issues with POC performance.¹



Malakal, Upper Nile, February 2016

The Incident

On February 17, 2016, violence broke out in the UNMISS POC site in Malakal in the Upper Nile region of South Sudan. The POC site hosted about 47,000 internally displaced persons (IDPs) from three ethnic groups: the Dinka, Nuer, and Shilluk. Several reports highlighted the intercommunal tensions in the camp, which mirrored national political divides, with a loose alliance between the Nuer and Shilluk, who tended to support the armed opposition and the Dinka, who tended to support the government. South Sudanese government forces also entered the camp through a breach in the fencing and “took an active part in fighting and in burning the camp.”² Thirty civilians within the POC site were killed and more than 120 were injured, and one-third of the camp was burned.³

UNMISS was criticized for not properly responding during the two days of attacks in the camp it was overseeing. During the first night, UNMISS positioned a formed police unit and a quick-reaction force to prevent movement between Sectors 1 and 2, the Shilluk and Dinka areas of the camp. However, the heart of the fighting ended up being between Dinka and Nuer within Sector 2. UNMISS responded to a fire and used tear gas, but this did not prevent youth from joining the fighting. UN troops reportedly refused to enter the area where fighting was active and abandoned their position. On the second night, one contingent was impossible to reach.⁴ Eventually, after government forces and allied youth fired on UN armored personnel carriers, UNMISS troops returned fire, pushing the attackers out of the base.

Subsequent investigations and external reports demonstrated that UNMISS had purposefully chosen not to engage the fighters, fearing collateral damage to IDPs. Several external challenges complicated the mission’s response, including the fact that some of the attackers were themselves civilians or in civilian attire, the configuration of

¹ The attack in Malakal was also similar to an attack in Bor in April 2014. A board of inquiry (BOI) investigating the events in Bor has not been made public.

² This summary is based on the comprehensive analysis of the Malakal incidents conducted by the Center for Civilians in Conflict (CIVIC), “A Refuge in Flames: The February 17–18 Violence in Malakal POC,” 2016.

³ UN Secretary-General, “Note to Correspondents—Board of Inquiry Report on Malakal,” August 5, 2016.

⁴ CIVIC, “A Refuge in Flames.”

the crowded camp that allowed the attackers to hide behind shelters, and the confusion resulting from civilians trying to flee the camp while attackers were breaching the perimeter.⁵

However, there were other internal shortcomings that could have been avoided. The Center for Civilians in Conflict (CIVIC) reported that some peacekeepers seemed to lack an understanding of their POC mandate, with one unit asking for written confirmation that it could use lethal force. More generally, it seems that the mission “could have better positioned [its] assets” to distinguish combatants from civilians and deter and stop the violence.⁶ As stated by CIVIC, “Although U.N. peacekeepers ultimately pushed the attackers out of the camp, the Mission’s response was slow and ineffective throughout much of the incident; quicker and more robust action likely would have saved lives and reduced harm to civilians.”⁷

The case of Malakal highlights how a failure to protect civilians can result from a wide range of shortcomings attributable to all mission components. Beyond the military component, the mission’s civilian leadership was criticized for ignoring early warning signs, declining to put together a risk-mitigation plan as the protection cluster had requested, and convening a crisis-management team only sixteen hours after the violence had erupted. Partial responsibility could also be assigned to the director of mission support for not allocating the necessary resources to ensure the camp’s security and the Indian engineering company in charge of building and repairs. No buffer zone had been established around the camp, and the breaches in the camp’s fence through which state forces entered had long been in need of repair.⁸ In addition, the decision of the UN Department of Safety and Security to contract a South Sudanese company to provide security for the gate to the camp, made on financial grounds, had been opposed by several UNMISS officials and was widely criticized.⁹

The Accountability Process

The incident in Malakal provoked a public outcry, and the UN Security Council released a press statement on February 19, 2016.¹⁰ Several tools were activated to investigate the incident, including an internal review, an investigation by the mission’s human rights division, a board of inquiry (BOI), and a special investigation from UN headquarters. The BOI and special investigation, in particular, helped establish facts and responsibility and recommend corrective actions.

On March 11, 2016, the UN announced that it would convene a high-level BOI to “conduct an in-depth investigation into how the UN responded” to violence in Malakal.¹¹ The BOI found that the mission “failed to manage the crisis effectively” at all levels. It

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ There was a deliberate choice not to repair the fence to let IDPs flee. Ibid.

⁹ Ibid.

¹⁰ United Nations, “Security Council Press Statement on Malakal, South Sudan,” UN Doc. SC/12252- AFR/3325-PKO/564, February 19, 2016.

¹¹ “South Sudan: UN Announces Independent High-Level Probe into Malakal Events,” UN News, March 11, 2016.

blamed the inability to translate early warning into timely action on the reluctant attitude of some troop contingents, the lack of capacity of UN police, and the “inaction on the part of several components at the Field office.” It recommended that “the [force commander] and [police commissioner], in consultation with the [special representative of the secretary-general], should immediately take action in cases where units show a lack of knowledge of [rules of engagement] or demonstrate a lack of will to use force beyond self-defense.” It also recommended that “each case of underperformance of troops and police be thoroughly investigated and the results reported to the [UN headquarters] and the Permanent Missions of the involved [troop- or police-contributing countries]” and that “decisive action be taken to hold the TCC contingents accountable, up to repatriating Commanders and/or Units.”¹²

The independent special investigation was launched to determine the external factors that led to the violence in the Malakal POC site. It differed from the BOI in that it did not directly evaluate UNMISS's performance and response to the incident.

Although a BOI and a special investigation were activated, the lack of public reporting raises concerns about transparency and the UN's level of accountability for its shortcomings in Malakal. While the main recommendations of the BOI report were shared confidentially with the Security Council, the executive summary was not released publicly until August 5th—a month after the Juba incidents—despite having been completed in June. The findings of the independent special investigation were only shared confidentially with the Security Council and were not made public, with only a brief summary of findings issued as a “note to correspondents” on June 21st.¹³ In addition, the Department of Peacekeeping Operations (DPKO) submitted a confidential report on the POC sites to the Security Council in mid-June, which the council discussed in closed consultations on June 22nd.¹⁴

The investigations had few concrete outcomes. In June 2016, DPKO's spokesman signaled that the UN was “currently engaging directly with the concerned [troop-contributing countries] to address the underperformance of certain UNMISS personnel, and that includes training and preparedness.” He also said that the UN would repatriate peacekeepers and commanders who did not respond to the attack appropriately.¹⁵ In his June 2016 report on South Sudan, the secretary-general mentioned the improvements made in response to the recommendations, including in terms of camp security, more proactive patrols, and deployments:

UNMISS worked to improve the security of the site at Malakal following the security incidents on 17 and 18 February, through contingency planning in conjunction with humanitarian actors

¹² Recommendations also included the need to review the concept of POC sites, develop a public information campaign, ensure that roles and responsibilities between all components are made clear, and conduct more proactive patrols. UN Secretary-General, “Note to Correspondents—Board of Inquiry Report on Malakal.”

¹³ Security Council Report, “South Sudan Consultations: Protection of Civilians Sites,” June 21, 2016; UN Secretary-General, “Note to Correspondents on the Special Investigation and UNHQ Board of Inquiry into the Violence in the UNMISS Protection of Civilians Site in February 2016,” June 21, 2016.

¹⁴ Security Council Report, “South Sudan Consultations: Protection of Civilians Sites.”

¹⁵ John Tanza, “UN Peacekeepers Accept Responsibility for Massacre at Malakal,” Voice of America, June 24, 2016.

and community leaders. Site rehabilitation also continued, including repairs and fortification of the physical security infrastructure. The Mission and humanitarian partners also assisted the relocation of the 22,000 remaining internally displaced Shilluk and Nuer from the UNMISS logistics base back to the site." "Beyond the protection sites, the UNMISS military component has increased its outreach into conflict-affected areas, primarily through sector-based patrolling from permanent and temporary operating bases. In addition, it is using early-warning indicators to plan patrols to potential flashpoint areas. It has also established a forward operating base in Malakal town to improve security for civilians.¹⁶

While investigating the Juba incidents a few months later, General Patrick Cammaert also documented the implementation of the special investigation's recommendations in Malakal and mentioned that perimeter security and patrols had been reinforced.¹⁷

CIVIC reported that only the Rwandan battalion commander was repatriated.¹⁸ The Indian battalion commander had not yet been repatriated, and this was only expected to occur when the Indian contingent rotated out. CIVIC also reported that several UNMISS officials believed that the entire Ethiopian contingent in Malakal would be repatriated, but accountability for Ethiopian contingents was overtaken by geopolitical considerations, with UN headquarters reportedly obstructing action.¹⁹ The similarity of the incidents and shortcomings in Malakal and Juba demonstrated that many of the recommendations and lessons learned from Malakal were not applied adequately.



Juba, July 2016

The Incident

Intense fighting between government and opposition forces began in the evening of July 8, 2016, around the presidential palace in Juba. Shootings picked up on July 10th and 11th near the UN House and POC sites where civilians and UN staff were present.²⁰ Both parties engaged in indiscriminate violence so widespread that "UN staff were in the line of fire" at the UN House. Two POC sites (POC1 and POC3) with predominantly Nuer populations were also heavily bombarded by artillery fire. Widespread sexual violence was reported in and around the POC sites for weeks after the fighting.²¹ As a result of the fighting, twenty IDPs died, dozens were injured, and thousands fled from the POC sites to the UN House seeking protection.

International civilian staff were also targeted. Civilians near UNMISS's Tomping base were reportedly blocked by the government armed forces from accessing safe spaces and

¹⁶ UN Security Council, *Report of the Secretary-General on South Sudan (Covering the Period from 1 April to 3 June 2016)*, UN Doc. S/2016/552, June 20, 2016.

¹⁷ Ibid.

¹⁸ This contradicts a media report that two commanders were repatriated. "Malakal: L'ONU affirme avoir pris des mesures," Radio France Internationale, July 8, 2016.

¹⁹ This summary is based on the comprehensive analysis conducted by CIVIC. "Under Fire: The July 2016 Violence in Juba and UN Response," 2016.

²⁰ The fighting was concentrated in areas where UNMISS was located in Juba, primarily the UN House in Jebel and Tomping.

²¹ UN Security Council, *Letter Dated 1 November 2016 from the Secretary-General Addressed to the President of the Security Council*, UN Doc. S/2016/924, November 1, 2016.

were threatened and attacked. On July 11th, government soldiers reportedly entered Terrain Camp—a private compound where UN personnel, aid workers, and local staff were living, located 1.2 kilometers from the UN House—and began looting and robbing, beating, raping, and killing civilians.²² Two Chinese peacekeepers were killed; 182 buildings on the UN House compound were struck by bullets, mortars, and rocket-propelled grenades; and \$29 million worth of food, equipment, and supplies were looted over the course of more than three weeks.²³

UNMISS's response was widely criticized, as it appeared that more could have been done to prevent and mitigate the violence.²⁴ When fighting began on July 8th, the special representative of the secretary-general (SRSG) and two deputy SRSGs were in meetings outside the UN House and had a difficult time returning, which delayed UNMISS's response. The special investigation found that “a lack of leadership on the part of key senior Mission personnel had culminated in a chaotic and ineffective response to the violence.” In addition, the mission tended to operate in silos, with poor coordination.²⁵

The military component failed to respond coherently, with “multiple and sometimes conflicting orders to the four contingents from China, Ethiopia, India, and Nepal.” This resulted in the mission “underusing the more than 1,800 infantry troops at UN House.”²⁶ The force commander appointed the Chinese battalion commander as the incident commander to command all forces at the UN House, which added to the confusion and resulted in “poor performance among the military and police contingents at the UN House.” In at least two incidents, the Chinese battalion reportedly abandoned its posts at POC sites. As Terrain camp was attacked, the joint operations center made many requests for a quick-reaction force, but all UNMISS contingents turned down the request, indicating that their troops were “fully committed.”²⁷

The Accountability Process

In the aftermath of the violence in Juba, UNMISS initiated after-action reviews led by several parts of the mission to look critically at the response and examine what changes should be made.²⁸ On August 23rd, the secretary-general also called for an independent special investigation to review the actions of UNMISS in response to sexual violence and violence against civilians in Juba from July 8th to 25th within or in the vicinity of UNMISS headquarters and the POC sites and, separately, in the Terrain camp. The scope of the investigation included determining whether the mission and its contingents responded appropriately; assessing UN security plans and procedures and the mission's role in them;

²² CIVIC, “Under Fire.”

²³ The executive summary of the independent special investigation into the violence in Juba in 2016 and the response by UNMISS can be found in UN Doc. S/2016/924.

²⁴ According to CIVIC, the UN House's proximity to an opposition base drew heavy criticism, as cantonment sites needed to be 25 kilometers outside the city of Juba. Other indications of imminent violence due to escalating political tensions between President Salva Kiir and opposition leader Riek Machar's forces in the several weeks preceding the violence were also not taken into consideration in a timely manner. CIVIC, “Under Fire.”

²⁵ The joint operations center and the security information operations center were not collocated, as required by UN policy, which resulted in a fragmented security response. *Ibid.*

²⁶ UN Doc. S/2016/924.

²⁷ *Ibid.*

²⁸ CIVIC, “Under Fire.”

and identifying the perpetrators (in the case of the attack on the Terrain camp). Remedial actions with regards to the underperformance of UNMISS personnel were also allowed to be considered as part of the investigation. The investigation was led by Major General Patrick Cammaert, and its findings were shared with the Security Council and released publicly on November 1st. The summary of the report provides details on the errors and confusion during the crisis and names the troop-contributing countries (TCCs) that were involved in the response and their shortcomings—a rare practice in public reports on peacekeeping performance.

This report of the special investigation is one of the most transparent calls for accountability for POC in peacekeeping operations. It publicly called on DPKO, the Department of Field Support (DFS), and the Executive Office of the Secretary-General to promptly investigate inaction and hold peacekeepers, commanders, and relevant TCCs accountable for failures to protect. The report noted that a lack of leadership by UNMISS culminated in a “chaotic and ineffective response.”²⁹ It recommended that the UN engage in discussions with troop- and police-contributing countries to establish clear expectations on all sides and outline key actions to restore the credibility of the UN and of UNMISS. As described by Evan Cinq-Mars, “There is compelling evidence to suggest that the transparent release of the executive summary created space and momentum for reform at the mission-level and at UN headquarters.”³⁰ The secretary-general may also have been under pressure due to the lack of transparency and accountability for the incidents in Malakal a few months before.³¹

These investigations led to what are among the most visible sanctions undertaken in response to a failure to properly implement a POC mandate (see Box 1). The secretary-general's report explicitly referred to the findings of the special investigation and committed to taking action.³² On November 2nd, a day after the release of the executive summary of the Cammaert report, the force commander of UNMISS, Lieutenant-General Johnson Mogoia Kimani Ondieki of Kenya, was sacked by UN Secretary-General Ban Ki-moon.³³

This decision provoked diplomatic turmoil. Criticizing the secretary-general for failing to address structural dysfunction and “unfairly” blaming shortcomings on one individual, Kenya withdrew all its troops from UNMISS.³⁴ This demonstrates the sensitive and political nature of accountability measures and the delicate line the Secretariat needs to walk. Secretary-General António Guterres had to “reconcile” with Kenya, publicly praising Kenya as a TCC and offering it the command of the African Union–UN Hybrid Operation

²⁹ Ben Quinn, “South Sudan Peacekeeping Commander Sacked over ‘Serious Shortcomings,’” *The Guardian*, November 2, 2016.

³⁰ Evan Cinq-Mars, “Special Investigations into Peacekeeping Performance in Protecting Civilians: Enhancing Transparency and Accountability,” *IPI Global Observatory*, 2019.

³¹ The findings of the BOI investigating the attacks in Malakal were released to the public after the Juba crisis, and assessments of the situation in Malakal were integrated into many of the reports on the incidents in Juba.

³² UN Security Council, *Letter Dated 17 April 2017 from the Secretary-General Addressed to the President of the Security Council*, UN Doc. S/2017/328, April 17, 2017.

³³ Quinn, “South Sudan Peacekeeping Commander Sacked over ‘Serious Shortcomings.’”

³⁴ “Kenya Angry at Sacking of South Sudan Peacekeeping Chief,” BBC, November 2, 2016.

in Darfur (UNAMID) in January 2017 as one of the first actions of his tenure.³⁵ These repercussions also highlight the need to make sure accountability is not perceived as selective.

The aftermath of the Cammaert report profoundly marked the practice of accountability for POC in the years that followed. It seems that the Secretariat is now avoiding such extreme measures to sanction underperformance. Many interlocutors mentioned that the sacking of individuals like the force commander of UNMISS or the SRSG of the UN mission in the Central African Republic (MINUSCA) following sexual exploitation and abuse scandals were ineffective and overly politicized.

Box 1. Measures undertaken following the Cammaert report

On December 23, 2016, the secretary-general sent a letter to the Security Council detailing the implementation of the recommendations from the Cammaert report. The assistant-secretary-general for peacekeeping operations also briefed the council during consultations on South Sudan on February 23, 2017.³⁶ An independent follow-up mission led by Cammaert visited Juba in March 2017 to assess the progress made on implementing the UNMISS-specific recommendations.

As detailed in the secretary-general's letter, the UN used a two-track approach to take forward recommendations:

1. A headquarters task force was established to implement the recommendations on systemic and strategic issues under the chairmanship of the assistant secretary-general for peacekeeping operations; and
2. An action plan was devised by UNMISS to implement the mission-specific recommendations, with regular updates to the task force.

In the mission, "a series of Force Commander directives and orders were issued to military contingents" in August 2016, requiring them to regularly conduct scenario-based training and rehearsals, improve troops' posture and mindset, and ensure regular training for all infantry battalions.³⁷ The mission established a 200-meter

³⁵ Secretary-General Guterres said that he had "full confidence in Kenya's military. As a sign of our confidence in the Kenya Defense Forces, and in the Kenyan government, the UN would like to offer Kenya the Darfur command." Andrew Wasike, "Kenya to Return Peacekeeping Force to South Sudan," Anadolu Agency, January 29, 2017.

³⁶ UN Doc. S/2017/328.

³⁷ These included exercises on mandate implementation, use of rules of engagement, and directives on the use of force; dynamic and robust patrolling aimed at preventing human rights violations and the abuse of civilians; integrated contingency planning, including evacuation and extraction exercises with key actors to facilitate preparedness for worst-case and the most dangerous scenarios; and division of responsibilities between military, police, and security personnel. Force headquarters also issued monthly orders on freedom of movement, requiring all commanders to assert their rights to unrestricted movement. All scenarios are based on actual incidents that have taken place in a given area of operation and are intended to clearly establish troop responsibilities. Formed police units have also rehearsed their security plans for UN compounds and POC sites. Security contingency plans were updated and rehearsed during three tabletop exercises and three field training exercises conducted between October 2016 and January 2017. Similarly, since February 2017, nine tabletop exercises were conducted to validate contingency plans in the field offices, and a training plan for the rest of the year is in place. UN Doc. S/2017/328.

weapons-free zone around POC sites and the UN House in Juba and reinforced observation posts. Integrated operations centers were established, and integrated patrols, including long-duration patrols, as well as dismounted patrols and cordon-and-search operations in POC sites, enabled the mission to extend its footprint and decrease the number of incidents. The mission also revised its mission concept and strategy following a strategic assessment of the situation in South Sudan.

The headquarters task force focused on performance accountability and circulated the recommendations of the independent special investigation to all sixteen peacekeeping operations to get their feedback on systemic challenges identified in the recommendations. Based on the feedback, the task force formulated concrete action points. According to the report, DPKO “undertook a comprehensive mapping of existing policies and best practices on performance and accountability for both civilian and uniformed personnel.” DPKO worked on an accountability framework, leading to the adoption of an annex to its Policy on POC outlining roles and responsibilities for POC.³⁸ DPKO also reviewed and strengthened guidance on POC to senior mission leaders.³⁹ The Secretariat conducted a training needs assessment on POC and developed new training modules on comprehensive POC. DPKO’s Office of Military Affairs also strengthened provisions in statements of unit requirements and memoranda of understanding to strengthen accountability, with specific requirements related to operational capabilities and expected tasks.

Furthermore, “all T/PCCs were requested to confirm in writing the willingness of their personnel to conduct dismounted patrols, including standing patrols by day and by night outside the perimeter of UN compounds and POC sites.” General Cammaert reported that “almost all of the infantry troop-contributing countries have responded in the affirmative.” DPKO indicated that it would continue to engage in dialogue with member states to ensure that performance standards for all peacekeepers deploying to UNMISS are upheld and develop a “strategy to institutionalize and standardize the approach to POC through the deployment of mobile training teams to the Mission to deliver context-specific training for uniformed and civilian personnel.”

In addition, “all peacekeeping operations [were] request[ed] to share their integrated crisis response contingency plans for validation by [UN headquarters]” and to conduct “regular scenario-based exercises to validate, refine and rehearse those plans, including the command and control of their implementation.”⁴⁰

³⁸ According to the report, DPKO “undertook a comprehensive mapping of existing policies and best practices on performance and accountability for both civilian and uniformed personnel” and is developing a framework of accountability for performance in implementing POC mandates. The framework “seeks to consolidate and clarify existing policies and mechanisms.”

³⁹ A POC crisis management tabletop exercise for civilian HOMs was developed and piloted in January 2017, and included in all mission leadership induction programs. A similar exercise for FCs and Deputy FCs was also developed. OMA reviewed guidance given to incoming Force Commanders, with mission-specific guidance in induction programs.

⁴⁰ UN Doc. S/2017/328.

In addition to the independent investigation, the Secretariat conducted a strategic assessment of the situation in South Sudan, which it released on November 10, 2016, pursuant of Security Council Resolution 2304 (2016). The assessment highlighted the limited capacities of UNMISS to protect civilians. It also warned that “while the Secretariat will continue to make every effort to implement the mandated task of protecting civilians through the use of “all necessary means,” it must be clearly understood that United Nations peacekeeping operations do not have the appropriate reach, manpower or capabilities to stop mass atrocities.”⁴¹

On its side, the Security Council authorized the deployment of an additional 4,000 peacekeepers for a regional protection force on August 12, 2016. This signaled the council's willingness to provide additional resources and to encourage a more robust posture in South Sudan, in a similar vein as the deployment of the Force Intervention Brigade in the Democratic Republic of the Congo after the mission there (MONUSCO) failed to intervene against the M23 rebel group.⁴² However, the regional protection force failed to materialize as envisaged, with significant delays to its full deployment.⁴³

⁴¹ UN Security Council, *Special Report of the Secretary-General on the Review of the Mandate of the United Nations Mission in South Sudan*, UN Doc. S/2016/951, November 10, 2016.

⁴² Grégoire Pourtier, “Soudan du Sud: L’ONU autorise l’envoi de 4 000 casques bleus supplémentaires,” Radio France Internationale, August 13, 2016.

⁴³ Only about 870 troops had been deployed in February 2018. Gift Friday, “More Regional Protection Forces Arrive in South Sudan’s Juba,” Voice of America, February 14, 2018.



Accountability System for the Protection of Civilians

CASE STUDY

Democratic Republic of the Congo

The peacekeeping mission in the Democratic Republic of the Congo (DRC) has been mandated to protect civilians for more than two decades and has often been a laboratory for protection of civilians (POC) practices for UN peacekeeping. The many tools and structures developed to improve POC in the DRC were often developed after blatant failures to protect civilians, and the mission has demonstrated its ability to learn from its shortcomings and innovate continuously. Most recently, the mission was criticized for its underperformance during incidents in Kamanyola and in the Beni area.



Kamanyola, South Kivu, September 2017

The Incident

On September 15, 2017, some 2,000 Burundian asylum seekers and refugees protested in front of a post of the intelligence services in Kamanyola in the Democratic Republic of the Congo (DRC) following the forced repatriation of four Burundians by Congolese authorities.¹ According to the secretary-general's report on the incident, "One... soldier was killed in clashes between the refugees and security forces, and the armed forces and national police indiscriminately opened fire on protesters, resulting in 39 refugees killed and over 117 others injured."²

The UN Organization Stabilization Mission in the DRC (MONUSCO) had a base a few hundred meters away from the site of the massacre and did not intervene. As the mission later acknowledged,

[MONUSCO] did not respond until after all shooting had ended. Based on subsequent reviews, the Mission believes the [company operating base] responded at best 2 hours after being made aware of the incident—and potentially later.... MONUSCO said its forces were "expected to respond to incidents within 15 minutes of them taking place," and acknowledged that "this guideline was clearly not met."³

However, "MONUSCO provided immediate first-aid and initial distributions of food and water as well as protection for the estimated 1,500 refugees gathered outside the MONUSCO base."⁴ The mission also subsequently established a protective perimeter outside its gates and assisted with the burial of bodies. It continued to "provide security to groups of asylum seekers until they were escorted to Rwanda" in March 2018.⁵

¹ While the secretary-general reported that these four Burundians were repatriated, the UN Refugee Agency (UNHCR) said they were detained. UNHCR, "UNHCR Calls on DRC to Protect Refugees after Tragic Killings," September 19, 2017.

² UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, UN Doc. S/2017/824, October 2, 2017.

³ Cited in: Human Rights Watch, "DR Congo: Massacre Trial Puts Focus on Justice," July 29, 2019.

⁴ MONUSCO, "Following Deadly Clashes, MONUSCO Provides Support to Burundian Refugees in Kamanyola," September 20, 2017.

⁵ Human Rights Watch, "DR Congo: Massacre Trial Puts Focus on Justice."

According to MONUSCO, the commander of the base was not present at the time of the massacre, and the acting commander “engaged in extensive consultations with his hierarchy and individuals at the base prior to dispatching forces to investigate the incident, rather than taking the responsibility to send a patrol himself.”⁶ Furthermore, there was “some evidence that certain members of the [company operating base] may have considered that the protection of civilians mandate was less applicable to cases where Congolese national authorities were taking action. In addition, certain members of the Force were clearly unsure about what the role of Force members should play in responding to civilian demonstrations.”⁷ The incident also raised issues related to implicit caveats invoked by troops on the ground, as opposed to “official” caveats declared by troop-contributing countries to the Secretariat.

The Accountability Process

As explained by one MONUSCO official, a joint evidence-gathering team was deployed within a week, and there were investigations and inquiries “for weeks and months afterwards.”⁸ The UN Refugee Agency (UNHCR) also called for an investigation into the incident.⁹ In a briefing to the UN Security Council on October 11, 2017, the head of MONUSCO said that the mission “conducted an investigation into the response of the peacekeepers during this event.”¹⁰ The secretary-general’s October 2017 report on the DRC, released one month after the Kamanyola incident, included a dedicated section on “the assessment of performance of the Mission’s uniformed personnel in protecting civilians.” The report mentions that “MONUSCO is also conducting an inquiry into the response of its peacekeepers, and the Security Council will be informed of its outcome.”¹¹

In addition, on January 16, 2018, the under-secretary-general for peacekeeping operations appointed Lieutenant-General Chikadibia Isaac Obiakor to lead a special investigation into the incident. Investigators were tasked with looking into the challenges facing MONUSCO in discharging its mandate to protect civilians and providing recommendations on improving the performance of its troops.¹² According to an NGO official familiar with the findings, the special investigation incriminated the Pakistani battalion for its failure to protect civilians and its attempts to cover up this failure, including by allegedly changing logbooks and breaking cellphones.¹³ In March 2018, the

⁶ Ibid.

⁷ Ibid.

⁸ Phone interview with UN senior official, February 18, 2020.

⁹ UNHCR, “UNHCR Shocked over Burundians Deaths in DRC, Calls for Investigation,” September 16, 2017. Right after the killings, the military prosecutor arrested and filed charges against five military personnel, including the colonel in command of the Congolese armed forces in Kamanyola. On June 28, 2019, the trial of six Congolese security force personnel for the killings of the thirty-six Burundians started. MONUSCO has supported Congolese authorities in ensuring the safety of victims and witnesses who decided to testify. MONUSCO also provided technical, logistical, and financial support to the judicial investigation and preparations for the trial.

¹⁰ UN Doc. S/2017/824. See also: MONUSCO, “Briefing by SRSG Maman Sidikou to the UN Security Council—Open Session,” October 11, 2017.

¹¹ UN Doc. S/2017/824.

¹² UN Secretary-General, “Note to Correspondents—Special Investigation Following Kamanyola Incident,” January 16, 2018.

¹³ Interview with NGO representative, New York, February 6, 2020.

secretary-general's report made note of the special investigation, as well as another special investigation into incidents that occurred in Semuliki, saying that they had "identified a number of systemic performance issues to be addressed by the Secretariat, MONUSCO and troop-contributing countries."¹⁴

Despite the activation of these accountability mechanisms, which all had overlapping mandates, the case of Kamanyola reveals the lack of robust accountability for blatant failures to protect civilians. The special investigation, which inherently had higher visibility, signaled the UN's intent to hold the mission accountable, but its findings and recommendations were not publicly released.¹⁵ There was a strong sense that no action was taken, despite an awareness of under-performance.

MONUSCO informed Human Rights Watch that it was unable to comment on whether disciplinary action was taken against any of the UN peacekeepers involved.¹⁶ The under-secretary-general for peacekeeping operations reportedly visited Pakistan to discuss the performance of the Pakistani battalion, but there is little evidence of concrete outcomes.¹⁷ A senior MONUSCO official explained that the "Pakistanis were never sanctioned. There was a rotation."¹⁸ An NGO expert based in DRC indicated that no one was repatriated and that troops who were being investigated were instead kept longer to allow the investigation to be conducted, pointing to the counter-productive effects of drawn-out investigations.¹⁹

One UN official highlighted the politicization of the issue and the tense dynamics between the Secretariat and the mission. Headquarters officials sought to water down any mention of the failure to protect civilians in the secretary-general's report. The fact that the report only mentioned "a number of systemic performance issues" identified by the special investigations into the Kamanyola and Semuliki incidents and a review of the preparedness of troops in company operating bases speaks to the UN's reluctance to call out POC failures.²⁰

Nonetheless, UN headquarters put in place a number of systemic corrective measures to increase the accountability of T/PCCs following the incident of Kamanyola, building on the recommendations of the Cammaert and Santos Cruz reports.²¹ UN headquarters put in place a platform to measure performance across different missions and engaged in

¹⁴ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, UN Doc. S/2018/174, March 1, 2018.

¹⁵ When previous high-profile special investigations and boards of inquiry were publicly announced, a press release was circulated and posted. In this case, information about whether the investigation had been completed was not publicly released. The only indication that it had been completed came from the secretary-general's report.

¹⁶ Human Rights Watch, "DR Congo: Massacre Trial Puts Focus on Justice."

¹⁷ Interview with NGO representative, February 2020.

¹⁸ Interview with senior UN official, February 2020.

¹⁹ Interview with NGO representative, February 2020.

²⁰ Interview with senior UN official, February 2020; UN Doc. S/2018/174.

²¹ UN Security Council, *Independent Special Investigation into the Violence in Juba in 2016 and the Response by the United Nations Mission in South Sudan*, UN Doc. S/2016/924, November 2016; *Improving Security of United Nations Peacekeepers: We Need to Change the Way We Are Doing Business*, December 2017.

more robust exchanges with TCCs to address potential shortcomings. At the field level, the mission sought to encourage a more proactive posture and mindset across its military component, including through the establishment of rapidly deployable battalions.



Beni, North Kivu, November 2019

The Incident

The Congolese armed forces began a military offensive against the Allied Democratic Forces (ADF), a rebel group active in North Kivu province, on October 30, 2019. MONUSCO was not initially invited to take part in the offensive but started to conduct joint operations with Congolese forces on November 13th.²² The mission had developed contingency plans to minimize the risk of attacks on civilians: "In line with its protection mandate, the Mission [had] increased the number of day and night patrols dispatched to areas vulnerable to ADF attacks, [and provided] logistical and medical support to [the Congolese armed forces] to help in sustaining the latest operations against ADF and weaken the capacity of ADF to inflict harm on civilians."²³

Despite the mission's efforts, the ADF increased their raids in Beni territory and targeted civilians in retaliation against the offensive. Thousands of civilians fled Beni, and a UN investigation found that 260 civilians were allegedly killed by the ADF between October 30th and December 31st.²⁴

For months, local communities had expressed deep frustration with MONUSCO's inability to protect them, as highlighted by the 2019 strategic review of MONUSCO.²⁵ Their anger manifested itself in a series of protests in Beni, starting on November 24th.²⁶ While the protests reflected popular discontent with the mission's performance, protesters also appear to have been manipulated by various spoilers and political parties seeking to influence the mission's mandate renewal. Protestors stormed MONUSCO's facility in Beni, and UN offices were set on fire and looted, with some residents demanding the withdrawal of MONUSCO due to the inaction of UN forces.²⁷ Despite the material

²² "Are UN Troops Failing the Congolese?" *Al Jazeera*, November 26, 2019; MONUSCO, "FARDC and MONUSCO Launch Joint Operations against ADF," November 16, 2018.

²³ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, UN Doc. S/2019/905, November 26, 2019.

²⁴ "Crowd in DRC Lynches 2 'Suspected Rebels' as UN Envoy Visits," *Al Jazeera*, December 1, 2019.

²⁵ "In Beni, civil society representatives voiced their frustration and discontent about the passivity of MONUSCO while villages were systematically being attacked by ADF. Much criticism was expressed about MONUSCO projects, such as the building of schools that were useless in situations where children were being massacred. As one community member pointed out, the United Nations seems to 'care more about trees and animals [in Virunga National Park] than about Congolese being slaughtered every day.' Civil society representatives stressed that if MONUSCO was not there for the protection of civilians, they wanted it to leave." UN Security Council, *Transitioning from Stabilization to Peace: An Independent Strategic Review of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, UN Doc. S/2019/842, October 25, 2019.

²⁶ "Protests Spread in East DRC as Fury against UN Peacekeepers Rises," *Al Jazeera*, November 27, 2019.

²⁷ Fiston Mahamba, "Two Killed in Congo after Protesters Torch U.N. Buildings over Massacre," *Reuters*, November 25, 2019.

damage to UN premises and property, the mission's restraint in its response to the protesters helped limit civilian casualties.

The Accountability Process

The case of Beni does not relate to a single incident of underperformance or passivity in the face of attacks on civilians. What was at stake was accountability for the failure to protect civilians in the medium to long run and local civilians' perceptions that the mission was not doing enough. Protests against MONUSCO were triggered by longstanding frustrations with the mission's inability to protect civilians from repeated attacks by the ADF and instrumentalized by political parties and spoilers seeking to influence MONUSCO's posture and future mandate.

Beni is also a case of local populations questioning the mission's performance and holding peacekeepers accountable through protests and social unrest. As found by an independent assessment led by General Dos Santos Cruz in December 2019 and early January 2020, the high number of civilian casualties was one of the main triggers of the demonstrations against MONUSCO in North Kivu.²⁸ The Beni protests also illustrated the confusion between real and perceived performance, as communities are not always well informed about what the mission is doing to protect them and can be manipulated by spoilers seeking to mobilize them against UN peacekeepers.

Several mechanisms were activated following the protests in Beni. The mission dispatched a joint evidence-gathering team, conducted an after-action review, and set up a board of inquiry. The results of these inquiries were not published, however. On December 9, 2019, the under-secretary-general for peace operations asked Lieutenant-General Carlos Alberto Dos Santos Cruz to lead an "independent assessment" of MONUSCO's response to the ADFs' alleged attacks on civilians in Beni. The assessment also looked into attacks targeting the Ebola response in Mambasa territory in Ituri province. Key findings were released on January 22, 2020, a press release was circulated, and the Security Council was briefed on the findings.²⁹ The inquiry was not called an "independent investigation" but an "independent assessment," signaling a lesser degree of formality.

The assessment focused on systematic issues and technical fixes, and its recommendations echoed many of those usually made after a POC incident: a comprehensive response involving all components of the mission, the UN country team, and external partners; better coordination within the mission and between the mission and Congolese security forces; improved mindset, capabilities, and mobility of the Force Intervention Brigade; and the development of a political strategy to address insecurity.³⁰

²⁸ MONUSCO, "Independent Assessment of MONUSCO's Response to Recent Attacks against Civilians in Béni Area, DRC," January 22, 2020.

²⁹ The scope of the assessment was limited to events that occurred between October 30 and 31, 2019. "The independent assessment team, which included political, military and logistics specialists, aimed to establish the circumstances leading to the attacks, evaluate the ability of the MONUSCO Force to effectively deliver on the Mission's mandate to ensure the protection of civilians under threat of physical violence and neutralize armed groups in the Beni area, as well as provide a secure environment for the Ebola response, and make practical recommendations on how to enhance the Force's performance." MONUSCO, "Independent Assessment of MONUSCO's Response to Recent Attacks against Civilians in Béni Area, DRC."

³⁰ Ibid; Interview with MONUSCO official and with NGO representative, February 2020.

The UN Department of Peace Operations (DPO) and the mission developed an action plan to implement key recommendations from the report. Troop-contributing countries also conducted their own evaluations, according to one MONUSCO official. While the assessment demonstrated the need to discuss the performance of the Force Intervention Brigade, which the strategic review of MONUSCO had also raised just a few months earlier, many meetings reportedly took place behind closed doors due to the reluctance of some member states to consider enlarging the pool of countries contributing to the brigade.



Accountability System for the Protection of Civilians

CASE STUDY

Central African Republic

The UN has used several accountability mechanisms to investigate failures by the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to protect civilians. The mission drew criticism for attacks that occurred between May and August 2017, which led the secretary-general to establish an independent special investigation headed by Brigadier-General Fernand Amoussou. The investigation was completed in January 2018, with some of the main findings circulated in a note to correspondents. The note identified gaps “with regard to [troop- and police-contributing countries’] training and their understanding of POC” and “deficiencies in civil-military-police planning.”¹ A joint task force was created to oversee the implementation of the recommendations.² A few months later, a massacre in Alindao prompted further inquiries and investigations into the mission’s underperformance in the implementation of its protection of civilians (POC) mandate.



Alindao, Basse-Kotto, November 2018

The Incident

In November 2018, the Alindao camp for internally displaced persons (IDPs) was attacked by a large group of civilians and fighters from the rebel group Unité pour la paix en Centrafrique (UPC). The IDP camp was located on the premises of a Catholic cathedral and was the site of a MINUSCA temporary operating base with peacekeeping troops.³ At least 112 civilians died in the attack, including many children, elderly people, and disabled persons.⁴ Although MINUSCA’s human rights division reported that the attack was “well-coordinated and carried out in a premediated manner,” one UN official highlighted that “this was not a sophisticated attack,” implying that more could have been done to prevent and stop it.⁵

The attack on Alindao occurred as the mission faced competing priorities in many hotspots across the country. The Burundian troops who were covering Alindao had been redeployed to other areas after ex-Séléka armed groups threatened to march on the

¹ UN Secretary-General, “Note to Correspondents on the Findings of the Central African Republic Special Investigation,” January 24, 2018.

² UN Security Council, *Situation in the Central African Republic—Report of the Secretary-General*, UN Doc. S/2018/611, June 18, 2018.

³ Amnesty International, “‘Everything Was in Flames’: The Attack on a Displaced Persons Camp in Alindao,” 2018.

⁴ Ibid.; MINUSCA, “Attack on the Displaced Persons’ Camp in Alindao, Basse-Kotto Prefecture, on 15 November 2018: Breaches of International Humanitarian Law and Atrocity Crimes Committed by the UPC and Anti-Balaka Associated Militias,” 2019.

⁵ MINUSCA, “Attack on the Displaced Persons’ Camp in Alindao”; Interview with official in the UN Department of Peace Operations (DPO), New York, January 2019.

capital, Bangui, following Operation Sukula, a joint UN-government operation in the city's PK5 neighborhood.⁶ The Burundian peacekeepers were replaced by Mauritanian troops.

The Mauritanian troops protecting the site did not prevent or respond to the attack on the IDP camp in Alindao and were criticized for their underperformance. Only fifty-four troops were covering Alindao even though it was the third largest IDP site in the country, with more than 20,000 people at the end of November 2018. Because the Mauritanian contingent was so overstretched, it took a static position instead of a more robust, proactive stance.⁷

Reports pointed to individual soldiers' lack of understanding of POC and the rules of engagement and a rigid command-and-control structure that prevented soldiers from taking decisions.⁸ The lack of effective communication also impaired the timeliness of the response.⁹ According to one UN official, soldiers tended to diffuse any sense of responsibility by blaming each other or pointing to broader, institutional failings attributable to all mission components.¹⁰

Indeed, the attack on Alindao resulted from a range of shortcomings attributable to all mission components at all levels, especially in terms of analyzing hotspots and setting priorities. There were many factors that should have pushed the mission to plan for a crisis in Alindao, including the presence of UPC and anti-balaka fighters inside and outside the IDP sites, the absence of local authorities, the nonexistence of telephone systems, the vulnerability of the IDP site around the cathedral, and reprisal killings and cyclical fighting that had been going on for months.¹¹ MINUSCA's Protection Working Group had identified Alindao as a high-priority risk area on its POC hotspot map. However, among the five biggest POC hotspots in CAR, Alindao was the only one where the mission had no multidimensional presence combining police, military, and civilian personnel. It was described by one UN official as a "huge outlier" that had not been prioritized.¹² At the

⁶ In April 2018, Operation Sukula was jointly launched by the Central African armed forces and MINUSCA to arrest criminal groups in the volatile PK5 neighborhood. The operation led to increasing intercommunal violence and resulted in 70 people being killed and 330 injured, most of them civilians. UN Security Council, *Letter Dated 23 July 2018 from the Panel of Experts on the Central African Republic Extended Pursuant to Resolution 2399 (2018) Addressed to the President of the Security Council*, UN Doc. S/2018/729, July 23, 2018.

⁷ According to a UN official, the Mauritians had initially agreed to operate in two prefectures with a maximum of three units, but they were actually deployed to nine bases. Due to leave schedules, 20 percent of the force went on leave at once, using armored personnel carriers for transport. As a result, only fifty-four of the intended eighty troops were present in Alindao. Troops were deployed to six posts around the cathedral's IDP camp, each with three to four people. Other troops were located at the main Elim base in the Muslim neighborhood of Lapara in the northwest of Alindao, which was two kilometers away from the cathedral's IDP camp. This posture contrasted with the robust patrols, including night patrols, carried out by the Burundian troops who had been in Alindao before being redeployed to Bangui. There were also accusations from IDPs that Mauritanian troops were supporting the UPC. *Ibid.*; Amnesty International, "Everything Was in Flames"; MINUSCA, "Attack on the Displaced Persons' Camp in Alindao."

⁸ "Fifty-four were interviewed. No two had the same understanding of POC and their own [rules of engagement]." Interview with DPO official, New York, January 2019.

⁹ Only one of the six military posts could directly communicate with the Elim base. *Ibid.*

¹⁰ Interview with UN official, January 2019.

¹¹ UN Security Council, *Central African Republic—Report of the Secretary-General*, UN Doc. S/2019/147, February 15, 2019.

¹² The five hotspots were Alindao, Kaga Bandoro, Batangafo, Bambari, and Bria. The formed police unit in Bambari was supposed to cover Alindao's area. Interview with UN official, January 2019.

same time, the mission had insufficient resources to cover all the major protection crises in the country, forcing it to constantly decide among competing priorities.

The Mauritanian troops stationed in Alindao reportedly neglected to engage with the community on a regular basis, and they lacked language skills and a basic understanding of local actors. The lack of permanent civilian presence—typical for temporary operating bases at that time in hardship areas without the necessary facilities to host civilians—also made it difficult to properly analyze the situation and engage.¹³ Community liaison assistants had not been deployed to Alindao due to capacity constraints and for procedural reasons, putting some responsibility for the failure on the mission's support and administration components.¹⁴ Civilian sections had not visited Alindao for at least four months. Several UN officials also referred to the failure to properly use existing analysis and reports raising the alarm, as well as issues with internal clearance and information sharing.¹⁵ In addition, coordination with humanitarian actors appeared to have been insufficient at the local level.¹⁶

More generally, there was a delay in an increase in troops that had been decided in 2017 as the situation in the country deteriorated and the mission's mandate expanded.¹⁷ As a result, MINUSCA's military component was overstretched, with multiple unsustainable temporary and forward operating bases that lacked mobility and had limited support and resources.

The Accountability Process

In the case of Alindao, nearly all the accountability tools at the disposal of the Secretariat were activated before and after the incident. The conduct and discipline team had previously been involved in cases of sexual exploitation and abuse and underperformance that amounted to misconduct, including the troops' lack of compliance with rules of engagement.¹⁸ The force commander had issued four letters complaining about troops using disproportionate force and losing their weapons.

¹³ There were only seven civilians and two community liaison assistants covering the area from the UN base in Bambari.

¹⁴ Internal rules on local recruitment prevented community liaison assistants (CLAs) from other duty stations from being moved to Alindao. A CLA could only be deployed temporarily for thirty days to establish a community alert network or six weeks to develop a community protection plan. The civil affairs section had plans to deploy one CLA to every contingency or temporary operating base, and twenty-six CLAs were in the process of being recruited.

¹⁵ A joint mission analysis center team sent to Alindao in April had highlighted the need to destroy checkpoints, deploy civilian personnel, and install radio communication for communities. However, while joint mission analysis centers share one version of their reports within the mission, the version that includes recommendations is highly confidential and is only shared with the special representative of the secretary-general (SRSG) and deputy SRSG. The POC unit is therefore not automatically informed of POC recommendations.

¹⁶ In Alindao, the NGOs Action Against Hunger, Caritas, and Cordaid were present. However, the information flow between NGOs, the International NGO Safety Organisation, the UN Office for the Coordination of Humanitarian Affairs, the UN Department of Safety and Security, and MINUSCA was described as tortuous. One official referred to it as a "telephone game" during which the severity of the information can easily be lost. Interview with DPO official, New York, January 2019.

¹⁷ UN Security Council Resolution 2387 (November 15, 2017), UN Doc. S/RES/2387. Hundreds of troops from the Republic of the Congo accused of sexual violence and exploitation had also been repatriated and had not been fully replaced.

¹⁸ Interview with UN official, January 2019.

The human rights division conducted its own investigation into violations of human rights and international humanitarian law in Alindao, and its report included a section on MINUSCA's response to the attack. The report notes IDPs' accusations of "inaction, bias and lack of professionalism... in the contingent's area of responsibility," allegations of "inappropriate fraternization with the UPC," and contradicting claims as to whether warning shots were fired by peacekeepers. The report also mentions that MINUSCA undertook a separate investigation to "review the posture and conduct of its peacekeepers during the incident."¹⁹

In addition, the Office of Peacekeeping Strategic Partnership (OPSP) conducted a special investigation into the incident in January 2019. From its side, the Security Council included a section on the mission's effectiveness in Resolution 2448 when it renewed MINUSCA's mandate in December 2018.

As one UN official stated, Alindao received a lot of international attention in the aftermath of the massacre, arguably more than in the three years that preceded the incident.²⁰ In total, six high delegations visited Alindao, on top of joint protection teams, joint investigation teams, and other UN teams. However, all these investigations were internal, as highlighted by Evan Cinq-Mars: "While the casualties in Alindao exceeded other incidents that prompted the launch of special investigations, the incident did not prompt the UN to act as it had in response to other incidents. Instead the UN relied on internal investigations by MINUSCA and the Department of Peace Operations."²¹

Paradoxically, the multitude of investigations had some adverse effects on accountability. One UN official explained that it seemed to have helped personnel "rehearse alibis" and allowed communities to build stronger arguments against the mission.²² In addition, although internal investigations were conducted, they lacked transparency and appeared to be prone to self-censorship, internal pressure, and politicization. For example, one UN representative referred to the reluctance of a senior mission official to go on record during the special investigation and blame the Mauritanian troops for their underperformance. It was an independent report by Amnesty International that brought greater public visibility to the case of Alindao, increasing international pressure for the UN to take corrective actions.

While the impact of these inquiries was mixed, the UN took concrete steps at several levels to address the shortcomings identified. Security Council members' police and military advisers were briefed on the findings of the special investigation led by the OPSP at an off-site, unofficial session at the French permanent mission. According to a report released by the secretary-general in June 2019, "Measures [were] under way with the

¹⁹ MINUSCA, "Attack on the Displaced Persons' Camp in Alindao."

²⁰ Interview with UN official, January 2019.

²¹ Evan Cinq-Mars, "Special Investigations into Peacekeeping Performance in Protecting Civilians: Enhancing Transparency and Accountability," *IPI Global Observatory*, September 19, 2019.

²² Interview with UN official, January 2019.

troop-contributing country concerned to improve performance and enhance the protection capacity of MINUSCA in the area.”²³

The OPSP had recommended the repatriation of the Mauritanian unit. A Mauritanian delegation subsequently visited Alindao, and soldiers were eventually repatriated. Although some member states “were not ready to blame” Mauritania, as the responsibility was shared with other mission components, this repatriation represented a significant commitment by the Secretariat to ensure accountability—even if the repatriation happened just before the troops were scheduled to rotate out of the country.²⁴

In response to the POC failure and subsequent investigations, the mission deployed a task force of 200 Rwandan troops and a dedicated community liaison assistant and changed the troop rotation scheme.²⁵ Before they were suspended due to the COVID-19 pandemic, the mission also regularly deployed civilian surge teams to cover all temporary operating bases to improve analysis, early warning, and outreach.²⁶ The Secretariat and the mission also put in place processes to ensure that the recommendations from different investigations and inquiries would be implemented, including monthly video calls with UN headquarters to follow up on OPSP’s recommendations and a quarterly factsheet on progress made.

However, UN officials interviewed for this report noted that the root causes of the incident had not been addressed in a context of limited political progress. Moreover, additional resources were allocated to Alindao to the detriment of other locations that might experience similar POC crises in the future.

²³ UN Security Council, *Central African Republic—Report of the Secretary-General*, UN Doc. S/2019/498, June 17, 2019.

²⁴ Phone interview with senior UN official, February 2020.

²⁵ According to the secretary-general’s February 2017 report, “Community liaison assistants were joined by civilian surge teams tasked with promoting intercommunal dialogue and establishing local ceasefires and conflict prevention mechanisms” in areas of high risk to civilians, including Alindao. UN Doc. S/2019/147.

²⁶ UN Doc. S/2019/498. The development of civilian surge teams with dedicated staff nominated to rotate between hotspots according to an established calendar was also a response to incidents in Batangafo in October and November 2018.



Accountability System for the Protection of Civilians

CASE STUDY

Darfur

Although the African Union–UN Hybrid Operation in Darfur's (UNAMID) has succeeded in deterring abuse and facilitating humanitarian assistance in Darfur, the mission also “had its share of protection failures, tragic incidents in which peacekeepers took no action despite clear threats to civilians.”¹ In December 2019, it failed to properly respond to a massacre in El Geneina, raising questions over its inconsistent and incoherent response to POC crises. In this case, the inaction of the mission cannot be attributed to a lack of resources but illustrates the mission's lack of understanding of what its POC mandate entailed in terms of its duty to protect in the context of a drawdown and transition.



El Geneina, West Darfur, December 2019

The Incident

Between December 29 and 31, 2019, 72 people were killed and 109 were wounded in a raid by ethnically Arab Rizeigat herdsmen on the Krinding camp for internally displaced persons (IDP), where the majority of the population was from the ethnically African Masalit tribe. The attack occurred four kilometers from El Geneina, the capital of West Darfur state, which UNAMID had vacated in May 2019. Elements of Sudan's Rapid Support Forces, a government paramilitary group, were also reportedly involved in the incident. As a result of the attacks, 48,000 IDPs were displaced to El Geneina, while others fled to Chad and villages near the camp.²

UNAMID did not intervene to stop the attacks. As the mission was transitioning out of Darfur, it had withdrawn its troops from areas that had been deemed sufficiently stable and ready to enter a stabilization and peacebuilding phase, including West Darfur. The UN country team was meant to take over activities from the mission in these areas, while UNAMID troops and formed police units continued operating in more unstable areas, primarily in the Jebel Marra area.³

Although Security Council Resolutions 2429 (2018) and 2495 (2019) implied that UNAMID's POC mandate continued to apply to the entire region of Darfur, mission leaders seemed to have different interpretations of its scope. This eventually led to the mission's passivity as massacres, including by Sudanese security forces, were happening two hours away from its headquarters.⁴ The military leadership reportedly argued that El Geneina was in a state where UN troops had been withdrawn and where the Sudanese state was

¹ Ralph Mamiya et al., “Assessing the Effectiveness of the United Nations–African Union Hybrid Operation in Darfur (UNAMID),” Norwegian Institute of International Affairs, 2020.

² International Federation for Human Rights and African Centre for Justice and Peace Studies, “West Darfur: Investigation into Krinding Camp Massacre Is Urgently Needed,” March 2, 2020.

³ Mission civilian components reportedly continue to work on peacebuilding activities in West Darfur, in coordination with the UN country team. UNAMID, “UNAMID Joint Special Representative Visits El Geneina Following Intercommunal Clashes,” January 14, 2020.

⁴ Phone interview with former senior representative from UNAMID, February 28, 2020.

responsible for the protection of civilians.⁵ Without agreement on the applicability of the POC mandate in regions vacated by uniformed personnel, and with no clear guidance on how to act in extraordinary situations, the mission used the need to respect the sovereignty of the host state as a reason to refrain from intervening.⁶

Unlike other instances where missions' responses to POC crises were hampered by factors outside their control, UNAMID had faced no logistical constraints. Although the mission was understaffed—the joint special representative and deputy joint special representative were both out of the country, and many staff were working remotely for the holiday—it faced few barriers to mobilizing its uniformed personnel and reaching El Geneina. UNAMID troops were present in neighboring states from which they reportedly could have intervened. As described by one UN senior official, “It was so easy. There is a paved road.... We could have shown our presence, used deterrence to defuse tensions.... Just a show of force could have had an impact.”⁷ The mission had also been alerted to the threat of attacks. This lack of proactive intervention contrasts with UNAMID's deployment of troops and civilian teams to defuse tensions in another case of intercommunal conflict three months before in one of the “stable” states of Darfur. This points to a lack of consistency in the interpretation of UNAMID's mandate and priorities among mission personnel.

The Accountability Process

Peacekeepers' inaction in El Geneina received little attention at the time, as it was lost in a broader policy debate over the exit of UNAMID. UNAMID released a statement condemning the attack on January 3, 2020. It also called on the “relevant government authorities to maximize their efforts to establish a protective environment and restore peace and order in and around the greater El Geneina community,” placing the responsibility to provide protection on government authorities. The statement went on to say that “amid security concerns, as part of measures to ensure the safety and security of UN/UNAMID personnel in El Geneina, UNAMID relocated a total of 32 UN and NGO personnel to Zalingei, Central Darfur.”⁸

A local Sudanese commission of inquiry was established on January 2nd to investigate the attack.⁹ On the UN side, however, no special investigation was undertaken, and there is no public trace of an internal inquiry. There were reportedly “questions asked to the mission” by headquarters in New York, but no investigations or sanctions were reported.¹⁰ On January 8th, Security Council members met to discuss the situation in Darfur under “any other business” and were briefed by Assistant Secretary-General for Africa Bintou

⁵ Ibid.

⁶ “UNAMID does not have a mandate to conduct peacekeeping operations in el-Geneina, though its mandate could be extended to the area ‘in extremis.’” Ali Mirghani, “More Than 20 Dead, Many Displaced after Violence in Sudan's West Darfur,” Reuters, January 1, 2020.

⁷ Phone interview with former senior representative from UNAMID, February 2020.

⁸ UNAMID, “UNAMID Deeply Concerned by Reports of Intercommunal Violence in West Darfur,” January 3, 2020.

⁹ International Federation for Human Rights and African Centre for Justice and Peace Studies, “West Darfur: Investigation into Krinding Camp Massacre Is Urgently Needed.”

¹⁰ Phone interview with former senior representative from UNAMID, February 2020.

Keita. Keita mentioned the “recent intercommunal violence in West Darfur, which resulted in the death of several dozen civilians, as well as the looting of UNAMID’s former headquarters in South Darfur.”¹¹ On January 13th, UNAMID’s joint special representative/joint chief mediator, Jeremiah Mamabolo, visited the Krinding camp to “assess the extent of damage” and meet with leaders of local communities and with heads of UN field offices in the El Geneina area. Noting the need for humanitarian assistance, he discussed “ways where UNAMID can continue to play its part through its state liaison functions staff in west Darfur.”¹² On January 26th, Mamabolo met with Sudanese officials to “reactivate a joint security mechanism that will allow for speedy security related consultations and decisions” following other incidents of looting of UN assets in Darfur.¹³

¹¹ Security Council Report, “Chronology of Events: Sudan,” October 6, 2020, available at <https://www.securitycouncilreport.org/chronology/sudan.php?page=11>.

¹² UNAMID, “UNAMID Joint Special Representative Visits El Geneina Following Intercommunal Clashes.”

¹³ Due to several incidents of the looting of UN assets in Darfur, including West Darfur—not necessarily because of the intercommunal violence in El Geneina.