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Protection, Justice, and Accountability: Cooperation between the International Criminal Court and UN Peacekeeping Operations

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Executive Summary

Since the establishment of the International Criminal Court (ICC) in 2002, several UN peacekeeping operations have been mandated to support host states' responsibility to cooperate with international criminal justice processes. These include the UN missions in the Central African Republic, the Democratic Republic of the Congo, and Mali, as well as the previous mission in Côte d'Ivoire. Conversely, despite an open ICC investigation in Sudan, the African Union–UN mission in Darfur did not have a mandate to support international justice.

Peacekeeping missions are well-positioned to assist the ICC and to support host states that are parties to the Rome Statute in meeting their core obligations to the court. Areas of cooperation include transportation; administrative and logistical support; the provision of information, documents, interviews, and testimonies; the preservation of evidence; the tracing of witnesses; assistance with searches; and the provision of security and access for the purposes of ICC investigations. They can also enforce arrest warrants or summonses at the request of the host state.

Nonetheless, cooperation between peacekeeping operations and the ICC faces obstacles. The work of both the ICC and peacekeeping missions is subject to political maneuverings by host states. Even when host states are supportive, cooperation between peacekeeping operations and the ICC can vary depending on missions' priorities, mandates, and capabilities. Active hostilities might also prevent missions from fully assisting the ICC.

Looking forward, the protection of civilians (POC) could provide opportunities for greater cooperation between peacekeeping operations and the ICC in pursuit of a more coherent approach to international justice. Given that international justice reinforces protection mandates, POC—particularly the establishment of a protective environment—could serve as a guiding principle for peace operations' future support to international criminal justice. By reflecting and building on best practices and lessons learned from previous challenges, peacekeeping operations can more effectively pursue international justice and ensure the sustainability of their protection efforts.

Introduction

Most countries that host UN peacekeeping operations face an impunity gap. Their national courts often lack the capacity to prosecute international crimes such as genocide, crimes against humanity, war crimes, and grave violations of human rights. As a result, special or hybrid courts and international courts, like the International Criminal Court (ICC), often have to step in. But these courts confront political obstacles and a dynamic conflict landscape where peace agreements and negotiations may be ongoing, stalled, or nonexistent.

In such contexts, some UN peacekeeping operations have been mandated by the UN Security Council to support justice, fight impunity, and pursue accountability, mainly in support of national justice mechanisms, including by building their capacity. Since the establishment of the ICC in 2002, however, some peacekeeping operations have also been mandated to support host states' responsibility to cooperate with international criminal justice processes. These include three current peacekeeping missions: MINUSCA in the Central African Republic (CAR), MINUSMA in Mali, and MONUSCO in the Democratic Republic of the Congo (DRC). The UN mission in Côte d'Ivoire (UNOCI) also had a mandate to support the ICC prior to its closure. Conversely, despite an open ICC investigation in Sudan, the African Union–UN mission in Darfur (UNAMID) did not have a mandate to support international justice.¹ All of these missions also have protection of civilians (POC) mandates, and MONUSCO's POC mandate integrates support to international justice.

While in principle the objectives of peacekeeping missions and the ICC are complementary and mutually reinforcing, the interplay between peace and justice can create friction between them. There is a long-running debate on the appropriate moment to pursue justice during an ongoing

armed conflict and amid efforts to come to a peace agreement. Some hold that peace agreements should take precedence and that pursuing justice early on may have adverse effects in environments where peace is fragile, hostilities are ongoing, and warring parties are just beginning to build confidence with each other. Others argue that pursuing justice for past abuses is a powerful deterrent. This argument maintains that peace will be unsustainable if impunity persists and justice is relegated to the peripheries of a peace settlement, especially if belligerents who have committed mass atrocities are afforded amnesty, granted significant concessions, or integrated into the government and national security forces.²

This issue brief focuses on cooperation between UN peacekeeping missions and the ICC. After discussing the impunity gap when it comes to international criminal justice, it outlines frameworks that provide a foundation for cooperation between the ICC and the Security Council. It then explores the benefits of cooperation and the political barriers and conflict dynamics that have prevented UN peacekeeping operations from fully assisting the ICC. The paper concludes by considering how the protection of civilians—particularly the establishment of a protective environment—could provide opportunities for cooperation between peacekeeping operations and the ICC in pursuit of a more coherent approach to international justice.³

International Criminal Justice and the Impunity Gap

The ICC was formally established in 2002 following the signing of the Rome Statute in 1998. The ICC has been designed to complement national criminal justice systems as a court of last resort to prosecute international crimes, and its establishment has been a critical step toward individual

1 UNAMID's final mandate did not include a mandate on justice support or international justice (see Annex). Sudan is not a state party to the Rome Statute. While some special political missions do contribute to justice and accountability at the national level, this issue brief focuses on cooperation between the ICC and UN peacekeeping operations.

2 This was the case, for example, in the 1999 Lomé Peace Agreement in Sierra Leone. Later, in 2002, the Security Council established the Special Court for Sierra Leone to investigate crimes against humanity and war crimes committed during Sierra Leone's civil war (1991–2002). The general amnesty provided by the Lomé Peace Agreement "was not a bar to prosecution by the Special Court." See: Amnesty International, "Sierra Leone: Special Court Renders Final Judgment in RUF Case," October 26, 2009; Priscilla Hayner, "The Peace and Justice Debate," in *The Peacemaker's Paradox* (New York: Routledge, 2018). Since guidelines were put in place in 1999, UN representatives have not been allowed to offer or agree to amnesties for actors who have committed "international crimes," including war crimes and crimes against humanity.

3 Adrienne Surprenant, "Amid a Rebel Offensive, a Push for Justice in Central African Republic," *The New Humanitarian*, February 18, 2021.

criminal accountability at the international level for genocide, crimes against humanity, war crimes, and, most recently, the crime of aggression. Its creation also signaled a desire to strengthen linkages between international justice and international peace and security, as evidenced by the possibility of the UN Security Council referring cases to the court.

However, the pursuit of international criminal justice at the ICC has been fraught, with the court often falling prey to politicization that hampers its effectiveness and ability to attain justice. Some of these challenges are inherent to the structure of the ICC. The court only has jurisdiction in the territory of state parties to the Rome Statute unless cases are referred to the court by the UN Security Council (discussed below).⁴ Enforcement of ICC decisions is left to member states, which sometimes do not comply, as most clearly seen in the case of former Sudanese president Omar al-Bashir, who traveled with impunity to countries that are state parties to the Rome Statute. The ICC has also faced resistance from key member states such as the US, as exemplified by the sanctions placed on the court, including on its chief prosecutor, by the administration of former US President Donald Trump in June 2020 due to the court's investigation into the situation in Afghanistan.⁵ The court has also

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received criticism for focusing on crimes committed in Africa and has been tied up in debates over state sovereignty and the court's jurisdictional reach.⁶

In addition to the ICC, the UN Security Council has a unique responsibility vis-à-vis international criminal justice. In the 1990s, the council established two ad hoc tribunals: the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. These innovative measures were enabled by a broad interpretation of the role of the council as set out in the UN Charter. The Security Council subsequently set up special tribunals in Lebanon in 2007 and

requested the secretary-general to establish a special court in Sierra Leone in 2002.⁷ Beyond these ad hoc tribunals, the 1998 Rome Statute gives the Security Council the authority to refer a country situation to the ICC, clearly delineating the council's role

and responsibility in the pursuit of international justice.⁸ This was to ensure that the "Court's judicial reach could be further extended... so as to avoid an impunity gap."⁹

However, the council's track record on pursuing international justice and accountability remains insufficient and inconsistent. To date, it has only referred two situations to the ICC: Darfur in 2005

4 At the time of writing, 123 states are state parties to the Rome Statute. See: International Criminal Court, "The State Parties to the Rome Statute," available at https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx.

5 Executive Order 13928, June 11, 2020. See also: Laurel Wamsley, "Trump Administration Sanctions ICC Prosecutor Investigating Alleged U.S. War Crimes," NPR, September 2, 2020. The Biden administration repealed the sanctions on April 2, 2021. See: US Department of State, "Ending Sanctions and Visa Restrictions against the International Criminal Court," April 2, 2021.

6 More generally, some states have been wary about the ICC's decisions, raising concerns about national politics and their sovereignty, even though complementarity is a foundational principle of the court's mandate. This is particularly pronounced in situations referred to the court by the Security Council. In February 2021, the ICC decided that it had territorial jurisdiction in Palestine, extending to territories occupied by Israel since 1967, including Gaza, the West Bank, and East Jerusalem. One judge partially dissented on this matter, arguing that the court only had jurisdiction over some parts of the occupied territories. See: ICC, "ICC Pre-trial Chamber I Issues Its Decision on the Prosecutor's Request Related to Territorial Jurisdiction over Palestine," February 5, 2021. Israel has maintained that the court has no jurisdiction in the occupied territories, arguing that Palestine's future statehood and borders have to be determined in peace talks. Palestine has been a state party to the Rome Statute since 2015; Israel is not a state party to the Rome Statute. See: Josef Federman, "ICC Clears Way for War Crimes Probe of Israeli Actions," *The Associated Press*, February 5, 2021. Human Rights Watch views the court's decision as a "long-awaited path to justice for Israeli and Palestinian victims of serious international crimes." See: Human Rights Watch, "Israel/Palestine: ICC Judges Open Door for Formal Probe," February 6, 2021.

7 Sierra Leone: UN Security Council Resolution 1315 (August 14, 2000), UN Doc. S/RES/1315; Lebanon: UN Security Council Resolution 1574 (November 19, 2004), UN Doc. S/RES/1574. It should be noted that Resolution 1315 requested that "the Secretary-General [negotiate] an agreement with the Government of Sierra Leone to create an independent special court." The Special Court of Sierra Leone was a treaty-based body formed through an agreement with the UN (not the UN Security Council) and the government. See: International Committee of the Red Cross, "Agreement between the United Nations and the Government of Sierra Leone and Statute of the Special Court for Sierra Leone, 16 January 2002," available at <https://ihl-databases.icrc.org/ihl/INTRO/605?OpenDocument>.

8 United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, *Rome Statute of the International Criminal Court*, UN Doc. A/CONF.183/9, article 13(b), July 17, 1998.

9 Prosecutor of the International Criminal Court, Fatou Bensouda, at an Arria-formula meeting on UN Security Council-ICC relations in 2018, marking the twentieth anniversary of the signing of the Rome Statute. See: International Criminal Court, "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, at First Arria-Formula Meeting on UNSC-ICC Relations," July 6, 2018.

and Libya in 2011.¹⁰ The Security Council's inability to refer country situations where mass atrocities are ongoing can be attributed to political considerations. One stark example is Syria, when the Security Council was unable to refer the situation in the country to the ICC due to vetoes from China and Russia in 2014.¹¹ The Rome Statute's provision allowing the Security Council to defer an ICC investigation or prosecution for twelve months also leaves room for political considerations, even if it has only been invoked once.¹² Since three of the five permanent members on the Security Council—China, Russia, and the US—are not parties to the Rome Statute, the council's cooperation with the court quickly becomes contentious.

Instead, the Security Council has been more inclined to pursue alternative mechanisms. For example, in 2017, it established the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) at the request and invitation of the government of Iraq. UNITAD is an investigative team that "supports domestic efforts to hold ISIL accountable by collecting, preserving and storing evidence in Iraq of crimes that might amount to war crimes, crimes against humanity and genocide committed in Iraq."¹³ Council members may feel more comfortable proposing and establishing such international mechanisms that build national capacities and that are interim steps in the pursuit of accountability. Similarly, they may be more comfortable supporting special justice mechanisms such as the Special Criminal Court in CAR.¹⁴

The impunity gap left by both the Security Council and the ICC has led many advocates and states to turn to other UN fora. Following concerted advocacy by local, regional, and international civil society groups, as well as a political push from some UN member states, the General Assembly and Human Rights Council have established mechanisms to collect and preserve evidence of crimes and prepare files for use in future judicial proceedings (e.g., the International Impartial and Independent Mechanism on Syria and the Independent Investigative Mechanism for Myanmar).¹⁵ Similarly, national courts with universal jurisdiction, which allows them to investigate and prosecute individuals suspected of committing serious international crimes in another country, have also provided accountability and justice in some cases.¹⁶

The International Court of Justice (ICJ), which is reserved for cases involving states rather than individual criminal cases, could be another avenue for justice for international crimes. For example, in 2019, the Gambia lodged a case against Myanmar under the Convention on the Prevention and Punishment of the Crime of Genocide.¹⁷ In September 2020, the Netherlands, later joined by Canada, entered into negotiations with the government of Syria in relation to allegations of torture and gross human rights violations under the UN Convention against Torture, which could also lead to charges at the ICJ.¹⁸ Although these are important steps toward justice and accountability, these novel efforts do not come close to filling the impunity gap.

10 UN Security Council Resolution 1593 (March 31, 2005), UN Doc. S/RES/1593; UN Security Council Resolution 1970 (February 26, 2011), UN Doc. S/RES/1970.

11 Despite the Security Council's inability to refer the situation in Syria to the ICC, accountability and justice for crimes committed in Syria are being pursued in European courts through universal jurisdiction. For more on universal jurisdiction, see below.

12 United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, *Rome Statute of the International Criminal Court*, UN Doc. A/CONF.183/9, July 17, 1998, Art. 16.

13 UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL, "Our Mandate," available at www.unitad.un.org/content/our-mandate.

14 The Special Criminal Court (SCC) in CAR was established in 2015 by CAR's parliament. MINUSCA is mandated "to provide technical assistance, in partnership with other international partners and the UNCT, and capacity building for the CAR authorities, to facilitate the operationalization and the functioning of the SCC." UN Security Council Resolution 2552 (November 12, 2020), UN Doc. S/RES/2552.

15 International, Impartial, and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, "Mandate," available at <https://iiim.un.org/mandate/>.

16 Many examples of universal jurisdiction exist. Perpetrators of genocide and crimes against humanity in relation to the Rwandan genocide have been or are currently being tried in Germany, Finland, France, and Belgium. In 2016, former Chadian president Hissène Habré was tried and convicted of war crimes in Senegal. On February 24, 2021, in the context of the war in Syria, a court in Koblenz, Germany, sentenced a former Syrian government intelligence officer to 4.5 years in prison for crimes against humanity for overseeing the torture of prisoners. See: Andreas Buerger, "German Court Issues Guilty Verdict in First Syria Torture Trial," *Reuters*, February 24, 2021. Additionally, a trial is also ongoing in Frankfurt, Germany, in relation to the Yazidi genocide. See: Christopher Schuetze, "German Trial Accuses Iraqi of Genocide in Killing of Yazidi Girl," *New York Times*, April 25, 2020.

17 International Court of Justice, "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)—Request for the Indication of Provisional Measures," January 23, 2020; International Court of Justice, "The Republic of The Gambia Institutes Proceedings against the Republic of the Union of Myanmar and Asks Court to Indicate Provisional Measures," November 11, 2019.

18 Government of the Netherlands, "The Netherlands Holds Syria Responsible for Gross Human Rights Violations," September 18, 2020.

Cooperation between Peacekeeping Operations and the ICC

While the Security Council has been wary about referring cases to the ICC, UN peacekeeping operations mandated by the council have increasingly been tasked with supporting justice and the rule of law, fighting impunity, and ensuring accountability, mainly by building national capacity. Most multidimensional integrated missions have dedicated units working on justice support and the rule of law, as well as human rights components that contribute to the fight against impunity, including against the most serious crimes.

Since the establishment of the ICC, peacekeeping missions have also been explicitly mandated to support international justice processes by assisting the host state in cooperating with the court.

Cooperation frameworks between peacekeeping operations and the ICC allow missions to play an important intermediate role in assisting the host state to fulfill its obligations to the court if it is a state party to the Rome Statute. The ICC has open investigations in three countries where multidimensional peacekeeping missions are currently present: CAR, the DRC, and Mali. The ICC also has open investigations in two countries that recently hosted peacekeeping missions: Côte d'Ivoire and Sudan (see Table 1). Of these countries, only Sudan is not a party to the Rome Statute.

On a technical level, cooperation between the UN and the ICC is detailed in Article 2 of the Rome Statute and was subsequently formalized in the Relationship Agreement between the UN and the ICC, approved by the UN General Assembly in Resolution 58/318 in 2004. The Relationship Agreement lays out the two entities' institutional relations, including provisions on cooperation

Table 1. Open ICC investigations and UN peacekeeping missions

Open Investigations by the ICC	
Uganda (opened January 2004)	
DRC (opened June 2004)	MONUC (2004–2010); MONUSCO (2010–present)
Darfur, Sudan (opened June 2005)	UNAMID (July 2007–December 2020); <i>special political mission</i> : UNITAMS (January 2021–present)
CAR I (opened May 2007) and CAR II (opened September 2014)	MINUSCA (April 2014–present)
Kenya (opened March 2010)	
Libya (opened March 2011)	<i>Special political mission</i> : UNSMIL (2011–present)
Côte d'Ivoire (opened October 2011)	UNOCI (April 2004–June 2017)
Mali (opened January 2013)	MINUSMA (April 2013–present)
Georgia (opened January 2016)	
Burundi (opened October 2017)	
Bangladesh/Myanmar (opened November 2019)	
Afghanistan (opened March 2020)	<i>Special political mission</i> : UNAMA (2002–present)
Palestine (opened March 2021)	United Nations Truce Supervision Organization (1948–present)

between the UN, the Security Council, and the ICC; cooperation between the UN and the prosecutor of the ICC; administrative cooperation; the use of services and facilities; personnel arrangements; reports on the work of the ICC; financial matters; UN privileges and immunities; requests for testimonies by UN officials; and the exchange of information.¹⁹ The UN Office of Legal Affairs is designated as the focal point for UN-ICC cooperation.²⁰

Building off of the Relationship Agreement and language in mandates (discussed below), memoranda of understanding (MOU) between the ICC and the UN concerning individual UN peacekeeping operations—including for MINUSCA, MINUSMA, MONUSCO (and its predecessor MONUC), and UNOCI (before its closure)—detail areas of cooperation. These include transportation; administrative and logistical support; the provision of information, documents, interviews, and testimonies; the preservation of evidence; the tracing of witnesses; searches and arrests; and the provision of security and access for the purposes of ICC investigations.²¹ The MOUs also allow the court to interview mission personnel. In the MOUs for MONUC/MONUSCO and UNOCI, many activities require the written consent of the government or may be conducted at the request of the government.²² However, some activities, such as giving the ICC access to information and documents held by the mission, do not require the government's prior written consent.

A mission's mandate appears to be important in determining whether it agrees on an MOU with the

ICC. For example, the MOU for MONUC—the first of its kind—was built off of the Relationship Agreement between the ICC and the UN and an interpretation of various provisions of MONUC's 2004 mandate, which did not explicitly reference the ICC at the time. These included the provision that MONUC “cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant agencies of the United Nations,” as well as other paragraphs on the authorization and use of force.²³ Hesitancy to explicitly reference the ICC can be attributed to Security Council dynamics. However, even without an explicit reference, the UN and the ICC agreed on an MOU in November 2005.

Peacekeeping missions are well-positioned to assist the ICC and to support host states that are parties to the Rome Statute in meeting their core obligations to the court.

In recent years, explicit references to the ICC have appeared in the operative paragraphs of several peacekeeping mandates (see

Annex). MONUSCO's mandate first included such a reference in 2011, but in its 2013 mandate renewal following the surrender of Bosco Ntaganda, a former militia leader wanted by the ICC, the Security Council added language on assisting the Congolese government in supporting national and international judicial processes (see Box 1 on the case of Ntaganda).²⁴ Since then, explicit references to the ICC have been written into operative paragraphs in the mandates of MINUSMA and MINUSCA, leading to the establishment of MOUs in 2014 and 2016, respectively.²⁵ This has formalized cooperation between these peacekeeping missions and the ICC.

In April 2013, then UN Secretary-General Ban Ki-

19 UN General Assembly, *Relationship Agreement between the United Nations and the International Criminal Court*, UN Doc. A/58/874, August 20, 2004.

20 UN Office of Legal Affairs, “United Nations–International Criminal Court Cooperation,” September 26, 2016.

21 United Nations, “Best Practices Manual for United Nations–International Criminal Court Cooperation,” September 26, 2016; UN Security Council, “UNSC-ICC Relations: Achievements, Challenges and Synergies—Arria-Formula Meeting,” July 6, 2018.

22 United Nations and International Criminal Court, “Memorandum of Understanding between the United Nations and the International Criminal Court Concerning Cooperation between the United Nations Operation in Côte d’Ivoire (UNOCI) and the Prosecutor of the International Criminal Court,” 2012; United Nations, “Memorandum of Understanding between the United Nations and the International Criminal Court Concerning Cooperation Between the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the International Criminal Court,” 2005.

23 UN Security Council Resolution 1565 (October 1, 2004), UN Doc. S/RES/1565; Rod Rastan, “The Responsibility to Enforce: Connecting Justice with Unity,” in *The Emerging Practice of the International Criminal Court*, Carsten Stahn and Göran Sluiter, eds. (Leiden: Martinus Nijhoff Publishers, 2009), p. 173.

24 MONUSCO's mandate in 2011, under Resolution 1991, “further stresses the importance of the Congolese Government actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through cooperation with the International Criminal Court and calls upon MONUSCO to use its existing authority to assist the Government in this regard.” UN Security Council 1991 (June 28, 2011), UN Doc. S/RES/1991.

25 UN Security Council Resolution 2149 (April 10, 2014), UN Doc. S/RES/2149; UN Security Council Resolution 2100 (April 25, 2013), UN Doc. S/RES/2100.

moon reissued guidance on “contacts with persons who are subject of arrest warrants or summonses issued by the ICC.” Applicable to all parts of the Secretariat, this guidance clarifies that contact with persons who are the subject of arrest warrants by the ICC should be avoided and limited to exceptional circumstances “where this is an imperative for the performance of essential UN mandated activities.”²⁶ According to the UN Office of Legal Affairs (OLA), the determination of which contacts are required for mandated activities is “an operational one and should be made in light of the specific circumstances.”²⁷ In the context of peacekeeping, missions are supposed to communicate to OLA when contact with someone subject to an ICC arrest warrant is to occur; OLA then communicates this to the ICC prosecutor and the Assembly of State Parties.²⁸ The guidance also stresses that the UN should avoid actions that would otherwise frustrate or undermine the activities and authority of the ICC.

Benefits of Cooperation: Peacekeeping Operations’ Comparative Advantages

Given their presence in the field conducting a wide array of mandated tasks, peacekeeping missions are well-positioned to assist the ICC. They are also well-positioned to support host states that are parties to the Rome Statute in meeting their core obligations to the court.

On a technical level, given peacekeeping missions’ field presence, peacekeeping operations can provide administrative and logistical support to ICC staff to facilitate their investigations, protect them in insecure areas, secure crime scenes, and preserve evidence. Transportation provided by the UN has allowed the court to access specific areas and potential witnesses. The ICC’s annual reports to the General Assembly summarize the logistical assistance provided by UN peacekeeping opera-

tions, including MINUSCA, MINUSMA, and MONUSCO, as well as UNOCI when it was in operation.

Missions can also offer substantive support to ICC investigations. In addition to supporting states in building their capacity to pursue justice and accountability, UN peacekeeping missions collect an array of information, including on human rights violations and abuses. While missions primarily use this information for conducting their mandated tasks, it has also proven useful for ICC investigations and prosecutions, provided that the information is up to evidentiary standards. During Ntaganda’s trial at the ICC, for example, the former head of the investigations unit in MONUC’s human rights division testified, describing human rights investigations conducted by her and her team. Reports gathered by MONUC were also transmitted to the ICC as evidence.²⁹

Peacekeeping missions can also enforce arrest warrants and summonses at the request of the host state. By providing support in this area, missions can address both the ICC’s lack of enforcement authority and the host state’s potential lack of enforcement capability.

Beyond these existing areas of cooperation, UN peacekeeping operations could extend their cooperation with the ICC into new areas. Attacks on peacekeepers that constitute war crimes may fall under the jurisdiction of the ICC. The 2017 report on peacekeeping fatalities by Carlos Alberto dos Santos Cruz recommends that the “UN... enhance cooperation with national judiciaries and the ICC and actively seek the prosecution of persons responsible for attacking UN peacekeepers.”³⁰ This could help sway certain member states to provide more support to the ICC, particularly major troop-contributing countries that otherwise might be skeptical of the court (only two of the top ten troop contributors are parties to the Rome Statute). In 2011, for example, the ICC investigation in Darfur charged two rebel leaders in the death of twelve

26 UN Security Council Resolution 2149 (April 20, 2014), UN Doc. S/RES/2149.

27 United Nations, “Best Practices Manual for United Nations–International Criminal Court Cooperation.”

28 UN Security Council, *Report of the International Criminal Court*, UN Doc. A/69/321, September 18, 2014; United Nations, “Best Practices Manual for United Nations–International Criminal Court Cooperation.”

29 Wairagala Wakabi, “UN Investigators ‘Found Widespread Reports of Crimes by Ntaganda’s Forces,’” *International Justice Monitor*, February 3, 2017.

30 International Criminal Court, “ICC Prosecutor: Attacks Against Peacekeepers May Constitute War Crimes,” July 19, 2013; United Nations, “Improving Security of United Nations Peacekeepers: We Need to Change the Way We are Doing Business,” December 19, 2017.

peacekeepers who were serving with the African Union Mission in Sudan.³¹

Obstacles to Cooperation

Despite a well-codified understanding of the opportunities for cooperation on paper, cooperation between peacekeeping operations and the ICC faces obstacles on the ground. Host-state politics are one of the biggest obstacles. International courts rely on government cooperation to conduct their activities, ranging from the initial invitation to investigate crimes to basic cooperation with an investigation (e.g., providing access to a crime scene). Given that the ICC does not have the authority to enforce arrest warrants and does not have a field presence, its work can be subject to political maneuvering by the host state.

Host-state politics are one of the biggest obstacles to cooperation between peacekeeping missions and the ICC.

Similarly, UN peacekeeping operations face obstacles to maintaining host-state consent while conducting their mandated tasks. This is especially true for missions with stabilization mandates, which the Security Council has increasingly favored in recent years. Host states often impede the justice-related work of missions, particularly in national-level proceedings concerning government and military officials. This can render cooperation between UN peacekeeping missions and the ICC all the more challenging.³²

The role of MONUC/MONUSCO in arresting Bosco Ntaganda offers insights into the way the host state's positioning—as well as conflict dynamics and security priorities—can influence a mission's cooperation with the ICC (see Box 1). The MOU between MONUC/MONUSCO and the ICC noted that the mission was expected to arrest individuals wanted by the ICC at the government's

request and stood ready to do so on a “case-by-case basis.” While this granted MONUC/MONUSCO the ability to step in and assist with arrests, the Congolese government had the ultimate say as to when the mission could arrest Ntaganda. In this context, the fact that Ntaganda had acquired a position in the Congolese military can explain why the mission did not proactively pursue his arrest and transfer to the ICC for years, despite his visible presence in Goma and repeated calls from human rights organizations.³³

In Darfur, host-state obstruction has long been a challenge for the UN, until recently. For nearly fifteen years, the ICC was not able to try those accused of committing crimes in the region. The prosecutor of the ICC heavily criticized the Sudanese government, as well as state parties in the region, for not complying with Security Council resolutions and the court's decisions.³⁴ When the

ICC issued an arrest warrant for President Bashir in 2008, Bashir and Sudanese officials condemned the court's announcement, their supporters demonstrated against the ICC, and the UN mission had to withdraw some staff from Darfur, citing a deteriorating security situation.³⁵

While Sudan is still not a state party to the Rome Statute and has no obligation to cooperate with the court, Sudan's transitional government has pledged to cooperate, including by “facilitat[ing] access to those accused of war crimes and crimes against humanity.”³⁶ Ali Kushayb, a former Sudanese militia leader charged with crimes against humanity and war crimes in Darfur in 2003, voluntarily surrendered in CAR after reportedly fearing that Sudan's transitional government might arrest him, and MINUSCA supported his transfer to The Hague in June 2020.³⁷ Bashir is now undergoing a

31 “ICC Confirms Charges Against Suspects in Attack on Darfur Peacekeepers,” UN News, March 8, 2011.

32 Patryk I. Labuda, “With or Against the State? Reconciling the Protection of Civilians and Host-State Support in UN Peacekeeping,” International Peace Institute, May 2020.

33 Human Rights Watch, “DR Congo: Arrest Bosco Ntaganda,” February 2, 2009.

34 International Criminal Court, “Twenty-First Report of the Prosecutor of the International Criminal Court to the UN Security Council Pursuant to UNSCR 1593 (2005),” June 29, 2015.

35 Peter Walker and James Sturcke, “Darfur Genocide Charges for Sudanese President Omar al-Bashir,” *The Guardian*, July 14, 2008.

36 “Sudan Ready to Cooperate with ICC over Darfur, Says PM,” Reuters, August 22, 2020.

37 Peter Beaumont, “Notorious Sudanese Militia Chief in Darfur Conflict Arrested in CAR,” *The Guardian*, June 9, 2020; Marlise Simons, “After 13 Years on the Run, a Sudanese Militia Leader Appears in Court,” *New York Times*, June 15, 2020.

Box 1. Bosco Ntaganda and the ICC

On July 9, 2019, Bosco Ntaganda, a former leader of two eastern Congolese rebel groups who was known as “The Terminator,” was convicted of eighteen counts of war crimes and crimes against humanity, including murder and persecution, by the ICC. Later that year, he was sentenced to thirty years in prison.

Ntaganda’s arrest warrant had been issued in 2006 and unsealed in 2008, but he was not transferred to the ICC until 2013, when he voluntarily surrendered at the US embassy in Rwanda. MONUC, which had a mandate to protect civilians, had signed a memorandum of understanding (MOU) with the ICC in November 2005. The MOU establishes how the peacekeeping mission will assist the court, including with regard to arrests:

MONUC confirms to the Court that it is prepared, in principle and consistently with its mandate, to give consideration, on a case-by-case basis, to requests from the Government to assist the Government in: (a) carrying out the arrest of persons whose arrest is sought by the Court; (b) securing the appearance of a person whose appearance is sought by the Court; (c) carrying out the search of premises and seizure of items whose search and seizure are sought by the Court.³⁸

In line with the MOU, the Congolese government had reportedly sent a formal request to MONUC to assist in the arrest of Ntaganda in 2007.³⁹ But between 2006 and his surrender in 2013, MONUC/MONUSCO did not proactively seek to arrest Ntaganda, and he went on to commit more atrocities. In October and November 2008, Ntaganda’s troops carried out a massacre in Kiwanja, North Kivu, killing nearly 150 civilians, and ultimately causing MONUC and the UN Secretariat to radically reconfigure their protection strategies. Despite these atrocities and in the face of heavy criticism, the government integrated Ntaganda into the Congolese army in 2009 as part of a peace agreement, and he remained highly visible in Goma.⁴⁰ Considering that the mission was authorized to conduct joint operations with the Congolese army, this put the UN at risk of coming into contact with someone wanted by the ICC.

In 2012, Ntaganda broke with the government when he and 300 troops defected from the Congolese forces, forming the M23 rebel group. At this point, the government stated that it would arrest Ntaganda, and he surrendered himself to the ICC less than a year later.⁴¹

This case points to the potential conflict between the pursuit of justice and the pursuit of peace. In the short term, despite the ICC warrant for his arrest, Ntaganda was considered a key broker in maintaining peace and security in the eastern DRC.⁴² Host-state interests and the short-term mitigation of further violence seem to have taken precedence over justice and accountability.⁴³

38 United Nations, “Memorandum of Understanding Between the United Nations and the International Criminal Court Concerning Cooperation Between the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the International Criminal Court,” 2005.

39 Kenneth Roth, “Letter to President Kabila: Arrest Bosco Ntaganda,” Human Rights Watch, February 1, 2009.

40 In September 2009, Human Rights Commissioner Navi Pillay said, “The actions of the CNDP could well amount to war crimes or crimes against humanity and are part of a self-perpetuating pattern of brutality in eastern DRC which continues to go largely unpunished. I am deeply concerned that members of the CNDP who may be implicated in these crimes – especially Bosco Ntaganda, against whom there was already an International Criminal Court arrest warrant – are either still at large, or have even been absorbed into the FARDC.” See: David Smith, “Congo Conflict: ‘The Terminator’ Lives in Luxury While Peacekeepers Look,” *The Guardian*, February 5, 2010.

41 It should be noted that Congolese President Joseph Kabila initially wanted Ntaganda to be charged in the DRC, not the ICC. However, Ntaganda fled to Rwanda and surrendered at the US Embassy. “Congo’s Kabila Says to Arrest Wanted General,” Reuters, April 11, 2012.

42 Even the Security Council welcomed the agreement, while making no mention of Ntaganda. See: UN Security Council, “Security Council Press Statement on Democratic Republic of Congo,” Press Release SC/9633-APR/1833, April 9, 2009.

43 It should also be noted that no Congolese government officials have been indicted by the ICC thus far, and Ntaganda’s charges did not include potential crimes committed under his command in the Congolese army. However, there have been recent calls for the ICC to investigate and prosecute former President Joseph Kabila. See: Maria Elena Vignoli, “The ICC’s Work in Congo Isn’t Done,” Human Rights Watch, August 11, 2020; Canadian Partnership for International Justice, “Re: Atrocities Committed in the Democratic Republic of Congo by Former President Joseph Kabila,” June 16, 2020.

domestic trial for his role in the 1989 coup d'état that brought him to power, though not for the genocide in Darfur, and several militia leaders wanted by the ICC are still at large or in government custody.⁴⁴ Darfur could be an interesting case study on how shifts in the domestic political sphere can have an influence on a host state's cooperation with the ICC.

CAR offers an example of more effective cooperation between the host state, the peacekeeping mission, and the ICC. Although there are many obstacles to pursuing justice and accountability in CAR, including security concerns, ICC trials are ongoing against two anti-Balaka leaders, Alfred Yekatom and Patrice-Édouard Ngaïssona. In January, Séléka leader Mahamat Said Abdel Kani was arrested and transferred to The Hague.⁴⁵ CAR also established a Special Criminal Court in 2015, to which MINUSCA and the UN Development Programme (UNDP) provide operational support through a joint project.⁴⁶ The Special Criminal Court, an ad hoc national court comprised of both international and national legal experts that investigates and prosecutes serious violations of human rights and international humanitarian law, has formalized its cooperation with the ICC. At the same time, national courts have prosecuted crimes against the state committed by low-ranking individuals.⁴⁷ This approach demonstrates the strength of the complementarity between national, hybrid, and international justice mechanisms.

Host-state support is not the only challenge to cooperation between peacekeeping missions and the ICC. Even when host governments are supportive of the ICC, peacekeeping missions often only contribute to and support prosecutions, investigations, and arrests on a case-by-case basis and at their discretion. As a result, cooperation between peacekeeping operations and the ICC can vary

depending on missions' priorities, mandates, and capabilities. MONUSCO, for example, has long prioritized the protection of civilians from immediate physical threats by tackling non-state armed groups in the east of the country. However, this has come at the expense of prioritizing protection strategies typically associated with the establishment of a protective environment, including the pursuit of justice. In the case of Ntaganda, this may have led the mission to prioritize concerns that his arrest could escalate violence against civilians in the short term over longer-term accountability and justice.⁴⁸

Similarly, the missions in Mali and CAR have to address competing priorities with limited capabilities, which could limit their capacity to support the ICC. MINUSCA, MINUSMA, and MONUSCO all, in some shape or form, are seeking to stabilize and reestablish state authority, including by supporting the basic functioning of host-state institutions. Although this entails building the capacity of national justice systems as basic structures of the state, the capacities of peacekeeping missions are often overstretched. On a more operational level, missions may also deprioritize justice because they perceive it as a development issue to be tackled by the UN country team, particularly UNDP.

Cooperation can also vary depending on the conflict profile. Active hostilities might prevent peacekeeping missions from fully assisting the ICC. Insecurity can also directly affect the work of the ICC itself. Moreover, carrying out investigative work could unintentionally harm civilians, including through reprisals for their engagement with the mission, an important risk that needs to be better understood. Missions may determine that pursuing an arrest warrant is not worth the risk, especially if it will only have a limited deterrent effect or could potentially backfire.⁴⁹

44 "Omar al-Bashir: Sudan's Ex-President on Trial for 1989 Coup," *BBC*, July 21, 2020; Ruth Maclean, "International Court Accuses Two Central African Militia Leaders of Attacks on Muslims," *New York Times*, February 16, 2021.

45 Maclean, "International Court Accuses."

46 UNDP's assistance to the Special Criminal Court is part of its work on the rule of law and Sustainable Development Goal 16.

47 The Special Criminal Court has yet to charge any individual for international crimes, due in part to funding challenges and a lack of transparency. See: "Central African Republic: While Many 'People are Hungry for Trials' Some Warlords Still Walk Free," Amnesty International, October 22, 2020.

48 "Many fear that civilians could be at risk in an attempt to arrest Bosco and remove him from power." See: "Amnesty International's Efforts to Ensure the Arrest of Bosco Ntaganda," Amnesty International, April 19, 2012.

49 Michael Broache, "Beyond Deterrence: The ICC Effect in the DRC," *OpenGlobalRights*, February 19, 2014.

Conclusion: The Protection of Civilians, Justice, and Accountability

Peacekeeping operations are well-placed to assist the ICC in many aspects of its work, particularly through logistical support, security, and information collection. However, cooperation remains delicate and challenging. Continuing to include and build on clear language in mandates on the role of peacekeeping operations vis-à-vis international justice could help confront some of these challenges. Missions could also better integrate support to the ICC into their political strategies to ensure that justice-related activities are couched in the political context.

More generally, the UN could explore the links between justice, accountability, and the protection of civilians (POC). Around the same time that linkages between international peace and security and international criminal justice were being strengthened and institutionalized in the 1990s, the UN was also beginning to formulate strategies for a more integrated response to protecting civilians in armed conflict. Over the past twenty years, POC efforts have expanded from short-term interventions to protect civilians from physical violence; POC now also encompasses medium- and long-term tasks related to political dialogue and the establishment of a protective environment, involving not just the military but also the police and civilian components of missions.

The UN Department of Peace Operations' POC policy considers justice and accountability to be core elements of a protective environment.⁵⁰ The 2020 POC Handbook also emphasizes the importance of human rights, the rule of law, and the establishment of credible justice institutions to protection. Where accountability is unlikely at the

national level, it suggests that peacekeeping missions “engage member states and the Security Council on alternative accountability mechanisms.” It also raises the need for coherence and coordination with other UN and external mechanisms such as the ICC, stating that “peacekeeping operations must consider how best to coordinate with such mechanisms and ensure coherence, while pursuing distinct objectives.” It notes that “much of the work of these mechanisms will overlap with peacekeeping mandated activities, including in areas related to the protection of civilians.”⁵¹ Likewise, the 2016 policy on justice support in peace operations recognizes that work on justice contributes to protection.⁵² This link is especially clear in MONUSCO's POC mandate, which includes support to both national and international justice (see Annex).

Yet gaps persist. According to the secretary-general's 2020 report on POC, “Respect for law and accountability for serious violations are the two most pressing challenges to strengthening the protection of civilians.”⁵³ For peacekeeping missions, pursuing accountability has been a challenge. Missions must navigate host-state consent and conduct a wide array of mandated tasks and functions, including POC, all while engaging with the parties to the conflict—including those who have committed crimes—with the goal of achieving peace and security. In light of the trend toward the deployment of stabilization missions mandated to support and build the capacity of host states in the absence of coherent political strategies and stalled peace processes, these obstacles may become more pronounced. There is a risk that state-centric approaches driven by national interests will continue to take precedence over genuinely people-centered ones.⁵⁴ Both the UN Secretariat and individual missions need to better understand how and when justice and accountability—especially international justice,

The protection of civilians could serve as a guiding principle for peace operations' future support to international criminal justice.

50 UN Department of Peace Operations, “2019 Protection of Civilians Policy,” 2019.

51 UN Department of Peace Operations, “The Protection of Civilians in United Nations Peacekeeping Handbook,” 2020.

52 UN Department of Peacekeeping Operations/Department of Field Support, “Justice Support in United Nations Peace Operations,” August 1, 2016.

53 UN Security Council, *Protection of Civilians in Armed Conflict, Report of the Secretary-General*, UN Doc. S/2020/366, May 6, 2020.

54 Namie Di Razza, “What to Expect for the Future of Protection in UN Peace Operations,” IPI Global Observatory, September 24, 2020.

when national capacities are lacking or exhausted—contribute to protection in the short and long term. Addressing the lack of accountability could provide an opportunity to recenter civilians in missions’ political strategies.⁵⁵

Given that international justice reinforces protec-

tion mandates, POC could serve as a guiding principle for peace operations’ future support to international criminal justice. By reflecting and building on best practices and lessons learned from previous challenges, peacekeeping operations can more effectively pursue international justice and ensure the sustainability of their protection efforts.

⁵⁵ The ICC has also emphasized engagement with civil society organizations and national judicial officials.

Annex: References to the ICC in UN multi-dimensional peacekeeping mandates

Peacekeeping Operations in Areas under ICC Investigations	Operative References to the ICC in the Latest Peacekeeping Mandate	First Reference to Enabling Language in Peacekeeping Mandate	Known Memorandum of Understanding
<p>Democratic Republic of the Congo (MONUC/MONUSCO): The situation in the DRC was referred to the ICC by the government in April 2004. The focus of the court is on “alleged war crimes and crimes against humanity committed in the context of armed conflict in the DRC since 2002,” with a regional focus on eastern DRC.⁵⁶</p>	<p>Resolution 2556 (2020): Under protection of civilians: “Work with the authorities of the DRC, leveraging the capacities and expertise of the UN Police, MONUSCO justice and corrections capacities including the UN Prosecution Support Cell, [UN Joint Human Rights Office] and other MONUSCO Justice components, to strengthen and support the DRC judicial system in order to investigate and prosecute all those allegedly responsible for genocide, war crimes and crimes against humanity and violations of international humanitarian law and violations or abuses of human rights in the country, including through cooperation with States of the region and the ICC, following the decision made by the Prosecutor of the ICC in June 2004 to open, following the request of the Government of the DRC, an investigation into alleged crimes committed in the context of armed conflict in the DRC since 2002.”</p>	<p>Resolution 1565 (2004): “To assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations to put an end to impunity, and continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant agencies of the United Nations.”</p> <p>First explicit reference to the ICC in MONUSCO’s mandate: Resolution 1991 (2011): “Further stresses the importance of the Congolese Government actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through cooperation with the International Criminal Court and calls upon MONUSCO to use its existing authority to assist the Government in this regard.”</p>	<p>Memorandum of understanding since November 2005⁵⁷</p>

⁵⁶ International Criminal Court, “Democratic Republic of the Congo,” available at <https://www.icc-cpi.int/drc>.

⁵⁷ United Nations, “Best Practices Manual for United Nations–International Criminal Court Cooperation.”

Peacekeeping Operations in Areas under ICC Investigations	Operative References to the ICC in the Latest Peacekeeping Mandate	First Reference to Enabling Language in Peacekeeping Mandate	Known Memorandum of Understanding
<p>Central African Republic (MINUSCA): CAR has been the subject of two ICC investigations, both of which were referred by the government. CAR I was referred to the ICC in 2004 (although the investigation opened in 2007), looking at “alleged war crimes and crimes against humanity in the context of a conflict in CAR since 1 July 2002, with the peak of violence in 2002 and 2003.”⁵⁸ CAR II was referred to the ICC in May 2014, focusing on “alleged war crimes and crimes against humanity committed in the context of renewed violence starting in 2012 in CAR.”⁵⁹</p>	<p>Resolution 2552 (2020): Under support for national and international justice, the fight against impunity, and the rule of law: “Without prejudice to the primary responsibility of the CAR authorities, to support the restoration and maintenance of public safety and the rule of law, including through apprehending and handing over to the CAR authorities, consistent with international law, those in the country responsible for crimes involving serious human rights violations and abuses and serious violations of international humanitarian law, including sexual violence in conflict, so that they can be brought to justice, and through cooperation with states of the region as well as the ICC in cases of crimes falling within its jurisdiction following the decision made by the Prosecutor of the ICC on 24 September 2014 to open, following the request of national authorities, an investigation into alleged crimes committed since 2012.”</p>	<p>Resolution 2149 (2014): Under support for national and international justice and the rule of law: “To support and work with the Transitional Authorities to arrest and bring to justice those responsible for war crimes and crimes against humanity in the country, including through cooperation with States of the region and the ICC.”⁶⁰</p>	<p>Memorandum of understanding since May 2016⁶¹</p>

58 International Criminal Court, “Central African Republic,” available at <https://www.icc-cpi.int/car>.

59 International Criminal Court, “Central African Republic II,” available at <https://www.icc-cpi.int/carII>.

60 UN Security Council Resolution 2149 (April 10, 2014), UN Doc. S/RES/2149.

61 UN General Assembly, *Report of the International Criminal Court, Note by the Secretary-General*, UN Doc. A/71/342, August 19, 2016.

Peacekeeping Operations in Areas under ICC Investigations	Operative References to the ICC in the Latest Peacekeeping Mandate	First Reference to Enabling Language in Peacekeeping Mandate	Known Memorandum of Understanding
<p>Mali (MINUSMA): The situation in Mali was referred to the ICC by the government in July 2012. The current focus of the investigation is “alleged war crimes committed in Mali since January 2012,” with a regional focus on northern Mali, as well as incidents in Bamako and Sévaré.⁶³</p>	<p>Resolution 2531 (2020): Under promotion and protection of human rights: “To assist the Malian authorities in their efforts to promote and protect human rights, in particular in the areas of justice and reconciliation, including to support, as feasible and appropriate, the efforts of the Malian authorities, without prejudice to their responsibilities, to bring to justice without undue delay those responsible for serious violations or abuses of human rights or violations of international humanitarian law, in particular war crimes and crimes against humanity in Mali, taking into account the referral by the transitional authorities of Mali of the situation in their country since January 2012 to the ICC.”</p>	<p>Resolution 2100 (2013): Under support for national and international justice: “To support, as feasible and appropriate, the efforts of the transitional priorities of Mali, without prejudice to their responsibilities, to bring to justice those responsible for war crimes and crimes against humanity in Mali, taking into account the referral by the transitional authorities of Mali of the situation in their country since January 2012 to the International Criminal Court.”⁶⁴</p>	<p>Memorandum of understanding since July 2014⁶²</p>
<p>Darfur, Sudan (UNAMID): The situation in Darfur was referred to the ICC by the UN Security Council in 2005. The focus on the investigation is “alleged genocide, war crimes and crimes against humanity committed in Darfur, Sudan since 2002.”⁶⁵</p>	<p>No operative or preambular reference in UNAMID final mandate. UNAMID does not work on justice-related matters in Sudan.</p>	<p>Not applicable</p>	<p>No memorandum of understanding</p>

62 United Nations, “Best Practices Manual for United Nations–International Criminal Court Cooperation.”

63 International Criminal Court, “Mali,” available at <https://www.icc-cpi.int/mali>.

64 UN Security Council Resolution 2100 (April 25, 2013), UN Doc. S/RES/2100.

65 International Criminal Court, “Darfur, Sudan,” available at <https://www.icc-cpi.int/darfur>.

Peacekeeping Operations in Areas under ICC Investigations	Operative References to the ICC in the Latest Peacekeeping Mandate	First Reference to Enabling Language in Peacekeeping Mandate	Known Memorandum of Understanding
<p>Sudan is not a party to the Rome Statute. UNAMID’s mandate ended in 2020, and it will fully close in 2021.</p>			
<p>Côte d’Ivoire (UNOCI): An investigation into Côte d’Ivoire was opened by the ICC prosecutor as a proprio motu investigation in October 2011, focusing on alleged crimes committed in the context of post-election violence in 2010 and 2011.⁶⁶ UNOCI closed in 2017.</p>	<p>Resolution 2284 (2016) (the last mandate before the mission closed): “Reiterates its call upon the Government of Côte d’Ivoire to ensure in the shortest possible time frame that, irrespective of their status or political affiliation, all those responsible for serious violations and abuses of human rights and violations of international humanitarian law, including those committed during and after the post-electoral crisis in Côte d’Ivoire, are brought to justice in accordance with its international obligations, and urges the Government to continue its cooperation with the International Criminal Court.”⁶⁷</p>	<p>Resolution 2000 (2011): “Calls upon UNOCI, where consistent with its existing authorities and responsibilities, to support national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law in Côte d’Ivoire.”⁶⁸</p>	<p>Memorandum of understanding since January 2012; UNOCI is no longer in operation</p>

66 International Criminal Court, “Côte d’Ivoire,” available at <https://www.icc-cpi.int/cdi>.

67 UN Security Council Resolution 2284 (April 28, 2016), UN Doc. S/RES/2284.

68 UN Security Council Resolution 2000 (July 27, 2011), UN Doc. S/RES/2000.

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