

Accountability for Crimes against Peacekeepers



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EXECUTIVE SUMMARY

Since 1948, more than 1,000 UN personnel have been killed by malicious acts while serving in UN peacekeeping operations. Since 2013, the vast majority of these fatalities have taken place in the Central African Republic (CAR), Mali, and the Democratic Republic of the Congo (DRC). To address this trend, the UN Secretariat and member states have increasingly focused on strengthening the policy framework on accountability to peacekeepers, including by fighting impunity for crimes against peacekeepers, enhancing their safety and security, and addressing the physical and mental well-being of UN personnel. This renewed emphasis on accountability to peacekeepers is reflected in the inclusion of the issue under the Action for Peacekeeping Plus (A4P+) priorities.

In the past five years, the UN Secretariat and some states involved in peacekeeping operations (host states, contributing countries, and some UN Security Council members) have undertaken concerted efforts to increase accountability for crimes against peacekeepers. The UN Secretariat and member states have focused specifically on how to pursue justice for peacekeepers who have been victims of attacks. In 2021, the Security Council passed its first stand-alone resolution on ending impunity for attacks against peacekeepers, and in 2022, member states formed the Group of Friends to Promote Accountability for Crimes against Peacekeepers. The UN Secretariat is expected to adopt a two-year strategic plan to address crimes against peacekeepers in 2023.

The growing prioritization of accountability for crimes against peacekeepers is reflected in several recent institutional changes. The adoption of the 2020 standard operating procedures (SOPs) on the prevention, investigation, and prosecution of serious crimes against peacekeepers has triggered the creation of a workstream on this topic. Further, the Working Group on Accountability for Serious Crimes against Peacekeepers was established to gather all relevant UN entities and some missions to share good practices and exchange information on prosecution of crimes against peacekeepers. Some peacekeeping missions have also established internal working groups with relevant mission components, and mission leadership has increasingly

engaged with host-state governments to promote accountability for crimes against peacekeepers.

Altogether, these efforts have yielded some results, as the number of prosecutions and convictions are incrementally growing. Despite this progress, challenges remain. At the strategic level, these include the lack of consistency in the definition of “crimes against peacekeepers,” the risk of UN missions supporting host-state institutions that violate the rights of the accused, and the difficulty of advancing accountability when consent for the UN’s presence is weak. In addition, it is challenging for missions to pursue a holistic approach that includes a focus on preventing attacks and on pursuing accountability not only to but also of peacekeepers. Such accountability is particularly important for upholding UN principles and values and maintaining credibility

at a time when UN peacekeeping operations face a crisis of consent in some contexts, including in the DRC and Mali.

At the operational level, challenges include the lack of capacity in many host states’ police, judiciary, and corrections system and the

difficulty of accessing crime scenes. While some peacekeeping missions can support, and in some cases temporarily take over responsibility for, investigations conducted by the national police, the lack of capacity of the host state to fulfill its core investigatory function remains a challenge. Additionally, there is a deficit of qualified judges and magistrates to deal with serious international crimes.

Finally, at the institutional level, challenges include the lack of mission-specific SOPs in most missions, the lack of full-time focal points on this issue, and the political complications of engagement between the countries whose peacekeepers have been victims of attacks and the host state. The progress that has been made has largely been limited to the three priority missions (in CAR, Mali, and the DRC). Additionally, there are disagreements over the role of troop- and police-contributing countries (T/PCCs) in putting pressure on the host state to make tangible progress on investigating and prosecuting crimes against peacekeepers.

“There is a significant gap between the number of incidents resulting in peacekeeper fatalities and the number of incidents leading to prosecution in the national courts of host states.”

To read the full policy paper visit: <https://bit.ly/3X15Ovn>

**For the UN Secretariat:**

- 1. Maintain a comprehensive approach to accountability:** The UN Secretariat should adopt the strategic action plan that lays out priorities and a roadmap for addressing crimes against peacekeepers at the institutional level. It should also continue to advance accountability to peacekeepers hand in hand with accountability of peacekeepers, including for sexual exploitation and abuse and other crimes and misconduct.
- 2. Develop a common definition of crimes against peacekeepers:** The UN Secretariat should develop a common definition of crimes against peacekeepers and communicate clear and consistent standards for the criminalization, investigation, and prosecution of such crimes at the national level in accordance with international humanitarian and human rights law.
- 3. Ensure adherence to human rights standards:** Through the UN Working Group on Crimes against Peacekeepers, relevant DPO entities, together with OHCHR and the Office of Legal Affairs, should strengthen their cooperation on ensuring that host-state authorities adhere to human rights standards.
- 4. Improve internal and external coordination:** DPO should designate a full-time, dedicated focal point at headquarters to directly communicate and follow up with external stakeholders, including permanent missions of T/PCCs in New York.

For UN missions:

- 5. Pursue a comprehensive approach to accountability:** UN missions should continue to pursue the goal of advancing accountability for crimes against peacekeepers as part of the overarching goal of promoting justice and accountability for all serious crimes committed in the host state.
- 6. Support host-state investigations and prosecutions:** UN missions should continue supporting the host state in investigating and prosecuting crimes against peacekeepers, as well as other serious crimes. To that end, they should continue sharpening their forensic capacity and expertise, maintain high standards to ensure the recruitment of qualified police personnel, and invest in witness-protection programs, in cooperation with the host state.
- 7. Advocate for host-state authorities to pursue accountability:** UN mission leadership should continue engaging with host-state national authorities at a high level to advocate for the investigation and prosecution of cases. This high-level engagement is critical to pressure host states to tackle the problem.
- 8. Ensure sustained documentation of and follow-up on cases:** Each UN peacekeeping operation should designate a dedicated focal point with technical expertise to allow for continuous and direct follow-up between the host state and the mission on existing cases, following the model of MINUSCA, MINUSMA, and MONUSCO.

For the UN Security Council:

- 9. Prioritize peacekeeping mandates to build the host state's capacity to pursue accountability:** The UN Security Council should prioritize the mandates of UN peacekeeping operations to build the capacity of the host state's police, judiciary, and correction system, as well as to support good governance more generally.
- 10. Encourage legal clarity on the nature of crimes against peacekeepers:** The UN Security Council should avoid calling for host states to legally codify crimes against peacekeepers as "war crimes" when they do not meet these criteria. In future statements and resolutions, the council could clarify the scope of the definition of "crimes against peacekeepers" while taking into account international humanitarian law.

For other UN member states:

- 11. Use the Group of Friends on Crimes against Peacekeepers to offer new ideas:** The group of friends should proactively offer ideas to the UN Security Council and the UN Secretariat on ways to promote accountability for crimes against peacekeepers.
- 12. Use the C-34 to discuss ways to improve coordination:** The General Assembly's Special Committee on Peacekeeping Operations (C-34) should continue tackling the issue of accountability for crimes against peacekeepers. In particular, it should have more in-depth discussions on ways to enhance coordination between UN headquarters, UN missions, the host state, and T/PCCs.