



**United Nations
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Standard Operating Procedures

Prevention, investigation and prosecution of serious crimes committed against United Nations personnel in peacekeeping operations and special political missions

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**STANDARD OPERATING PROCEDURES ON THE PREVENTION,
INVESTIGATION AND PROSECUTION OF SERIOUS CRIMES COMMITTED
AGAINST UNITED NATIONS PERSONNEL IN PEACEKEEPING OPERATIONS
AND SPECIAL POLITICAL MISSIONS**

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A. PURPOSE

1. The purpose of these Standard Operating Procedures (hereinafter, "Procedures") is to establish key modalities and responsibilities for the prevention, investigation and referral of cases of serious crimes committed against United Nations personnel (hereinafter, "Personnel") deployed in United Nations peacekeeping operations and special political missions (hereinafter, "Field Mission(s)" or "Missions")¹. These procedures outline key modalities and responsibilities of the United Nations in its support of national and other competent authorities to facilitate the investigation, prosecution and adjudication of related cases by the competent law enforcement, prosecutorial or judicial authorities, including key aspects of detention-related measures.

¹ See section E: Terms and definitions.

B. SCOPE

2. This document sets forth operational procedures and/or guidance on support for the prevention, investigation and prosecution by the competent law enforcement, prosecutorial or judicial authorities of serious crimes committed against personnel deployed infield missions. The measures identified in these procedures include: political advocacy; support to national law enforcement and justice institutions; cooperation with national and international courts, including the International Criminal Court, and relevant accountability mechanisms; and information-sharing, evidence management and monitoring by the field mission concerned.

3. These Procedures are applicable in all cases of fatalities of United Nations personnel as a result of malicious acts, as defined in the Notification of Casualties (NOTICAS) system of the United Nations. They may also be applicable to other serious crimes against United Nations personnel, namely: a) kidnapping or enforced disappearance; b) attacks upon the person causing or intended to cause physical harm; and c) rape and other forms of sexual violence. They also apply to attempts and threats to commit such crimes. The Head of Mission may also apply these Procedures to attacks against property involving violence or threat of violence against a person or a grave threat to life or of serious bodily injury and to attempts and threats to commit such attacks.

4. These Procedures do not constitute an exhaustive list of principles, norms, standards and procedures that are applicable in relation to this matter. They do not include, for instance, other measures aimed at reducing fatalities of United Nations personnel such as command and control arrangements, planning, equipment, medical support, deployment modalities, force protection measures, operational readiness and performance arrangements.

5. These Procedures provide internal operational guidance to United Nations personnel. They do not address issues of criminal law or criminal procedure and related issues, which are governed by the relevant laws of the host State or international law, as applicable. The Mission's Legal Adviser/Senior Legal Adviser, and other relevant mission components as appropriate, should be consulted when such issues are raised.

6. These Procedures are not applicable to field missions that assume executive administration functions in regard to the prevention, investigation and prosecution of crimes². In such contexts, specific standard operating procedures should be adopted in accordance with the mandate, context and capabilities of the operation concerned.

7. These Procedures shall apply to Heads of Mission and other personnel of field missions, including police, military or civilian personnel, who have a direct or indirect role in the implementation of any of the responsibilities set forth in this document. These procedures are also applicable to the relevant personnel assigned to the departments and offices at United Nations Headquarters that have signed this document.

C. RATIONALE

8. Despite the existence of domestic and international legal frameworks for investigating and prosecuting crimes committed against personnel of field missions, the prevention, investigation and prosecution of these crimes have not to date received sufficient political attention. This is compounded by the weakness of rule of law and security institutions that typically prevails in the conflict and post-conflict situations where field missions are usually deployed.

² Such missions refer to United Nations field missions where personnel are mandated to exercise interim law enforcement and judicial functions.

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9. At a practical level, national prosecutions of perpetrators of attacks may fail due to lack of capacity in the national law enforcement and justice institutions, as well as the absence of usable forensic and other evidence, including where United Nations personnel do not appropriately secure such evidence in the immediate aftermath of attacks when competent national authorities are unable to do so. In turn, impunity may embolden potential perpetrators to commit further such crimes in the future.

10. These Procedures provide a general framework with a view to preventing such crimes, ensuring accountability and ending impunity. They should primarily be read in the light of the Security Council's call on "host countries to intensify efforts — and for others to support these efforts if requested — to investigate these acts of violence [*killing of and all acts of violence against United Nations personnel*] and arrest and bring to justice all those who attack, kill and seriously injure, United Nations personnel and premises, [*and*] also to prevent impunity from encouraging future violence against personnel"³.

D. PROCEDURES

General considerations

11. All missions must effectively address serious crimes committed against personnel of field missions with the required priority, regardless of whether the victims are national or international personnel, in particular intentional homicide, kidnapping and other serious crimes against persons.

12. Field missions should systemically link efforts to ensure accountability for such crimes with the Operation's advocacy and good offices efforts aimed at securing the political commitment of the host State to end impunity generally for serious violations and abuses of international human rights law and violations of international humanitarian law. Furthermore, field missions should lead by example by ensuring accountability for any serious abuses committed by their own personnel.

13. The United Nations will not support any amnesties for crimes against personnel of its operations where they may constitute serious crimes under international law or gross violations and abuses of human rights. Field missions will aim to ensure that all proceedings respect international due process and fair trial guarantees. In the event that the Mission is unable to provide assistance ensuring that all proceedings respect international due process and fair trial guarantees, a request for assistance should be channelled to the United Nations Headquarters for consideration. Any assistance to national authorities should be provided in accordance with United Nations policies and best practices⁴, and the human rights framework. This is particularly relevant where there may be concerns about fair trial guarantees, or concerns that the death penalty may be imposed or carried out⁵. In this regard, the United Nations will neither take part in the establishment nor support tribunals with regard to criminal proceedings in which capital punishment could be imposed or carried out.⁶

14. Each field mission should develop and implement a specific strategy and procedures for the prevention, investigation and prosecution of serious crimes against its personnel, in consultation with United Nations Headquarters⁷. This strategy should be updated at least every two (2) years and earlier

³ Presidential Statement of the Security Council on United Nations peacekeeping operations, 14 May 2018, S/PRST/2018/10, page 5. See also paragraph 3 of resolution 2518 (2020), S/RES/2518 (2020), dated 30 March 2020, where the Security Council called "on all Member States hosting peacekeeping operations to promptly investigate and effectively prosecute those responsible for attacks on United Nations personnel".

⁴ E.g., in accordance with the relevant provisions of the Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance (2008), or any successor Guidance Note.

⁵ See, for example, UNODC, "UNODC and the Promotion and Protection of Human Rights: Position Paper" (2012), at 10.

⁶ See footnote 4 above.

⁷ For Special Political Missions, additional support may be provided for this purpose by United Nations Headquarters.

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if changes in the circumstances prevailing in the host State or the mission's mandate calls for it and be informed by the present Procedures.

15. For Special Political Missions without a Senior Legal Adviser or Legal Adviser, all matters within the purview of these Procedures should be referred, through the Department of Political and Peacebuilding Affairs, to the Office of Legal Affairs at United Nations Headquarters for guidance and assistance. This includes *inter alia* issues related to the handling of evidence and statements of victims, witnesses and alleged perpetrators.

Legal aspects

16. As a general rule, the first basis for the prosecution of individuals responsible for crimes against the personnel of field missions should be the national legal framework of the host State, with domestic law enforcement and justice institutions being the authorities of first resort. This is reflected in the status-of-forces and status-of-mission agreements signed between the United Nations and host states upon establishment of field missions.

17. In considering a strategy to increase accountability for serious crimes against United Nations personnel, it is critical to identify ways to ensure that the United Nations provides effective, coherent and sustainable assistance and support to the host State's law enforcement agencies and courts and, where applicable, regional and international accountability mechanisms. Such assistance and support should *inter alia* be consistent with the mandate of the field mission and aim to ensure respect for United Nations privileges and immunities, respect for human rights (including fair trial guarantees), non-imposition of death penalty and respect for the independence of the judiciary and do so in manner consistent with relevant United Nations policies and best practices. Measures should also be considered in order to inform the families of the victims of the outcome of investigative and prosecutorial measures.

18. Initiatives to promote the prevention, investigation and prosecution of crimes against United Nations personnel should be informed by the prevailing political, security, legal and rule of law context in the host State and by *inter alia*:

- a) The reports of the Secretary-General on the scope of legal protection under the Convention on the Safety of United Nations and associated personnel and on prosecution of crimes against peacekeepers⁸;
- b) The annual resolutions of the General Assembly on "Safety and security of humanitarian personnel and protection of United Nations personnel"⁹;
- c) The relevant recommendations of the General Assembly's Special Committee on Peacekeeping Operations on safety and security of United Nations peacekeepers and the legal protection framework, and the General Assembly resolutions endorsing such recommendations¹⁰; and
- d) Relevant resolutions and Presidential Statements of the Security Council.¹¹

⁸ See, Secretary-General Reports A/55/637 of 21 November 2000 on "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel"; A/65/700 of 28 January 2011 on "Prosecution of crimes against deployed peacekeepers"; and A/66/598 of 9 December 2011, on "Comprehensive report on all processes involved in the investigation and prosecution of crimes committed against deployed United Nations peacekeepers".

⁹ Including the latest resolution on Safety and security of humanitarian personnel and protection of United Nations personnel, A/RES/74/116 of 20 January 2020.

¹⁰ For instance, the Special Committee's report on its 2017 substantive session, doc. A/71/19 of 7 December 2017 at paras. 38 to 67, and General Assembly resolution 71/314 of 20 July 2017.

¹¹ For instance, S/PRST/2000/4 of 11 February 2000 and S/RES/1502 (2003) of 26 August 2003, in addition to specific statements of the Security Council and resolutions following specific attacks against United Nations personnel.

Political advocacy

19. All missions should undertake advocacy measures aimed at sensitizing all relevant agencies in the host State to their responsibilities and the undertakings of their Government to prevent, investigate and prosecute crimes against United Nations personnel in accordance with national and international criminal justice and human rights norms and standards. This includes active and regular engagement at the highest-level with the authorities of the host State.

20. All fatalities of United Nations personnel resulting from malicious acts, as defined in the NOTICAS system of the United Nations, and other serious crimes against United Nations personnel, must be promptly followed by a Mission statement condemning those crimes and requesting measures by the national authorities aimed at ensuring accountability. The Mission's website should include statistical and other non-confidential information on United Nations personnel who have died as a result of malicious acts, as defined in the NOTICAS system, or who are missing, together with measures taken by Member States or other judicial/accountability mechanisms to hold perpetrators accountable. Information regarding perpetrators of such acts, including their affiliation, may also be published on the mission's website in accordance with applicable policies, rules and regulations of the United Nations.

21. Diligent follow-up of cases, including at the highest political level with the host State authorities, must be reflected in the compacts or workplans of mission personnel, including mission leader and others who have a direct role in this regard.

Prevention of serious crimes against United Nations personnel¹²

22. Missions, in close cooperation with the authorities of the host State and other partners, as appropriate, must take measures that seek to reduce the risk of serious crimes against United Nations personnel by addressing identified risk factors. Such an approach must be translated into each mission's Intelligence Acquisition Plan¹³ and identified as permanent Intelligence Requirements with a view to generating knowledge that is empirically reliable and valid. This should result in a systematic threat analysis of crimes against United Nations personnel, including their causes and risk factors, and action-oriented recommendations aimed at addressing that threat.

23. Actions to prevent serious crimes should be based on a cooperative framework with the host State authorities and the relevant local communities in all aspects of the work of the mission. Host states should be reminded of the responsibility of the competent authorities at all levels of government to create, maintain and promote a context within which crimes against United Nations personnel can be effectively prevented. The role of the media should be fully taken into account as part of the promotion of this enabling environment. This should be complemented by mission-specific measures aimed at sensitizing mission personnel through the establishment of internal procedures so that they are actively encouraged to play a role in the prevention framework.

24. Initiatives should be taken, within the mandate and resources of missions concerned, to help improve socio-economic conditions in regions where such crimes are likely to occur by building on the initiatives, expertise and commitment of community members and local authorities. Such initiatives may be integrated into the United Nations' strategic development programming and also advanced through locally-driven quick-impact projects, community violence reduction initiatives and other appropriate programmes. The Civil Affairs Component, or equivalent, should have a lead role in this regard.

¹² See: *Guidelines for the Prevention of Crime*, ECOSOC Resolution 2002/12, dated 24 July 2002.

¹³ Not applicable to Special Political Missions.

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25. In regions where risk factors for crimes against United Nations personnel are high, the mission should encourage national authorities and international partners to promote protective measures through comprehensive and non-stigmatizing social and economic development programmes, including health, education, housing and employment. These should aim to redress marginalization, exclusion, discrimination and other human rights violations against those groups amongst whom there may be potential perpetrators of crimes against United Nations personnel.

26. Missions should prioritize advocacy and capacity-building measures, where mandated, to strengthen the national response to serious crimes targeting civilians or other persons protected by international law, in particular by strengthening host State capacity and fostering a climate of accountability.

27. Where serious violations targeting United Nations personnel are committed by members of the national defence and security forces, Missions and headquarters should systematically contribute information on those violations into processes to implement the United Nations Human Rights Due Diligence Policy and the Human Rights Screening Policy. Host State partners should be made aware that attacks on United Nations personnel by members of the host State security forces may have implications for United Nations support to the units involved or the eligibility of individuals involved to be recruited or deployed by the United Nations.

28. Measures undertaken with national authorities should be informed *inter alia* by the following parameters to prevent the occurrence of such crimes: a) reducing opportunities to commit such crimes; b) increasing likelihood of being apprehended; and c) minimizing benefits that may be associated with attacks against United Nations personnel. Such measures should be facilitated through the efficient and effective sharing of information between the host State and the United Nations.

29. Strategies for the prevention of serious crimes against United Nations personnel should be based on broad, integrated analysis¹⁴ and strategies, as well as workplans and operational plans, designed in close cooperation with all relevant stakeholders, including political, military, police, justice and rule of law, human rights, civil affairs, legal affairs and other components of the mission. This process should be informed by the causes of the problem and risk factors, as described above, and promising and proven remedial practices. Key documents should consider links between local problems and transnational organized crime, including terrorist networks. Key messages for local audiences as part of a broader communication and counter discourse should be developed on this basis.

30. All initiatives in support of the prevention of serious crimes against peacekeepers should be informed by existing policies, plans and procedures of the United Nations, particularly in relation to public information and civil affairs¹⁵. As such, these initiatives should be constructed as part of efforts aimed at conflict management and confidence building in areas that are most at risk. They may include activities such as: the organization of inter-community dialogue fora; facilitating the provision of access to health services through humanitarian actors; support to local conflict resolution mechanisms; the identification of conflict drivers in cooperation with local communities; the development of local capacities to manage conflict; and other measures to generate trust and confidence-building at the local level¹⁶.

¹⁴ As it is part of an exercise of threat analysis, the Joint Mission Analysis Centre (JMAC) or equivalent, or the Mission Peacekeeping-Intelligence Coordination Mechanism, in close cooperation with the SIOC (UNDSS) could play a role in this regard.

¹⁵ See: United Nations Department of Peacekeeping Operations and Department of Field Support, *Civil Affairs Handbook*, 2012.

¹⁶ *Idem*, p. 167-183.

Investigation and prosecution of crimes against United Nations personnel

Referral to national authorities and follow-up

31. When a serious crime against United Nations personnel has been reported, a referral should be sent by the Head of Mission, following advice from the Mission's Legal Adviser/ Senior Legal Adviser¹⁷, to the relevant national authorities no later than forty-eight (48) hours from the time that the mission was made aware of the crime. This notification should be based on the attached forms attached as Annex B1 (in English) or Annex B2 (in French).

32. Until a case involving a serious crime against United Nations personnel is closed or adjudicated on final appeal, the Head of Mission should send a request for an update to relevant national authorities at least every (6) months from the time of the submission of the referral. Such requests should be based on the form attached as Annex C1 (in English) or Annex C2 (in French).

33. The referral to national authorities of cases or incidents that may constitute a serious crime against United Nations personnel for investigation and/or prosecution is within the prerogatives of the Mission's Legal Adviser/Senior Legal Adviser¹⁸, who exercises these functions in due consultation with, and with the full support of competent Mission departments, including in particular the Office of the Force Commander, the Office of the Police Commissioner, the Security Section, the Justice and Corrections component, the human rights component, or equivalents, as applicable within the respective Mission's infrastructure. The Office of Legal Affairs, the Department of Peace Operations, the Department of Political and Peacebuilding Affairs, the Department of Operational Support and other competent Headquarters departments should be kept informed of such referrals, and of updates sought and obtained from the competent host State authorities.

Handling of evidence and statements of victims, witnesses and alleged perpetrators

34. It is the responsibility of the host State to collect, handle and secure evidence. Only where national authorities are not able or willing to collect, handle and secure physical evidence in a timely manner should mission members take measures to collect, handle and secure it. Any such steps should be taken in consultation with competent national authorities wherever possible. The Mission's Legal Adviser/Senior Legal Adviser should always be consulted beforehand, unless this is not possible. Mission-specific forms for collection, handling, securing and hand-over of material evidence to national authorities should be developed by the Mission's Legal Adviser/Senior Legal Adviser, in consultation with OLA if necessary. All evidence collected should be handed-over as soon as possible to national authorities.

35. Missions, in consultation with the relevant national authorities, should develop specific standard operating procedures for the collection, handling and securing of physical evidence, the conduct of searches (where consistent with the mandate), for statements of victims and witnesses and for interviews of suspected perpetrators (where permitted), by competent sections of the mission in relation to crimes committed against United Nations personnel. These must take into account requirements in host State laws, as well as applicable international criminal justice and human rights norms and standards, and should always be framed with a view to ensuring that any evidence collected and handed over by the United Nations will be admissible in national courts. The standard operating procedures should also provide for appropriate protection measures that are consistent with the Mission's mandate to ensure the safety and security of victims and witnesses, with the "do no harm" principle informing all actions.

36. Where an alleged perpetrator is temporarily detained by mission personnel in the course of carrying out the Mission's mandate and consistently with the Mission's rules of engagement or directives on the use of force, the procedures for the handling, questioning (if permitted), search, transfer, handover or

¹⁷ See paragraph 15 above.

¹⁸ Idem.

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release of such a person set out in the *Interim Standard Operating Procedures on Detention in United Nations Peace Operations*¹⁹, or any successor Standard Operating Procedures and in mission-specific Rules of Engagement and Directives on the Use of Force should be complied with, as well as any other supplemental mission-specific guidance.

Support to criminal justice institutions

37. Support to law enforcement, justice and corrections institutions, including prosecutorial mechanisms, in cases of serious crimes against United Nations personnel should be provided in accordance with United Nations policies and best practices²⁰, and the human rights framework. This is particularly relevant when there are concerns about fair trial guarantees, or the death penalty may be imposed or carried out. This support should also be integrated with any support provided to national efforts to investigate and prosecute other serious crimes under international law. That support may include, depending on the mandate of the mission, assistance for: a) capacity building of judges, prosecutors and police; b) court security; c) the collection and preservation of evidence; d) victims and witness protection; e) legal aid; forensics; and f) safety and security arrangements for detention facilities.

38. If the host State authorities request the Mission's²¹ support for the investigation of crimes against United Nations personnel or the prosecution and detention of the suspected perpetrators, Missions should consider the following possible measures, where consistent with their mandates and if resources are available for the purpose:

- a. Advisory support – The provision of technical advice on: i) investigation planning; ii) interviewing victims and witnesses; iii) questioning suspects; iv) supporting victims; v) gathering and safeguarding evidence; vi) using forensic tools; vii) preparing evidence for prosecution; viii) victims and witnesses' protection programmes; ix) detention arrangements; and x) security arrangements. It may also include the development and continued review of standard operating procedures, investigation guidelines and checklists, report forms and other documents. In addition, assistance may be provided for the conduct of trials and the facilitation of communications with interested partners. Support may also be provided for generating and analyzing data, including results obtained, and for the recording, documenting and filing of cases. Advice may also be provided for the development and implementation of a communication strategy to raise awareness among the local population of crimes against United Nations personnel. Provision of guidance on acceptable conditions of detention as well as humane treatment of detainees should be provided, if needed.
- b. Training – Based on the circumstances, and a capacity and training needs assessment, this may include *ad hoc* or regular training with a view to: i) building specialized knowledge on international criminal justice and human rights norms and standards; ii) improving criminal intelligence capacities; iii) building national capacity to manage criminal data; iv) improving administration and case management; v) increasing forensic capacities; vi) enabling analysis and identification of criminal patterns; vii) developing ability to analyze chains of command and communication to build bodies of evidence for crimes; viii) improving analysis, monitoring and

¹⁹ United Nations Department of Peacekeeping Operations and Department of Field Support, *Interim Standard Operating Procedures on Detention in United Nations Peace Operations*, dated 25 January 2010, reference 2010.6. This document is applicable in situations where an alleged perpetrator of a serious crime committed against a United Nations peacekeeper is temporarily detained by the United Nations. This document refers to searches, seizure of items including weapons, interviews/interrogations and procedures relating to the release or handover to national authorities.

²⁰ E.g., in accordance with the relevant provisions of the Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance (2008), or any successor Guidance Note.

²¹ In the event that the technical assistance and/or cooperation required is not authorized under the mandate, or the necessary resources are not available at Mission level, the request will be channeled to the United Nations Headquarters for consideration.

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- reporting; ix) improving the use of technologies and investigative tools; and x) assessing and mitigating security threats internal and external to the place of detention.
- c. Financial and material support – This includes support for infrastructure, including buildings, information and communications systems, vehicles, office equipment, forensic equipment and materials and other equipment required for the investigation and prosecution of crimes. This should include a formal commitment from national authorities to maintain such buildings or equipment.
 - d. Logistical support – This could include, when necessary due to the unavailability of adequate national resources, transportation of law enforcement personnel, prosecutors and judges to the field. In addition, the mission may provide security support, including escorts and secure convoys, when the operational situation requires so that investigative, prosecutorial or adjudicative measures can take place.

39. In addition to the measures described above, initiatives should be considered in support of national authorities for the safe, secure and humane detention of individuals suspected or convicted of serious crimes against United Nations personnel, in accordance with international criminal justice and human rights norms and standards. Where the national authorities request this, it may include, depending on the mandate of the mission: a) assistance for the establishment of secure physical infrastructure, including specialized quarters for high-risk prisoners; b) the provision of communication, video and acoustic surveillance systems; c) the provision of transport and office equipment and database systems; d) the coordination of internal and external intelligence gathering and analysis and intelligence sharing arrangements; e) the establishment of a prisoners' information system / data base with relevant information accessible to authorized entities; and f) the undertaking of capacity building initiatives for prison personnel, with particular emphasis on dynamic security practices. The monitoring of the conditions of detention should also be envisaged with a view to ensuring compliance with minimum international criminal justice and human rights norms and standards on detention.

40. Support to national police and law enforcement and justice institutions should be based on a Memorandum of Understanding or similar legal instrument which establishes a clear cooperative framework between the mission and national authorities for the provision of support for the investigation of serious crimes against United Nations personnel and the prosecution and detention of suspects. This document should clearly describe *inter alia*: a) the expected scope of such support, including the material, temporal and geographical scope of crimes covered; b) the procedures for requests for assistance by national authorities; c) the modalities for access to documents of both parties, including national investigative, prosecutorial and court files, where permitted; d) procedures for securing the crime scene and any other location where evidence of such crimes may be found, if national justice or other qualified officials cannot be present; e) information-sharing and coordination arrangements, including focal points from the parties; f) co-location arrangements for personnel of the mission with the national authorities; and g) access to relevant courts and places of detention. The Memorandum of Understanding should be prepared by relevant substantive components in consultation with the Mission's Legal Adviser/Senior Legal Adviser. The proposed text should then be consulted with headquarters, including the Office of Legal Affairs.

Cooperation with national and international courts, including the International Criminal Court

41. The United Nations, through the Office of Legal Affairs and in consultation with the competent United Nations departments, including the Department of Peace Operations, the Department of Political and Peacebuilding Affairs, the United Nations Department of Safety and Security or the Department of Operational Support, and field missions, should continue to actively cooperate with Member States and international courts and tribunals, including the International Criminal Court, by providing *inter alia* information or documents of relevance for their investigation and prosecution of serious crimes against United Nations personnel, as appropriate..

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42. All such cooperation should take place in accordance with United Nations policies and best practices²², including, in respect of the International Criminal Court, the Relationship Agreement between the United Nations and the International Criminal Court and any applicable Memoranda of Understanding. All cooperation should be consistent with the applicable human rights framework. This is particularly important when guarantees for fair trial, and due process may not be present or the death penalty may be imposed or carried out. In addition, this support should be integrated with the support provided to dedicated national efforts to investigate and prosecute other serious crimes under international law.

Training

43. The missions, in consultation with their counterparts at United Nations Headquarters and, through them, with the Office of Legal Affairs and the Office of the High Commissioner for Human Rights, should design and implement mission-specific training courses for United Nations personnel on these Standard Operating Procedures²³. Missions should also make relevant aspects of these Standard Operating Procedures part of general awareness-training for their personnel. This should be informed by the mandate of each mission and taking into account available resources.

Monitoring of proceedings

44. Where one exists, the Mission Human Rights Component, in coordination with the Mission Justice and Corrections Component, shall, subject to available resources, monitor any legal proceedings that are instituted before the national courts or tribunals against persons alleged to have committed serious crimes against United Nations personnel and monitor the conditions of their detention. It shall periodically prepare reports that outline its findings for submission to United Nations Headquarters.

Information management monitoring and reporting

45. By 1 March of each year, each mission should send a strictly confidential code cable to the Department of Peace Operations²⁴ (for peacekeeping operations) or the Department of Political and Peacebuilding Affairs²⁵ (for special political missions), as appropriate, with a copy to the Office of Legal Affairs, the United Nations Department of Safety and Security, the Office of the High Commissioner for Human Rights and the Department of Operational Support²⁶, transmitting a detailed document with information on each pending case referred to national authorities²⁷. This document should cover developments for the previous period from 1 January to 31 December. For each case, the following information should be included, as appropriate: a) a reference to the NOTICAS or flash report issued; b) a reference to the date of referral to the national authorities; c) the outcome of investigative and prosecutorial processes in these cases; d) key challenges faced by the national authorities; e) a description of any support provided by the United Nations; f) lessons-learned; and g) recommendations on ways and means to address impunity and ensure accountability for the crimes. The form attached as Annex D must be used for this purpose.

46. All missions should submit all information required for the Victims of Violence Registry, based on the procedures set forth for this mechanism. Additional measures should be developed by the United Nations Department of Safety and Security as part of the Standard Operating Procedures for this

²² E.g., in accordance with the relevant provisions of the Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance (2008), or any successor Guidance Note.

²³ This provision may not be applicable in some instances to Special Political Missions of missions that have been established for less than six (6) months.

²⁴ Including a copy to the Department of Political and Peacebuilding Affairs.

²⁵ Including a copy to the Department of Peace Operations.

²⁶ Lead addressee for operations led by the Department of Operational Support.

²⁷ In particular, trials of those accused of serious crimes against United Nations personnel should be monitored in accordance with procedures applicable to the concerned mission. In instances when there is nothing special to report this information should nevertheless be conveyed as such by code cable to DPO or DPPA, as applicable.

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Registry for sharing information within the United Nations system and other interlocutors, as appropriate.

E. TERMS AND DEFINITIONS

47. For the purpose of these Standard Operating Procedures, the following terms and definitions shall apply:

a. *Head of Mission* – The highest-ranking United Nations official in the field that has direct authority, command and control over the mission. This includes Special Representatives of the Secretary-General, Representatives of the Secretary-General and other designated heads of missions.

b. *National police and law enforcement and justice institutions* – National law enforcement - including police, judicial police or the gendarmerie- prosecutorial, judicial and corrections institutions, as appropriate under domestic legislation. In inquisitorial systems, this will include investigative judicial mechanisms.

c. *Serious crime* – Includes any of the following: i) Homicide (murder and manslaughter); ii) Kidnapping and enforced disappearance; iii) Attacks upon the person, causing or intended to cause physical harm ; iv) Rape and other forms of sexual violence; and v) Attacks against property involving violence or threat of violence against a person or a grave threat to life or of serious bodily injury. It also includes attempts and threats to commit such acts.

d. *Field mission(s) or mission(s)* – A field operation mandated by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control. For the purposes of these Procedures, United Nations field mission(s) mean primarily United Nations peacekeeping operations and special political missions.

e. *United Nations personnel* – For the purposes of these Procedures, United Nations personnel means all personnel assigned to a United Nations peacekeeping operation or special political mission, including United Nations staff members, United Nations Volunteers (UNVs), military members of national contingents, individually assigned military officers, members of formed police units, individually assigned police officers, experts on mission, consultants and individual contractors. These Procedures may be extended at the discretion of the Head of Mission to other United Nations personnel in the host State of the peacekeeping operation or special political mission, including personnel of United Nations offices, funds and programmes, or of its specialized agencies. Where associated personnel within the meaning of the 1994 *Convention on the Safety of United Nations and Associated Personnel* are deployed in support of a United Nations peacekeeping operation or special political mission, the Head of Mission, at his or her discretion, may also extend these Procedures to include them.

F. REFERENCES

48. The following selected documents are normative or superior references for the implementation of these standard operating procedures:

-*International Covenant on Civil and Political Rights*, 19 December 1966.

-*Convention on the Safety of United Nations and Associated Personnel*, 9 December 1994

-*Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel*, 8 December 2005.

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-Annual resolutions of the General Assembly on “Safety and security of humanitarian personnel and protection of United Nations personnel” which deal with crimes against peacekeeping personnel, and on the scope of legal protection under the Convention on the Safety of United Nations and associated personnel including, the annual resolutions on Safety and security of humanitarian personnel and protection of United Nations personnel, including the latest resolution A/RES/74/116 of 20 January 2020.

-Applicable Status-of-Force or Status-of-Mission Agreement.

-*Human rights due diligence policy on United Nations support to non-United Nations security forces*, 5 March 2013 (A/67/775 – S/2013/110).

-Secretary-General Reports A/55/637 of 21 November 2000 on “Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel”; A/65/700 of 28 January 2011 on “Prosecution of crimes against deployed peacekeepers”; and A/66/598 of 9 December 2011, on “Comprehensive report on all processes involved in the investigation and prosecution of crimes committed against deployed United Nations peacekeepers”.

-Secretary-General’s bulletin on *Information sensitivity, classification and handling*, dated 12 February 2007 (ST/SGB/2007/6/)

-*Guidelines on the Role of Prosecutors*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

-*Guidelines for the Prevention of Crime*, ECOSOC Resolution 2002/13, dated 24 July 2002.

G. MONITORING AND COMPLIANCE

49. The implementation of these Standard Operating Procedures will be monitored by Heads of Missions or their designated representative. The Office of Peacekeeping Strategic Partnership in the Department of Peace Operations shall be the lead entity at United Nations Headquarters to ensure monitoring and compliance.

H. CONTACT

50. The designated focal points for these Standard Operating Procedures in the Department of Peace Operations are the Justice and Corrections Section and the Police Division, Office of Rule of Law and Security Institutions, and the Office of Peacekeeping Strategic Partnership.

51. All matters involving judicial requests for assistance from Member States and the privileges and immunities of the Organization and its personnel, should be referred to the Office of Legal Affairs.

52. The assistance of the Office of Legal Affairs should be sought in case of doubt when handling the disclosure of United Nations documents and the transfer of physical evidence.

I. HISTORY

53. These Standard Operating Procedures entered into force on 1 December 2020. They were signed by the Under-Secretaries-General of the Department of Peace Operations, the Department of Operational Support, the Department of Political and Peacebuilding Affairs and the Office of the High

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Commissioner for Human Rights and endorsed by the Under-Secretaries-General of the Office of Legal Affairs and the United Nations Department of Safety and Security.

APPROVAL SIGNATURE:



DATE OF APPROVAL:

12 NOVEMBER 2020

APPROVAL SIGNATURE:



DATE OF APPROVAL:

17 November 2020

APPROVAL SIGNATURE:



DATE OF APPROVAL:

24 November 2020

APPROVAL SIGNATURE:



DATE OF APPROVAL:

7. December 20 20

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ANNEX A

Legal basis for investigating and prosecuting crimes against United Nations and associated personnel in United Nations Field Missions

A. 1994 Convention on the safety of United Nations personnel and associated personnel (1994 Convention)²⁸

Article 7

Duty to ensure the safety and security of United Nations and associated personnel

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.
2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.
3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9

Crimes against United Nations and associated personnel

1. The intentional commission of:

- (a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;
- (b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

²⁸ Adopted by the General Assembly on 9 November 1994 (UNTS Reg. 35457). As of 31 March 2019, the Convention had 95 States Parties (https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8&chapter=18). The scope of the application of the Convention had been expanded by the 2005 Optional Protocol (UNTS Reg. A-35457), which had 33 States Parties on 31 March 2019 (https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-8-a&chapter=18&lang=en).

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- (c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;
 - (d) An attempt to commit any such attack; and
 - (e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack, shall be made by each State Party a crime under its national law.
2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

Article 10

Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:
- (a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;
 - (b) When the alleged offender is a national of that State.
2. A State Party may also establish its jurisdiction over any such crime when it is committed:
- (a) By a stateless person whose habitual residence is in that State; or
 - (b) With respect to a national of that State; or
 - (c) In an attempt to compel that State to do or to abstain from doing any act.
3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.
4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.
5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 13

Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.
2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:
- (a) The State where the crime was committed;
 - (b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;
 - (c) The State or States of which the victim is a national; and
 - (d) Other interested States.

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Article 14

Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15

Extradition of alleged offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.
4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

B. Status of forces agreement

1. Model status of forces agreement for peace-keeping operations²⁹

44. The United Nations peace-keeping operation and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items connected with an offence. The handing over of any such items may be made subject to their return within the terms specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs [...].

45. The Government shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to the United Nations peace-keeping operation or its members which, if committed in relation to the forces of the Government, would have rendered such acts liable to prosecution.

2. Example of relevant provisions in the status of forces agreement, where the host State of a field mission is not a party to the 1994 Convention³⁰:

²⁹ A/45/594 of 9 October 1990.

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48. [Name of the mission] and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items connected with an offence. The handing over of any such items may, however, be made subject to their return on the terms specified by the authority that hands them over. Each party shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs [...].

Safety and security

49. The Government shall ensure that the provisions of the Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly of the United Nations on 9 November 1994, are applied to and in respect of [name of the mission], its members and associated personnel and their equipment and premises. In particular:

(a) The Government shall take all appropriate measures to ensure the safety and security of [name of the mission] and its members. It shall take all appropriate steps to protect members of [name of the mission] and their equipment and premises from attack or any action that prevents them from discharging their mandate. This is without prejudice to the fact that all premises of [name of the mission] are inviolable and subject to the exclusive control and authority of the United Nations;

(b) If members of [name of the mission] are captured or detained in the performance of their duties and their identity has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other competent authorities. Pending their release, such personnel shall be treated in accordance with universally recognized human rights standards and the principles and spirit of the Geneva Conventions of 1949;

(c) The Government undertakes to punish the following crimes under the Criminal Code of the [name of the country]:

(i) Murder, kidnapping or any other attack upon the person or liberty of any member of [name of the mission];

(ii) Violent attack on the official premises, private residence or means of transport of any member of [name of the mission] likely to endanger his or her person or liberty;

(iii) Threat to commit an attack with the aim of compelling a physical or juridical person to do or refrain from doing any act;

(iv) Attempt to commit any such attack;

(v) Any act constituting participation as an accomplice in any such attack or attempted attack or in organizing or ordering others to commit such an attack;

(d) The Government shall establish its jurisdiction over the crimes set out in paragraph (c) above:

(i) When the crime was committed in the territory of [name of the country];

(ii) When the alleged offender is a national of [name of the country];

(iii) When the alleged offender, other than a member of [name of the mission], is present in the territory of the [name of the country], unless it has extradited such person to the State in whose territory the crime was committed, to the State of his or her nationality, to the State of his or her habitual residence if he or she is a stateless person or to the State of nationality of the victim;

(e) The Government shall ensure the prosecution, without exception and without delay, of persons accused of acts described in paragraph (c) above who are present in the territory of the [name of the

³⁰ The example is based on the Status of Forces Agreement between the United Nations and the Government of the Central African Republic relating to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), 2 September 2014 (UNTS Reg. 52177).

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country] (if the Government does not extradite them), as well as persons subject to its criminal jurisdiction who are accused of other acts against [name of the mission] or its members which, if committed against the forces of the Government or against the local civilian population, would have rendered such acts liable to prosecution.

50. Upon the request of the Special Representative, the Government shall provide such security as is necessary to protect [name of the mission], its members, associated personnel and their equipment during the exercise of their functions.

3. *Example of relevant provisions in the status of forces agreement, where the host State of a field mission is a party to the 1994 Convention³¹:*

47. [Name of the mission] and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the presentation of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items and objects connected with an offence. The handing over of any such items and objects may, however, be made subject to their return on the terms specified by the authority delivering them. Each authority shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs [...].

Safety and Security

48. The Government shall ensure that the provisions of the Convention on the Safety of United Nations and Associated Personnel, to which [name of the country] is a party, are applied in respect of [name of the mission], its members and associated personnel and their equipment and premises.

49. Upon the request of the Special Representative, the Government shall provide such security as necessary to protect [name of the mission], its members and associated personnel and their equipment during the exercise of their functions.

³¹ The example is based on the Status of Forces Agreement between the United Nations and the Government of the Republic of Mali concerning the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), 1 July 2013 (UNTS Reg. 51015).

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ANNEX B1

**Standard Referral to the host State following the commission
of a serious crime against United Nations personnel³²**

The United Nations Mission in [...] presents its compliments to the Ministry of Foreign Affairs [...] and has the honour to refer to the [detailed references of the SOFA/SOMA, including the date] ([SOFA] [SOMA]), and in particular, to para. [XX] of the [SOFA] [SOMA] whereby the Government shall ensure that the provisions of the Convention on the Safety of United Nations and Associated Personnel (the “Safety Convention”) [and its Optional Protocol] are applied to and in respect of the Mission and its members as well as to its associated personnel and their equipment and premises.³³

In this connection, [the Mission] wishes to express its grave concern over the [incident/attack] which occurred on [date] in [place], as highlighted below:

[Detailed account of the incident with all the information available at the time of the Note Verbale, including, whenever possible, the number of assailants, the weapons used, the casualties and any material damage sustained by the Mission and any information on the alleged perpetrators, comprising their identity if known and suspected membership of any terrorist group, criminal organization, armed group or other entity].

The Mission strongly condemns [or deplors] this [incident/attack] and requests that, if it does not extradite the suspected offender[s], the Government submit the case to its competent authorities for the purposes of prosecution, consistently with paragraph [XX] of the [SOFA] [SOMA]³⁴.

As the Government is aware, pursuant to paragraph [XX] of the [SOFA] [SOMA], the Mission and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, and each party shall notify the other of the disposition of any case in the outcome of which the other may have an interest. The Mission is looking forward to exchanging with the competent authorities of the Government on the results of its investigations and offers its cooperation.³⁵

³² All queries regarding this template shall be directed to the Office of Legal Affairs at the UN Secretariat.

³³ The contents of this sentence will need to be adjusted depending on the actual contents of the applicable SOFA or SOMA, and whether the host country is party or not to the Safety Convention.

³⁴ For host countries that are parties to the 1994 Convention: “consistently with Article [...] of the Safety Convention and para. [XX] of the [SOFA] [SOMA].”

³⁵ See Section H of these Standard Operating Procedures for important guidance on legal cooperation with national authorities.

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The Mission would appreciate receiving [regular updates] [updates every...] on the investigation and any judicial process, having due regard to the rights of all those concerned, including the rights and due process of any accused or detained person.

→ In countries where the death penalty may apply to those accused of attacks against the United Nations, the following sentence shall be added:

“[The Mission] further requests that, should the capital punishment be applicable for offences of this nature, it not be sought or imposed upon any person convicted of the related offence and, if imposed, that it be commuted to another appropriate sentence.”]

→ This template may also serve to inform notifications of serious crimes against associated personnel, as defined in the Convention on the Safety of United Nations and Associated Personnel .

The United Nations Mission in [...] avails itself of this opportunity to renew to the Ministry of Foreign Affairs [...] the assurances of its highest consideration.

[Date]

ANNEX B2

Modèle de note de renvoi-type à l'Etat hôte faisant suite à une infraction grave commise à l'encontre des membres du personnel de l'ONU³⁶

La Mission des Nations Unies au/en [...] présente ses compliments au Ministère des Affaires Etrangères [...] et a l'honneur de se référer à [référence détaillée du SOFA/SOMA, dont la date de signature], et en particulier, au para. [XX] du [SOFA] [SOMA] en vertu duquel le Gouvernement s'est engagé à veiller à ce que les dispositions de la Convention de 1994 sur la sécurité du personnel des Nations Unies et du personnel associé (la "Convention sur la sécurité") [et (le cas échéant) son Protocole facultatif] soient appliquées à la Mission, à ses membres et au personnel associé, ainsi qu'à leurs équipements et enceintes³⁷.

À cet égard, la [Mission] souhaite exprimer sa vive préoccupation quant à l'[incident/attaque] survenu[e] le [date] à [lieu], tel[le] que décrit[e] ci-dessous :

[Compte-rendu détaillé de l'incident/de l'attaque avec toutes les informations disponibles au moment de la Note Verbale, y compris, si possible, le nombre d'assaillants, les armes utilisées, les victimes et les éventuels dommages matériels subis par la Mission et toute information sur le ou les auteur(s) allégué(s), y compris leur identité si celle-ci est connue, et leur appartenance présumée à un groupe terroriste, une organisation criminelle, un groupe armé ou autre entité].

La Mission condamne fermement [ou déplore] [cet incident/cette attaque] et demande que, s'il n'extrade pas la/les personne[s] soupçonné[s] [de cette attaque], le Gouvernement soumette l'affaire aux autorités compétentes aux fins de poursuites, conformément au paragraphe [XX] du [SOFA] [SOMA]³⁸.

Conformément au paragraphe [XX] du [SOFA] [SOMA], la Mission et le Gouvernement doivent se prêter mutuellement assistance pour la conduite de toutes enquêtes nécessaires au sujet d'infractions commises contre les intérêts de l'une ou de l'autre partie, pour la présentation des témoins et pour la recherche et la production des éléments de preuve, et chaque partie doit notifier à l'autre la décision intervenue dans toute affaire dont l'issue est susceptible d'intéresser cette autre partie. La Mission se tient prête à échanger avec les autorités compétentes du Gouvernement sur le résultat de ses enquêtes sur cette attaque [ou cet incident] et offre sa coopération³⁹.

³⁶ Toutes questions concernant ce modèle doivent être adressées au Bureau des Affaires Juridiques du Secrétariat de l'ONU.

³⁷ Le contenu de cette phrase nécessitera d'être ajusté en fonction du contenu du SOFA ou SOMA applicable et selon si l'Etat hôte est partie ou non à la Convention sur la sécurité.

³⁸ Pour les Etats hôtes qui sont parties à la Convention de 1994 : "conformément à l'article [...] de la Convention sur la sécurité et au para. [XX] du [SOFA] [SOMA]."

³⁹ Voir Section H de la présente Procédure opérationnelle standardisée pour des directives importantes sur l'assistance judiciaire aux autorités nationales.

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La Mission apprécierait de recevoir [des informations régulières] [des informations tous les...] sur les enquêtes diligentées par les autorités compétentes du [pays hôte] et sur toute procédure judiciaire afférente, tout en tenant dûment compte des droits de toutes les personnes concernées, y compris le droit à un procès équitable de toute personne accusée et/ou détenue.

➔ Dans les pays où la peine de mort pourrait s'appliquer aux personnes accusées ou soupçonnées de l'attaque ou du crime en question, la phrase suivante doit être ajoutée :

« La [Mission] demande par ailleurs que, si la peine capitale est encourue pour les infractions de cette nature, elle ne soit ni requise ni prononcée à l'encontre de tout individu accusé ou condamné pour cette infraction et que, si la peine de mort est prononcée, elle soit commuée en une autre peine appropriée. »

➔ Ce modèle peut aussi servir pour notifier toute infraction grave dirigée contre le personnel associé, tel que défini dans la Convention sur la sécurité du personnel des Nations Unies

La Mission des Nations Unies au/en [...] saisit cette occasion pour renouveler au Ministère des Affaires Etrangères [...] les assurances de sa très haute considération.

[Date]

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ANNEX C1

Standard Notification to the host State with a request for an update on the status of a case or cases following the commission of a crime, including an attack, against a field mission and/or United Nations personnel⁴⁰

The United Nations Mission in [...] presents its compliments to the Ministry of Foreign Affairs [...] and has the honour to refer to its note verbale [date and reference number] concerning the [information on the incident (s)]. A copy of the note verbale is attached for ease of reference.

The Mission would appreciate receiving an update by [date] on the investigation and any judicial process in relation to this matter.

The United Nations Mission in [...] avails itself of this opportunity to renew to the Ministry of Foreign Affairs [...] the assurances of its highest consideration.

[Date]

⁴⁰ All queries regarding this template shall be directed to the Office of Legal Affairs at the UN Secretariat.

ANNEX C2

Notification-type à l'Etat hôte pour une mise-à-jour quant au statut d'un ou des dossiers faisant suite à un crime, y compris une attaque, contre une mission des Nations Unies, de ses membres et/ou d'autres membres du personnel de l'ONU dans le pays hôte⁴¹

La Mission des Nations Unies au/en [...] présente ses compliments au Ministère des Affaires Etrangères [...] et a l'honneur de se référer à sa note verbale [date et numéro de référence] concernant [information quant à l'incident ou incidents]. Une copie de cette note verbale est jointe aux présentes pour référence.

La mission saurait gré de bien vouloir recevoir une mise-à-jour d'ici le [date] concernant l'enquête et tout processus judiciaire à ce sujet.

La Mission des Nations Unies au/en [...] saisit cette occasion pour renouveler au Ministère des Affaires Etrangères [...] les assurances de sa très haute considération.

[Date]

⁴¹ Toutes questions concernant ce modèle doivent être adressées au Bureau des Affaires Juridiques du Secrétariat de l'ONU.

ANNEX D

Standard form on the status of the investigation and prosecution of crimes committed against United Nations personnel

| Name of victim (s), nationality and status | Date, location and description of incident | Date of official referral to national authorities | Name(s) of alleged perpetrator(s) plus date of arrest/release, if applicable | Investigative and prosecutorial measures by national authorities | Description of assistance provided by the mission and/or other international partners | Current status or outcome of judicial process (eg. investigation, trial, conviction/acquittal, appeal or other phase) and any other relevant information | Key challenges faced and lessons-learned |
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