



Security Council

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Letter dated 29 October 2014 from the Secretary-General addressed to the President of the Security Council

In her briefing to the Security Council on 17 June 2014, given pursuant to paragraph 8 of Security Council resolution 1593 (2005), the Prosecutor of the International Criminal Court expressed concern about recent allegations that reporting from the African Union-United Nations Hybrid Operation in Darfur (UNAMID) had been subject to manipulation, with the intentional effect of covering up crimes committed against civilians and peacekeepers, in particular those committed by the forces of the Government of the Sudan. Those allegations had been brought to the attention of the Prosecutor by the former spokesperson of UNAMID, who had served in the Mission from August 2012 to April 2013. In her briefing, the Prosecutor called on me to establish the facts of the allegations.

On 2 July 2014, I issued a statement announcing my intention to conduct a review of the allegations. In its resolution 2173 (2014), the Security Council welcomed my announcement, looked forward to the swift and thorough implementation of the review and stressed the importance of prompt and effective action on its results, if necessary.

The review team, which was headed by an experienced former senior United Nations official, closely examined the way in which 16 incidents documented by the former spokesperson were reported officially, as well as the way in which six of them were reported to the public. With the assistance of the former spokesperson, and with the cooperation of UNAMID and the Department of Peacekeeping Operations, the review team followed the reporting of each incident through the chain of command in the Mission to the Department and looked into reports of the Secretary-General and the weekly briefing notes on field operations to the Security Council prepared by the Departments of Peacekeeping Operations and of Political Affairs. Hundreds of documents, e-mails, reports and briefing notes were examined. Contact was made with former and current senior staff in UNAMID and the Department of Peacekeeping Operations to gather their views on the allegations made against the Mission and to provide context where the paper and electronic records lacked clarity. A planned visit by the review team to UNAMID was cancelled as visas were received late and it was judged that all relevant information could be collected by video- and teleconference or by e-mail.

The review team did not find any evidence to support the allegation that UNAMID had intentionally sought to cover up crimes against civilians and peacekeepers. The review did reveal, however, that, in 5 of the 16 incidents examined, the Mission did not provide United Nations Headquarters with full



reports on the circumstances surrounding those incidents. The review team also found that the Mission had taken an unduly conservative approach to the media, maintaining silence when it could have developed a press line, even in the absence of all the facts. This reflected a tendency on the part of the Mission not to report anything if it was not absolutely certain of the facts, even when there was enough evidence to make an informed judgement about the circumstances surrounding an incident. In the five allegations of concern, all involved culpability on the part of government or pro-government forces.

I recognize the unique challenges facing UNAMID, which has not always received the consent and cooperation needed from the Government of the Sudan to implement its mandate effectively. Nevertheless, the lapses in the reporting standards of the Mission and its tendency not to report fully on incidents involving attacks on civilians and United Nations peacekeepers are very troubling.

I am committed to taking all steps necessary to ensure that the Mission reports fully and accurately. Every effort will be made to ensure that sensitive information is systematically brought to the attention of United Nations Headquarters and the Security Council in a timely fashion. The media policy of UNAMID will be re-examined to ensure greater openness and transparency. The Mission will be expected to follow up formally and report on government investigations into incidents in which peacekeepers have been killed or injured.

The findings of the review raise broader questions about the impact of a peacekeeping mission that, from its inception, has been systematically prevented from operating freely by government and rebel forces on the ground. Over the years, the Secretariat has reported regularly on the lack of support given to the Mission by the Government of the Sudan. In my special report on the review of UNAMID of 25 February 2014 (S/2014/138), I identified the cooperation of the Government as one of the three main challenges facing the Mission, in addition to issues related to its internal management and the capabilities of its troop- and police-contributing countries. I remain committed to addressing the shortfalls identified in the special report. We owe it to the people of Darfur, and to our personnel on the ground, to ensure that the basic conditions are in place for UNAMID to successfully implement its mandate.

UNAMID is clearly not the only mission faced with the challenge of maintaining the consent and goodwill of the host Government, while fulfilling its obligation to report accurately and candidly, including on acts of violence committed against civilians or its own personnel. As I noted in my statement of 21 November 2013 on renewing our commitment to the peoples and purposes of the United Nations, every day, in zones of conflict, humanitarian emergency and insecurity, United Nations staff try to meet their responsibilities to protect people. In doing so, they often show tremendous courage and commitment. They sometimes give their lives to United Nations service. Ensuring that the United Nations speaks out consistently against abuses and identifies the perpetrators is a key goal of my Human Rights Up Front initiative. I therefore intend to ensure that all missions are provided with additional guidance on the fulfilment of their reporting obligations, particularly with regard to human rights and the protection of civilians. I also look forward to the upcoming review of United Nations peace operations as an opportunity to comprehensively address this issue, to which I attach the greatest importance.

I would be grateful if you would bring the present letter and its annex, which contains the executive summary of the report of the review team on allegations of manipulation of reporting on Darfur, to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon

Annex

Executive summary of the report of the review team on allegations of manipulation of reporting on Darfur

Introduction

In her briefing to the Security Council on 17 June 2014, given pursuant to paragraph 8 of Security Council resolution 1593 (2005), the Prosecutor of the International Criminal Court expressed concern about recent allegations that reporting from the African Union-United Nations Hybrid Operation in Darfur (UNAMID) had been subject to manipulation, with the intentional effect of covering up crimes committed against civilians and peacekeepers, in particular those committed by the forces of the Government of the Sudan. This concern was prompted by a series of four articles published in *Foreign Policy* on the basis of an account of a former UNAMID spokesperson, Aicha Elbasri. The Prosecutor called on the Secretary-General to establish the facts of the allegations made by the former spokesperson. In response, on 2 July 2014 the Secretary-General announced the appointment of a review team to report on the veracity of the allegations. In its resolution 2173 (2014), the Security Council welcomed the announcement.

Methodology

Ms. Elbasri agreed to cooperate fully with the review team and provided extensive documentation to support her account. In doing so, she made reference to additional incidents in respect of which UNAMID reporting was allegedly lacking. The review team then examined the way in which 16 incidents were reported officially, as well as the way in which six of them were reported to the public. All of the incidents had occurred during Ms. Elbasri's eight-month tenure as UNAMID spokesperson.

With the help of Ms. Elbasri and cooperation from UNAMID and the Department of Peacekeeping Operations, the review team followed the reporting of each incident through the chain of command in the Mission to the Department and, where significant, to reports of the Secretary-General and the weekly briefing notes on field operations to the Security Council prepared by the Departments of Peacekeeping Operations and of Political Affairs. This involved reviewing hundreds of documents, e-mails, reports and briefing notes. Contact was made with most former and current senior staff in UNAMID and the Department of Peacekeeping Operations to gather their views on the reporting of incidents by UNAMID and to provide context where the paper and electronic records lacked clarity. A planned visit by the review team to UNAMID was cancelled as visas were received late and it was judged that all relevant information could be collected by video- and teleconference or by e-mail.

Analysis of the reporting of incidents

In its report, the review team endeavours to put its analysis in context, as the eight-month period covered by the review cannot be seen in isolation. UNAMID is known to be one of the most difficult peacekeeping missions. It contends with a

challenging mandate, a harsh environment, historical animosities, insufficient human and material resources, and a host Government that has impeded the operational capacity and mobility of the Mission's forces. Frank reporting by UNAMID has been discouraged by the threat of retribution by the host Government. Similarly, UNAMID staff have been threatened for doing their mandated work in the field and access has been routinely denied when attempts have been made to verify attacks on the civilian population.

The review team noticed that, in some of the incidents reviewed, the initial reports identifying attackers as suspected government or pro-government forces were changed at some point in the official reporting chain so that the perpetrators became "unidentified assailants" or "armed men in military uniform" owing to the inability of UNAMID to verify their identity with certainty. The change provided the perpetrators with anonymity and the Government could not be held accountable for the criminal acts of its forces and/or proxies.

Of the 16 incidents reviewed, seven relate to attacks on civilians, two to an alleged failure to report/investigate human rights abuses, six to attacks on UNAMID and one to attacks on both civilians and UNAMID. The review team found that in 11 of the 16 incidents, the allegations could not be sustained, including the two on human rights reporting by UNAMID. In these 11 cases, additional documentation was found to contradict the allegations and/or the review team did not agree with Ms. Elbasri's interpretation of the events. To varying degrees, the review team found issues in the reporting of the remaining five incidents, as outlined below:

- **Tawilla.** UNAMID failed to share with the Department of Peacekeeping Operations a copy of the verification report on the attacks, rapes and looting at four villages in Tawilla by pro-government forces. As a consequence, and while the initial incident was being brought to the attention of the Security Council, the verified findings were neither brought to the attention of Council members nor included in the Secretary-General's report to the Council.
- **Kushina.** In reporting an aggressive overflight by two government attack helicopters, UNAMID did not report to Headquarters the verbal threat by the Government to bomb/attack the convoy from the air or mention that it was carrying an arms expert who was a member of the Panel of Experts on the Sudan. The incident was fully disclosed to the Security Council only through an incident report of the Panel of Experts.
- **Hashaba.** There was reasonable evidence, including as reported internally in UNAMID, that members of the border guards were involved in this attack and went on to commit crimes and human rights abuses. This was not reported by UNAMID to Headquarters, nor was a public statement ever issued condemning the criminal action.
- **Sigili.** UNAMID chose not to report to Headquarters the threat made by members of the Popular Defence Forces that they would identify and kill two Zaghawa villagers travelling in a UNAMID convoy. The patrol returned to base only after the Popular Defence Forces had searched the United Nations vehicles and started to aggressively question Sudanese national staff of UNAMID. The Mission reported that the patrol had been aborted owing to time lost at a checkpoint.

- **Muhajeria team site.** There was considerable evidence and reason to believe that the fatal attack on the Muhajeria team site was carried out by pro-government forces. A military investigation, the report of an integrated mission and the report by the Panel of Experts on the Sudan all confirm this. Although two attacks occurred that night, only the second attack, which was fatal, was ever reported publicly. The Department of Peacekeeping Operations described the attackers as “unidentified assailants” owing to a lack of certainty regarding the identity and affiliation of the assailants. The Government agreed to investigate but, more than a year later, justice has still not been done.

Release of information to the media

A review of media reporting revealed a stubborn resolve among key senior leaders of UNAMID not to make any public announcements without verification, even when the incidents had already been reported in the international media. Press releases were routinely delayed by days because of a lack of verification, taking them out of the media cycle, particularly when government and pro-government forces were suspected of being involved.

Within the Mission, the Communications and Public Information Division was dysfunctional and deeply divided over the issue of responsibility for the preparation and release of Mission press statements. The then Head of the Division was never able to deploy to Darfur because he could not obtain a visa from the Sudanese authorities and had to perform his functions remotely, from Addis Ababa.

Ms. Elbasri’s vision and expectations of her role as spokesperson, based on the generic job description for a spokesperson in a peacekeeping mission and on the United Nations media guidelines, were far from the reality of the Mission’s terms of reference for her position, which were much narrower and limited to conveying messages for the Head of Mission. Exacerbated by a combination of the above issues, a lack of trust quickly developed between her and much of the senior Mission leadership, leading eventually to her resignation.

Conclusions and recommendations

The review team found no evidence to support the proposition that UNAMID or the Department of Peacekeeping Operations intentionally reported in such a way as to cover up crimes against civilians and peacekeepers.

In reaching its conclusions, the review team is mindful that UNAMID faces unique challenges in dealing with a host Government that accepts the Mission’s presence reluctantly — a situation seemingly tolerated by Member States. Maintaining civil relations and cooperation with the Government of the Sudan to make sure that the Mission can fulfil its mandate to the best of its ability has become an end in itself. The period under review, which was of only eight months, could not be seen in isolation from the events of the previous four years, since the Mission’s establishment. Those years have left an atmosphere of intimidation and reticence by staff to report negatively on the Government for fear of reprisal, such as travel restrictions and delays in the issuance of visas.

The review did reveal that the practice of not attributing responsibility without verification and certainty had led to incidents being underreported when government and pro-government forces were suspected of being involved. In some instances, there was a distinct contrast in the reporting of incidents between “front-line” reports and what eventually appeared in official reports. In part, this might be explained by occasional poor standards of reporting within the various chains of command. The Mission’s practice of censoring itself in its reporting to Headquarters, however, needs to be addressed immediately.

The notable absence of code cable traffic on incidents involving suspected government forces indicates that there is a need to increase the confidence, at Mission level, that highly sensitive information (such as urgent but still unverified information) transmitted to Headquarters by code cable is handled confidentially.

Almost all reporting of incidents was carried out through the daily consolidated situation reports prepared by the Mission’s Joint Operations Centre. Follow-up verification and military investigation reports containing more detailed information were not always sent to Headquarters. Had they been, the Department of Peacekeeping Operations would have been in a better position to ensure that the Security Council was fully informed and that the sensitivities arising from government involvement were dealt with by the Council in closed consultations.

Missions do have to make judgement calls on when it is prudent to proactively put out media statements and when to put out statements only once facts have been verified. It is not the role of a peacekeeping mission to publicly report clashes between combatants, but it is the Mission’s responsibility to be in a position to respond to media questions when fighting or criminal activity spills over into attacks on the civilian population, especially when the protection of civilians is the most important element of the Mission’s mandate. Had UNAMID adopted a more proactive media approach it may have become the political advocacy tool the former Joint Special Representative ad interim needed to respond to concerns related to the protection of civilians and have advanced the peace process.

Mindful that the situation may have changed in the 16 months since the period covered by the present review, the review team makes the recommendations set out below.

Recommendations for the Department of Peacekeeping Operations

The review team recommends that the Department of Peacekeeping Operations:

- Examine ways in which the confidentiality of sensitive information (in code cables, verification reports, investigation reports, human rights reports etc.) can be assured, both in peacekeeping missions and at Headquarters
- Review the procedures in place for the protection of information sent by code cable, as the current handling of classified code cables fails to ensure confidentiality
- Ensure that the results of verification and incident investigation reports are included in the reports of the Secretary-General, where warranted
- Critically review the role of the spokesperson and Media Relations Unit to ensure there is synergy and cooperation

Recommendations for the African Union-United Nations Hybrid Operation in Darfur

The review team recommends that UNAMID:

- In reporting to Headquarters, does not censor its own information because of its sensitivity
 - Augment daily situation reports on incidents concerning the protection of civilians, human rights violations or attacks on UNAMID by providing a short analysis on the context in which the incident occurred, as well as special reports sent by code cable
 - Automatically transmit to Headquarters, by code cable, verification reports of attacks on civilians and investigation reports on attacks on the Mission
 - Formally follow up and report on the progress of government investigations into incidents in which peacekeepers died or were wounded
 - Review the Mission's media strategy with a view to adopting a more responsive, transparent and proactive relationship with international media outlets, with the aim of keeping them informed of the good work done by the Mission and engaged in times of crisis
-