



American Model United Nations
General Assembly Sixth Committee

GA Sixth/II/3

SUBJECT OF RESOLUTION: Criminal accountability of United Nations officials and experts on mission

SUBMITTED TO: The General Assembly Sixth Committee

The General Assembly Sixth Committee,

1 *Guided by* the United Nations' continued efforts to foster stable peace in all Member States around the
2 world,

3 *Recognizing* that the unlawful actions of Peacekeepers undermine peace,

4 *Further recognizing* the inability for many Member States to properly try and punish their nationals when
5 they are accused of committing severe crimes which are detrimental to the pursuit of said stable peace,

6 *Keeping in mind* the history of United Nations Peacekeeper criminal actions in Cambodia, Haiti, the Demo-
7 cratic Republic of the Congo, and many other Member States and the way in which this undermines the effi-
8 cacy/legitimacy of United Nations missions,

9 *Deeply concerned* over the disconnect in respect for international law created by global regional division and
10 emphasizing the immediate need to mitigate this,

11 *Stressing* the need to create a sense of obligation to the respect and well-being for the personhood of all,
12 regardless of alliances,

13 *Emphasizing* the importance of an unbiased judiciary rooted in International Humanitarian Law and the
14 importance of establishing an environment for fair justice and sentencing,

15 1. *Urges* the expansion of the informal Ad Hoc Committee approved by the United Nations in 2006 into
16 the Reporting Committee on the Accountability of United Nations Officials (UNAO) to handle information storage,
17 oversight of legal proceedings, and improve on the 52 Rule of Law indicators;

18 2. *Recommends* the establishment of the United Nations Central Litigation System (UNCLS) to preside over
19 in order to influence the prosecution and extradition of United Nations officials protected by functional immunity of
20 the United Nations officials, and to consider the viewpoints of all three parties involved (nation in which the crime
21 occurred, home nation of the accused and the United Nations);

22 3. *Recommends* all committees created herein receive funding from a combination of contributions by Member
23 States, donations from relevant non-governmental organizations (NGOs) and charities and the World Bank;

24 4. *Strongly suggests* the commencement of a bi-annual conference to discuss legal relations of nations and
25 extradition of United Nations officials from Member States to the UNCLS;

26 5. *Recommends* that the UNAO be tasked with the following responsibilities:

27 (a) Partnering with the host Member State to send an observer from the host Member State on the
28 peacekeeping mission, who could aid in the collection of field data as stipulated in later clauses;

29 (b) Collecting first-hand feedback from victims who the Peacekeeping mandates are tasked to protect,
30 which would include;

31 (i) The attention and abidance of the peacekeepers to human rights of the victims, such as but not
32 limited to those outlined in the Universal Declaration of Human Rights;

33 (ii) The respect of peacekeepers to civilians' local culture;

34 (c) Working to expand the current 52 Rule of Law indicators used for evaluating peacekeeping
35 success to more mandates, such as election security;

36 (d) Balancing the current 52 Rule of Law indicators to not only include evaluations by the United
37 Nations, but also;

38 (i) Indicators drawing upon evaluations of peacekeeping training (such as but not limited to military
39 training, awareness of international humanitarian law, and respect of local culture), as submitted
40 by the countries providing peacekeepers when available;

41 (ii) Indicators based on evaluations of peacekeeper effectiveness, as compiled by the host country
42 when available;

43 (iii) Assurance by all parties to peacekeeping missions to strive for the greater confidentiality of such
44 evaluations to the extent that they do not endanger peacekeeping forces and victims or compromise
45 the security of operations, but not to the extent that such confidentiality shall be abused to avoid
46 accountability, with the nature of such confidentiality being determined by three parites (United
47 Nations, host country, and country providing peacekeepers) for each specific mission;

48 6. *Requests* United Nations peacekeeping forces to register with DevTrac, the new business intelligence
49 system developed to provide real-time field programming for peacekeeping forces, which is to be used to make
50 impartial decisions of on the ground situations with real-time data unless deemed unnecessary by both the United
51 Nations and the host country to the mission;

52 7. *Calls upon* Member States to engage in legal cooperation regarding the extradition of United Nations
53 officials from the host country to the UNCLS by:

54 (a) *Urging* Member States to ratify or confirm their intentions to abide by the Convention on the
55 Safety of United Nations and Associated Personnel and the Optional Protocol, in which the 6th General Assembly
56 should give particular emphasis to the following principles;

57 (i) All nations have an obligation to bring forward suspected United Nations officials to the UNCLS
58 for prosecution through extradition;

59 (ii) The host country has an obligation to provide the Secretary General with a brief report on the
60 nationality of the United Nations official, nature of violation, time and location;

61 (iii) The state of nationality of the peacekeeper is encouraged to provide a brief background of the
62 individual's track record in regards to violations of past national laws;

63 (b) Hosting a bi-annual conference on extradition of United Nations officials between countries, in
64 which;

65 (i) Countries are encouraged to sign more bilateral and multilateral extradition agreements to specif-
66 ically for the process of extradition of United Nations officials to the UNCLS;

67 (ii) Countries are encouraged to use such bilateral and multilateral extradition agreements to expedite
68 the process of extradition of United Nations officials and resolve conflicts in extradition should
69 they arise;

70 8. *Drawing upon* the procedural framework of the International Criminal Court to the functioning of the
71 UNCLS, while also incorporating elements that allow the home and host nation greater representation in the litigation
72 process, through the following procedures:

73 (a) The use of 3 judges selected from a set of pre-selected judges approved by the 6th Legal Com-
74 mittees, a judge from the nation in which the crime occurred, and a judge from the home nation of the accused;

75 (b) Application of relevant national and international law to come to a decision regarding the accused,
76 to be decided upon by the five judges;

77 (c) Presentation of an argument by a United Nations prosecutorial team and a counter-argument
78 by a defense team of the accused's choice;

79 (d) Not imposing a limitation on the time for allegations to be brought to the UNCLS for judgement;

80 (e) Allowing witnesses to request closed hearings within the court to protect their identity from the
81 outside world;

82 (f) Ensuring the rights of the accused to;

- 83 (i) A timely and impartial trial;
- 84 (ii) Presumption of innocence until sufficient proof of guilt is provided;
- 85 (iii) A lawyer, either provided by the court, home government, or individual;
- 86 (iv) Habeas corpus;
- 87 (v) Call, confront and question witnesses;
- 88 (vi) Freedom from cruel and unusual punishment;
- 89 (g) Working as long as the UNCLS deems necessary to complete their work within a given year;
- 90 (h) Considering in their decisions;
- 91 (i) International law;
- 92 (ii) National law should the two nations (accusing and home) agree on the nature and punishment
- 93 of crime, or in cases of disagreement, ruled in favor of by an impartial UNCLS judge originating
- 94 from a third-party nation;
- 95 (iii) The Geneva Conventions and Additional Protocols;
- 96 (iv) The legal precedent of the court set in analogous cases to ensure uniformity in decisions and
- 97 application of international law to United Nations officials;
- 98 (i) Granting the UNCLS the power to revoke functional immunity of officials should they be found
- 99 guilty and suggesting them to their nation of origin along with all evidence gathered for further litigation if this is
- 100 deemed necessary;

101 9. *Urges* the following principles to be reaffirmed in on-site trials for Peacekeepers accused of sexual abuse

102 through:

103 (a) Agreements with Peacekeeper providing nations to allow for on-site tribunals of potential of-

104 fenders through the aid of a on-site legal expert to oversee the on-site proceedings of the tribunal, in order to aid

105 proceedings;

106 (b) Swift and efficient trials and punishments if the accused is found guilty to show the United

107 Nations' no tolerance policy for sexual abuse by Peacekeeping forces;

108 (c) Protection of the rights of the accused before, during, and after a report of indisgression is filed,

109 where the accused maintains the same rights as the rights of other accused United Nations officials;

110 10. *Recommends* the incentivization of ratification of international humanitarian conventions by:

111 (a) Offering international recognition and condemnation for ratification or failure to ratify interna-

112 tional conventions;

113 (b) Encouraging trade incentives to nations that succeed in ratifying multiple treaties.

Passed, Yes: 61 / No: 10 / Abstain: 22