



American Model United Nations
General Assembly Sixth Committee

GA Sixth/II/5

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

SUBMITTED TO: The General Assembly Sixth Committee

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1 *Bearing in mind* the Charter of the United Nations, and the purposes and principles set forth,

2 *Recalling* the zero-tolerance policy in regards to sexual abuses as well as other related crimes,

3 *Expressing* with appreciation the officers that do follow their Charter,

4 *Noting* the abuses of authority of United Nations officials and peacekeepers around the world,

5 *Recognizing* the need for transparency and available resources in the investigation and court proceedings to
6 ensure due process is carried out,

7 *Emphasizing* that the appropriate conduct by all United Nations personnel is crucial to the image of the
8 organization and must be followed at all times,

9 1. *Recommends* that the departments of Peacekeeping Operations and Field Support establish refined global
10 training standards for officials, adding to the training standards already in place:

11 (a) Encouraging increased gender parity among trainers and trainees;

12 (b) Standardizing training in the areas of human rights, international humanitarian law, sexual and
13 gender-based violence and civilian protection regardless of the officials country of nationality;

14 (c) As well as providing officials with thorough cultural and customized training for the nation that
15 they are going to;

16 (i) Overseen by the host country in partnership with the Office of Internal Oversight Services (OIOS)
17 to ensure validity and effectiveness but conducted by the United Nations;

18 2. *Echoes* the benchmarks of "Reference Checks in United Nations System Organizations", Joint Inspection
19 Unit Geneva 2013, regarding background checks for United Nations officials:

20 (a) Recommending background checks be repeated every 18 months by an independent United
21 Nations commission;

22 (b) With the failure of background check resulting in further actions taken to remove officials from
23 their position on mission permanently or for a certain period of time;

24 (c) Additionally preventing individuals who have committed crimes from being re-employed within
25 the United Nations system;

26 3. *Suggests* adopting the definition of "crimes against humanity" as specified in Article 18 of the Draft Code
27 of Crimes against the Peace and Security of Mankind (1996) as a working definition in order to standardize the
28 threshold wherein actions must be taken;

29 4. *Encourages* the utilization of the Conduct and Discipline Unit (CDU) to deal with all types of misconduct,
30 including sexual exploitation and abuse, in which:

31 (a) Experts from the Office of Internal Oversight Services (OIOS) will track compliance with inter-
32 national standards and finalize communications strategies by;

33 (i) Reviewing and improving its investigative methods so as to prioritize victims' rights and needs,
34 with due respect for confidentiality and informed consent, particularly in the conduct of interviews
35 and the collection of evidence;

36 (ii) Conducting interviews with victims in private spaces by gender-balanced investigative teams,
37 whenever possible, and make support personnel available during interviews;

38 (iii) Being trained by officials who themselves have been through cultural competency training who
39 shall maintain confidentiality;

40 5. *Recommends* Member States not condone the use of military tribunals and other forms of trials that do
41 not respect the traditions and customs of the home country;

42 6. *Encourages* further support for victims of sexual abuse and exploitation committed by United Nations
43 officials or peacekeepers on mission through the United Nations Human Rights Council;

44 7. *Recommends* use of the Trust Fund in Support of Victims of Sexual Exploitation and Abuse to allow
45 victims to have access to local mental health services, job training and other forms of rehabilitation;

46 8. *Emphasizes the need* for a convention on the discussion for the establishment of a baseline United Nations
47 Penal Code which:

48 (a) Recommends countries without a mature Penal Code adopt United Nations Penal Code;

49 (b) Recommends nations with pre-existing Penal Codes to provide suggestions for United Nations
50 Penal code;

51 (c) Affirms that no country is required to follow penal code, although encouraged to do so;

52 9. *Reiterates* the right of Troop Contributing Countries (TCC), as established by a Memorandum of Under-
53 standing, to have the right and responsibility to prosecute their own United Nations officials:

54 (a) With the recommendation of establishing a 60 day rule which gives the right of jurisdiction to
55 the host nation if the state of nationality does not decide to prosecute their personnel within 60 days;

56 (i) Wherein the official's state of nationality must start the process of the investigation and set a
57 preliminary date for the trial regarding their personnel within the 60 days in order to maintain
58 jurisdiction;

59 10. *Encourages* the establishment of a three judge panel to monitor the prosecution:

60 (a) Utilizing a joint investigation between the state of the official's citizenship and the state where
61 the crime occurred, along with a United Nations representative;

62 (b) Including one judge from the official's home country, one from the victim's home country and
63 one from the United Nations Dispute Tribunal Judges (UNDT);

64 (i) With the two judges from the involved states chosen by their respective nations;

65 (c) Choosing judges from UNDT that have already been appointed by the General Assembly;

66 (i) To be following international law;

67 A. In accordance with Resolution 59/300 of 30 June 2005;

68 B. In accordance with the United Nations Declaration of Human Rights;

69 C. In accordance with the Convention of the Rights of the Child;

70 11. *Requests* further development measures for community engagement and the reporting of complaints, as
71 well as for outreach to and the protection of victims, witnesses and family members to integrate a victim-centered
72 approach to be taken by the Commission on the Status of Women and the Commission for Social Development:

73 (a) Including discussions and public service announcements as well as digital campaigns in order to
74 keep local populations informed about resources available to them;

75 (b) Emphasizing that victims have the right to report crimes committed by United Nations officials;

76 12. *Recommends* increased communication between Member States and the United Nations;

77 13. *Reminds* that the victims of sexual exploitation and abuse should be a major concern for the United
78 Nations and should be put at the top priority.

Passed, Yes: 39 / No: 25 / Abstain: 8