

The President of the Security Council presents her compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a **letter dated 29 October 2014 from the Secretary-General** addressed to the President of the Security Council, and its enclosure.

This letter and its enclosure will be issued as a document of the Security Council under the symbol S/2014/771.

29 October 2014



THE SECRETARY-GENERAL

29 October 2014

Dear Madam President,

In her report to the Security Council on 17 June 2014 pursuant to paragraph 8 of Security Council resolution 1593 (2005) of 31 March 2013, the Prosecutor of the International Criminal Court expressed concern about “recent allegations of manipulation of UNAMID reporting and of intentional cover-up of crimes committed against civilians and peacekeepers, in particular those committed by the Government of Sudan forces”. These allegations had been brought to the attention of the Prosecutor by the former Spokesperson of UNAMID, who served in the Mission from August 2012 to April 2013. In her report, the Prosecutor called on the Secretary-General to establish the facts of these allegations.

On 2 July 2014, I issued a statement announcing my intention to conduct a review of these allegations. In its resolution 2173 (2014) of 27 August 2014, the Security Council welcomed my announcement, looking forward to the swift and thorough implementation of the review and stressing 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 official reporting on 16 incidents documented by the former Spokesperson, as well as the public reporting on six of these incidents. With the assistance of the former UNAMID Spokesperson, and with the cooperation of UNAMID and the Department of Peacekeeping Operations (DPKO), the review team followed the reporting of each incident through the chain-of-command in the Mission to DPKO and into reports by the Secretary-General and the DPKO/Department of Political Affairs Weekly Briefing Notes on Field Operations to the Security Council. Hundreds of documents, e-mails, reports and briefing notes were examined. Contact was made with former and still present senior staff in UNAMID and DPKO to ascertain their views on the allegations made against the Mission and to provide context where the paper and electronic record 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 telephone conference or by e-mail correspondence.

Her Excellency
Mrs. María Cristina Perceval
President of the Security Council
New York

The review team did not find any evidence to support the allegation that UNAMID intentionally sought to cover up crimes against civilians and peacekeepers. However, the review did reveal that, in five of the 16 incidents examined, the Mission did not provide United Nations Headquarters with full reports on the circumstances surrounding these incidents. The review team also found that the Mission took 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 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 enjoyed the consent and cooperation of the Government of Sudan necessary 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.

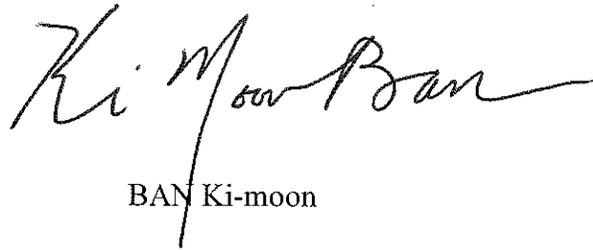
I am committed to taking all necessary steps to ensure that the Mission reports fully and accurately. Every effort will be made to ensure that sensitive information is systematically brought to the attention of United Nations Headquarters and the Security Council in a timely fashion. The media policy 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 where 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 for the Mission by the Government of Sudan. My Special Report on the Strategic Review of UNAMID of 25 February 2014 (S/2014/138) 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 Strategic Review. 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 the attached 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.

Please accept, Madam President, the assurances of my highest consideration.



BAN Ki-moon

REPORT OF THE REVIEW TEAM INTO ALLEGATIONS OF MANIPULATION OF REPORTING ON DARFUR

EXECUTIVE SUMMARY

Introduction

In her report to the Security Council on 17 June 2014 pursuant to paragraph 8 of UNSCR 1593 (2005), the ICC Prosecutor expressed concern about “recent allegations of manipulation of UNAMID reporting and of intentional cover-up of crimes committed against civilians and peacekeepers, in particular those committed by the Government of Sudan forces”. This concern was prompted by a series of four articles published by “Foreign Policy” on the basis of an account made by a former spokesperson of the African Union/UN Hybrid operation in Darfur (UNAMID), Ms. Aicha Elbasri. The Prosecutor called on the Secretary-General to establish the facts of these allegations based on the cases documented by the former spokesperson. In response, the Secretary-General announced on 2 July 2014, and the Security Council in its resolution 2173 (2014) welcomed, the appointment of a Review Team to report on the veracity of the allegations.

Methodology

Ms. Elbasri agreed to cooperate fully with the review and provided extensive documentation to support her account. In doing so she also made reference to additional incidents in which UNAMID’s reporting would have been lacking. As a result, the Review Team examined the official reporting of 16 incidents, as well as the public reporting on six of these, all of which 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 (DPKO), the Review Team followed the reporting of each incident through the chain-of-command in the Mission to DPKO and, where significant, into reports by the Secretary-General and the DPKO/ Department of Political Affairs (DPA) Weekly Briefing Notes on Field Operations to the Security Council. This involved reviewing hundreds of documents, emails, reports and briefing notes. Contact was made with most former and still present senior staff in UNAMID and DPKO to ascertain their views on the reporting of incidents by UNAMID and to provide context where the paper and electronic record 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 telephone-conference or by e-mail correspondence.

Analysis of Incident Reporting

The Review Team report endeavours to put its analysis into context, as the eight month period covered by the review cannot be seen in isolation. UNAMID is acknowledged

to be one of the most difficult of 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.

In some of the incidents reviewed, the Review Team noticed that although initial reports identified the attackers as suspected Government or Pro-Government forces, this was changed at some point in the official reporting chain with the perpetrators becoming "unidentified assailants" or "armed men in military uniform" due to the inability of UNAMID to verify their identity with certainty. This gave the perpetrators anonymity and the Government could not be held accountable for the criminal acts of its forces and/or proxies.

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

- **Tawilla:** UNAMID failed to share with DPKO 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 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 Security Council.
- **Kushina:** In reporting an aggressive overflight by two Government attack helicopters, UNAMID did not report to UNHQ the verbal threat by the Government to bomb/attack the convoy from the air or mention that it was carrying an arms expert from the Panel of Experts on the Sudan. Full disclosure of the incident only came to the knowledge of the Security Council through an incident report from the Panel of Experts.
- **Hashaba:** There was reasonable evidence, including as reported internally within 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 UNHQ nor was there ever a public statement issued condemning the criminal action.
- **Sigili:** UNAMID chose not to report to UNHQ the threat by PDF members to identify and kill Zaghawas travelling in a UNAMID convoy carrying two Zaghawa villagers. The patrol returned to base only after the PDF searched the UN vehicles

and began aggressive questioning of Sudanese national staff of UNAMID. The Mission reported the patrol as being aborted due to time lost at a check point, making it unable to fulfil its mission.

- **Muhajeria Team Site:** There was considerable evidence and reason to believe that the fatal attack on this 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 there were two attacks that night, only the second and fatal attack was ever reported publicly. DPKO described the attackers as “unidentified assailants” due to lack of certainty in the identity and affiliation of the assailants. The Government agreed to investigate, but after more than a year justice has still not been done.

Release of Information to the Media

The review of media reporting revealed a stubborn resolve among key senior leaders of UNAMID not to make any public announcements without verification, despite the incidents being already reported in the international media. Press releases were routinely delayed by days based on lack of verification, taking them out of the media cycle, particularly when Government and/or pro-Government forces were suspected of being involved.

Within the Mission, the Communications and Public Information Division (CPID) was dysfunctional and deeply divided over the issue of responsibility for preparation and release of mission press statements. The then Head of the CPID was never able to deploy to Darfur as he could not obtain a visa from the Sudanese authorities and had to perform his function 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 UN media guidelines to which she had applied, were far from the reality of the Mission’s terms of reference for her position. These 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 DPKO would have 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 ensure the Mission can fulfil its mandate to the best of its ability has become an end in itself. The period under review being only eight months could also 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 reprisals, such as travel restrictions and visa delays.

The review did reveal that the practice of not attributing responsibility without verification and certainty led to under-reporting of incidents when Government and pro-Government forces were suspected to be 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. However, the practice of the Mission engaging in self-censoring of its reporting to UNHQ is one that needs to be addressed immediately.

The notable absence of code cable traffic on incidents involving suspected Government forces would indicate there is a need to increase the confidence at Mission level that the handling of highly sensitive information (such as urgent but still unverified information) transmitted to Headquarters by code cable is commensurate with its confidentiality.

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 giving more detailed information were not always sent to UNHQ. Had they been, DPKO would have been in a better position to ensure the Security Council was fully informed and the sensitivities of Government involvement dealt with in the closed consultations of that UN organ.

Missions do have to make judgement calls on when it is prudent to put out pro-active media statements and when to put out statements once facts are 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 pro-active media approach it may have become the political advocacy tool the former JSR a.i. needed to respond to PoC concerns and advancing the peace process.

Mindful that the situation may have changed in the 16 months since the period covered by this review, the Review Team recommends the following:

Recommendations for DPKO

- 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 Secretary-General’s reports, where warranted.

- Critically review the role of the Spokesperson and Media Relations Unit to ensure there is synergy and cooperation.

Recommendations for UNAMID

- Do not self-censor information because of its sensitivity in the Mission's reporting to UNHQ.
- Augment daily situation reports on incidents concerning 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 via code cables.
- Automatically transmit to UNHQ, via code cable, verification reports of attacks on civilians and investigation reports into 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 pro-active relationship with the international media, aimed at keeping them informed of the good work done by the mission and engaged in times of crisis.