

Dictionary:

UN – United Nations

SG – Secretary-General

DRC – Democratic Republic of the Congo

BOI – Board of Investigation

UNSG – United Nations Secretary-General

UNPOL – United Nations Police

MONUSCO – United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Q: Is the SG confident that the UN, and the international community will ensure that those most responsible for Michael and Zaida’s deaths will be brought to justice?

The Secretary-General has always said he would do everything he could to see that justice is done for the killing of Michael and Zaida and he has taken all steps possible within his authority to achieve this.

We are still mourning the death of our colleagues – Michael and Zaida lost their lives working to understand the causes of conflict and insecurity in the DRC in order to help the Congolese people and bring peace to the country. The work of the Group of Experts on the Democratic Republic of the Congo is invaluable, and we will continue to honour the memory of Michael and Zaida, who have sacrificed everything in carrying out their work.

One of the first thing the Secretary-General did, after the completion of the Board of Inquiry, was to establish a team of skilled UN experts – the “follow-on mechanism” -- to assist and support a credible and comprehensive national investigation and judicial proceedings. This was done with full approval of the Security Council, as the Group of Experts reports to the Security Council Sanctions Committee.

The team’s leader, Mr. Robert Petit, reports regularly to the Secretary-General on the national investigation, including progress and possible shortcomings. Those reports have been shared with Security Council members and Swedish and US national authorities. Mr. Petit has also been in close contact with Michael and Zaida’s families to brief them of progress.

Once the team has completed its mission, it will submit a final report to the Secretary-General and the findings of the report will help determine what further steps the Secretary-General would have to take. The Secretary-General expects to continue to have the full support of the international community.

Q: What does this case say about the UN’s ability to hold powerful perpetrators responsible for attacks on its own personnel?

This case, and other attacks against UN personnel in recent years, demonstrate that bringing their perpetrators to justice is a continuing challenge, but that we must identify the best ways to not only seek accountability, but also to deter future attacks.

As you know, the UN does not have its own police, prosecutors or courts to pursue cases involving UN personnel. We continue to rely on Member States who have an obligation to prosecute crimes committed within their jurisdiction.

The UN does not have its own police, courts or prosecutors to pursue this case. We have no choice but to count on the justice systems of Member States, as they have an obligation to prosecute crimes committed under their jurisdiction.

In this case, the jurisdiction to do so lies squarely with the Democratic Republic of the Congo. However, the US and Sweden are also conducting investigations as they both have extra-territorial jurisdiction to investigate the murder of their citizens and we welcome these investigations as well as the important part they play in ensuring justice for Michael and Zaida.

The UN can offer assistance, or in the case of reticence from a Member State, use available diplomatic and political tools to persuade authorities to do the right thing.

Q: Why did the BOI choose to avoid implicating the DRC government in the report?

By its very nature, a Board of Investigation (BOI) is an administrative inquiry, not a criminal investigation and time limited (a report should be prepared within 3 months, if possible).

The terms of reference of the BOI applicable to this case were as follows:

- review of all preliminary investigation reports;
- establishment of facts related to the incident, including circumstances leading to the incident and the identification (to the extent possible) of the attackers;
- evaluation of all actions undertaken by the UN in response to the incident;
- determination of whether relevant security risk management procedures, rules and regulations were followed properly and whether they were adequate;
- to provide recommendations concerning any actions, steps or measures that should be taken by the UN Security Management System to avoid such incidents in the future.

The role of the BOI was not to conduct an investigation as such. In this case, the BOI concluded that without further investigation and the necessary judicial processes, the identity, affiliations and motives of the group that participated in killing Mr. Sharp and Ms. Catalan could not be fully established. The primary jurisdiction for these investigations therefore rests with the Congolese authorities.

Q: Was the UNSG aware of the information in the UN investigation file linking government officials to the killing?

The BOI report recommended that the murderers identified in the video be apprehended and that they be questioned as to their motive.

Q: The families have several times asked for the BOI-report to be rewritten in accordance with the information that the UN has access to. What have been the response from the UN about this?

The report was guided by and prepared in accordance with the terms of reference for the BOI.

As for its findings, the BOI itself recommended further investigation; the evidence and relevant information collected for the BOI report, which could contribute to criminal investigation and prosecution, was turned over to the FBI and the Swedish Police.

Q: When was the last Security Risk Assessment done for the Group of Experts on the DRC?

Prior to March 2017, the last Security Risk Assessment for Kasai/Kasai Central was approved in September 2016 and risk management measures identified for the Kasai/Kasai Central were put in place. These Security Risk Assessments were applicable to all UN personnel operating in these areas, including the Group of Experts. The responsibility remains with all individuals to apply and implement the measures highlighted for risk mitigation.

Q: To what extent are Congolese authorities cooperating in any of the UN's further efforts to clarify the true background of the killing of the two experts?

Cooperation with the authorities is ongoing and it is overall satisfactory at this point in time.

Q: The families believe that Greg Starr lied to them about the lack of evidence suggesting a government role in the killing. What is the UN's response to this?

Gregg Starr conducted the BOI in accordance with its terms of reference and with great professionalism. Mr. Starr also did his very best to inform the families in an open, honest and compassionate manner based on factual information that could be proven and keeping in mind the families' grief.

We at the UN have done our utmost to support the families of Michael and Zaida throughout this ordeal. This included the Critical Incident Stress Management Unit (CISMU) which provided ongoing support to the families at various times when particular information came to light. The head of follow-on mechanism, Mr. Petit, continues to be in touch with the families. We are all determined to ensure that justice is done and that those who murdered our colleagues are held accountable.

All information gathered by the UN was provided to the various investigations which have jurisdiction and responsibility to conduct a criminal investigation.

Q: Does the SG have faith in the Congolese authorities — some of whom have been implicated in the killing—can be trusted to pursue justice in this case, even if it leads to the culpability of senior Congolese officials?

It is not so much a question of faith, but to recognize that the Congolese authorities have the primary responsibility and jurisdiction to undertake a credible and comprehensive investigation and hold the perpetrators accountable. We expect the Congolese authorities to take appropriate action even if senior officials are implicated.

The UN has a specific role and function and cannot substitute itself for national prosecutors and courts. What we have been able to do in this case is to provide assistance, as much as we are able, to the DRC authorities to help ensure a credible process is in place. The follow-on mechanism will help determine whether there has been a credible process. If that turns out not

to be the case, we will examine what more we can do to try and ensure that there will be accountability for the deaths of our colleagues.