

**Athens Institute for Education and Research
ATINER**



**ATINER's Conference Paper Series
MDT2016-1980**

**The Accountability of and for United Nations
Peacekeepers: A Study of the Theory, Norms and
Practices**

**Kesolofetse Olivia Lefenya
Senior Lecturer
North West University
South Africa**

An Introduction to
ATINER's Conference Paper Series

ATINER started to publish this conference papers series in 2012. It includes only the papers submitted for publication after they were presented at one of the conferences organized by our Institute every year. This paper has been peer reviewed by at least two academic members of ATINER.

Dr. Gregory T. Papanikos
President
Athens Institute for Education and Research

This paper should be cited as follows:

Lefenya, K. O. (2016). "The Accountability of and for United Nations Peacekeepers: A Study of the Theory, Norms and Practices", Athens: ATINER'S Conference Paper Series, No: MDT2016-1980.

Athens Institute for Education and Research
8 Valaoritou Street, Kolonaki, 10671 Athens, Greece
Tel: + 30 210 3634210 Fax: + 30 210 3634209 Email: info@atiner.gr URL:
www.atiner.gr

URL Conference Papers Series: www.atiner.gr/papers.htm

Printed in Athens, Greece by the Athens Institute for Education and Research. All rights reserved. Reproduction is allowed for non-commercial purposes if the source is fully acknowledged.

ISSN: 2241-2891

14/09/2016

**The Accountability of and for United Nations Peacekeepers:
A Study of the Theory, Norms and Practices**

**Kesolofetse Olivia Lefenya
Senior Lecturer
North West University
South Africa**

Abstract

International Human Rights Law and International Humanitarian Law have a common objective of preserving and promoting human dignity and humanity. They both provide for the protection of civilians in conflict and post-conflict areas. They do this by providing a legal framework for the deployment of UN peacekeepers. However, numerous cases of human rights abuse and crimes against humanity have been reported against UN peacekeepers on peacekeeping missions. This raises questions of accountability for violations of civilians by peacekeepers. This paper examines the nature of the mandate of UN peacekeeping forces in armed conflict situations. It will identify existing gaps in the current regulatory framework for peacekeepers particularly within IHL and IHRL and highlight incidents civilian abuse by peacekeepers. Ultimately, it will make recommendations on how the perpetrators can be held accountable.

Keywords: *Peacekeepers, Violations, International Humanitarian Law, Accountability.*

Introduction

The United Nations was formed in 1945 with the object of, among other goals, maintaining world peace.¹ Article 2 under Chapter 1 of the UN Charter imposes an obligation on the UN to work towards a world free of all forms of armed conflict. One of the ways through which the UN seeks to achieve this goal is through deployment of peacekeeping missions in post-conflict areas. Although the definition of peacekeeping has been modified since its conceptualisation. Peacekeeping operations are defined by the UN Department of Peacekeeping Operations as:

Noncombat military operations undertaken by outside forces with the consent of all major belligerent parties and designed to monitor and facilitate the implementation of an existing truce agreement in support of diplomatic efforts to reach a political settlement.²

International Humanitarian Law and United Nations Peacekeeping Missions

International Humanitarian Law (IHL) is one of the most important parts of public international law. Its rules apply in armed and post-conflict situations. Its goal is to protect civilians and militias who have ceased active participation in conflict. It achieves this by setting rules determining the methods and means by which belligerents can wage war. The relationship between IHL and International Human Rights Law (IHRL) in international criminal justice was eloquently captured by the International Criminal Tribunal for the Former Yugoslavia when it observed that:

International humanitarian law purports to apply equally to and expressly binds all parties to the armed conflict whereas, in contrast, human rights law generally applies to only one party, namely the state involved and its agents.³

IHL is applicable to UN peacekeeping missions. Their duty is to ensure that that volatile post-conflict areas do not slide back to due to the volatility of operations because peacekeeping missions are often deployed into post-conflict zones where sporadic violence could erupt and cause full blown conflict. In such areas, IHL seeks to protect civilians, prisoners of war and ex-militias. Humanitarian law, particularly Geneva Conventions apply to these groups in case of outbreak of further conflicts.⁴

¹ Articles 1(1)-(4) of the UN Charter.

² UN Department of Peacekeeping Operations: Glossary of UN Peacekeeping Terms: <http://www.un.org/Dept/dpko/glossary> accessed on 5 July 2012.

³ *Prosecutor v Kunarac* IT-96-23/1 Judgment 21 July 2000 (TC) para 470.

⁴ UNPKO Principles and Guidelines 15.

The UN is independent from its member states. International personality is necessary for it to successfully carry out its mandate. Its competence to undertake tasks and functions collectively entrusted to it by member states highlight its separate personality.¹ Its founding member states intended to fully capacitate it this way to enable it to accomplish its purposes and functions. The authority to maintain an armed force for the maintenance of peace is one of those ways.² However, separate personality does not only confer the UN with autonomy in carrying out its mandate, but also imposes direct responsibility and liability on it for violations committed by its bodies.

The commitment of the UN to abide by international law³ is without contradiction. When it comes to the security of peace in post-conflict areas, the UN has over the years acknowledged the need and importance of its troops in peacekeeping missions to abide by principles of IHL and international conventions applicable to armed personnel in active duty.⁴ This commitment is part of several UN military Rules of Engagement (ROE). These rules regulate the relationship between the UN and member countries who contribute peacekeepers to peacekeeping missions. The UN has also developed the Model Status of Forces Agreement which defines relations between host states in which peacekeeping operations operate and the UN.⁵ The conclusion of these agreements show the UN's commitment to respect the principles and spirit of IHL Conventions.⁶

The fact that UN peacekeepers are armed with lethal weapons is crucial in international law. The weapons are for the self-defence of the troops against resistance by hostile forces on the ground. They are for making sure that the UN Security Council resolutions are complied, it being assumed that all sides to a conflict have a legitimate goal to end hostilities.⁷ The fact that the weapons may be used to exert unauthorised forces and therefore expose the UN to liability raises conceptual and practical problems in international law.

IHRL, IHL and UN Peacekeepers

IHRL is a vital component of the normative framework for the establishment of UN peacekeeping missions. The *Universal Declaration of Human Rights*,⁸ which forms the basis for international human rights standards. It emphasises the guarantee and universality of basic human rights

¹ *Advisory Opinion on Reparation for Injuries Suffered in the Service of the United Nation*, 11 April 1949.

² Article 43 of the Charter.

³ Porretto and Vite *Application of IHL* 18.

⁴ Section 3 of the Secretary-General's Bulletin on the Observance by UN Forces of IHL ST/SGB/1999/13.

⁵ *Shraga African Journal of International Law* Vol 94 2000 407.

⁶ Porretto and Vite *Application of IHL* 21.

⁷ Report of the Secretary-General S/1261 1 1999 2.

⁸ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 29 August 2016]

and freedoms. Thus, UN peacekeeping missions must respect and promote human rights in carrying out their mandates.¹ The UN Security Council's peacekeeping missions always include human rights arms. These report to the Office of the High Commissioner for Human Rights (OHCHR). They are obligated to investigate concerns for the violation of both IHRL and IHL. For example, MONUC was established to assist the DRC government in the promotion and protection of human rights through investigation of violations and ensuring that perpetrators were brought to book.² A component for human rights was established for the UN Mission in Sudan (UNMIS) to provide the mission with a strong human rights expertise to ensure an adequate protection of the rights of civilians through monitoring and capacity building.³

UNMIS and OHCHR periodically report on their findings on the observance of IHRL and IHL by peacekeeping missions, particularly in the Darfur region. In 2008, they implored the Sudanese government to investigate allegations of human rights abuse and violation of international law and ensure that responsible persons were brought to justice.⁴ The UN has established similar human rights components in Afghanistan (UN Assistance Mission in Afghanistan (UNAMA)) and Iraq (UN Assistance Mission for Iraq (UNAMI)). The two refer to both IHRL and IHL in their reports.⁵ In an Annual Report on the Protection of Civilians in Armed Conflict (2008), UNAMA stressed the applicability of international human rights standards and customary international law for *hors de combat* rebels. Members of the pro-government military forces are also accountable for violations of IHL and international human rights norms.⁶

Case law of the International Court of Justice (ICJ) points that the UN is bound and liable under international law for violations.⁷ Popular cases include the *Reparations case*,⁸ *Interpretation of the agreement between the World Health Organisation and Egypt*⁹ and *the Legality of the Nuclear Weapons*.¹⁰ Arguments are based on the 'internal law' of the organisation. Scholars argue that the UN must respect the norms because the promotion of human rights is included in the Charter. Article 1(3) of the UN Charter mandates its member states to promote and encourage the respect for human rights and freedoms

¹ UNPKO Principles and Guidelines 14.

² Security Council Resolution 1565 of 1 October 2004.

³ Security Council Resolution 1590 of 24 March 2005 para 4(a)(ix) extended by Resolution 1706 of 31 August 2006.

⁴ Ninth Periodic Report.

⁵ UNAMI 2007 www.ohchr.org/Documents/Countries/jan-to-march2007_engl.pdf.

⁶ Anon 2009 http://www.unama.unmissions.org/Portals/UNAMA/human%20rights/UNAMA_09february-Annual%20Report_PoC%202008_FINAL_11Feb09.pdf.

⁷ See the works of Anisi Bedjaoui Commentary on Article 1 of the UN Charter 1985 26 and Megret F and Hoffmann F The UN as Human Rights Violator: Some Reflection on the UN Changing Human Rights Responsibilities Human Rights Quarterly Vol 25 2003 319.

⁸ Advisory Opinion Relating to Reparation of Injuries Suffered in the Service of United Nations 11 April 1949 Reports 177.

⁹ Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion 20 December 1980 Reports 89.

¹⁰ Legality of the Use of Nuclear Weapons Advisory Opinion 08 July 1996 Reports 226.

regardless of subject peoples' race, sex, language, or religion. However, this is a pure programme provision. Its aim is simply to attain international cooperation in the solution of social and economic problems as well adjectival aspects of human rights advancement.¹

Article 55(c) of the Charter places an obligation on the UN to promote a “universal respect for and observance of human rights and fundamental freedoms.” This provision is generic. It does not specify the substantive content of the obligation. The definition of the UN’s mission through verbs is not compelling, particularly when such words as ‘encourage’ or ‘assist’ are used.² The verb ‘promote’, for example, carries with it an ambiguous connotation. Promoting the respect and realisation of human rights is different and weaker from safeguarding and protecting the same rights.³

Incidents of Sexual Exploitation by UN Peacekeepers

There is no scholarly consensus on the definition of sexual abuse and exploitation. Sexual abuse may be defined as a threatened or physical sexual violation. This is committed through force or coercion.⁴ Sexual exploitation, on the other hand, may be defined as an attempted or actual sexual abuse of the vulnerability of a weaker person or their trust.⁵ In IHL and IHL, the terms apply mostly to vulnerable groups which mostly comprise of women and children. The extreme poverty accompanying post-conflict situations expose these groups to rape, sexual assault and prostitution.⁶

Towards the end of 2001, two consultants, one from the UN High Commissioner for Refugees (UNHCR), and the other from the Save the Children- UK (SC-UK), studied allegations of sexual exploitation of refugee communities in West Africa.⁷ They confirmed sexual abuse of civilians by peacekeepers and aid workers. The reports attracted widespread international outcry. In response, the Secretary-General strongly rebuked the abuses and stressed the UN's commitment to end and prevent sexual exploitation and other abuses of civilians by humanitarian personnel. He acknowledged the violations and expressed the UN's contrition to the abuses⁸ which described as defeating the very purpose of the organisation's mission to protect vulnerable groups in conflict and post-conflict areas.⁹

¹ Bedjaoui Commentary on Article 1 of the UN Charter 1985 26.

² Megret and Hoffman *Human Rights Quarterly* 319.

³ Porretto and Vite *Application of IHL* 47.

⁴ UN Secretary-General's Bulletin on the Observance by UN Forces of IHL ST/SGB/1999/13 at section 1.

⁵ UN Secretary-General's Bulletin on the Observance by UN Forces of IHL ST/SGB/1999/13 at section 1.

⁶ UNHCR and SC-UK Sexual Violence and Exploitation 3.

⁷ Ndulo Berkeley Journal of International Law 141.

⁸ UN Secretary General *Sexual Abuse in Peacekeeping Report* Press Release 24 March 2005 <http://www.un.org/News>.

⁹ UN Doc A/57/465 11 October 2002.

These official reports triggered further research by other organisations and a series of investigations and reports were made by both NGOs and the UN.¹ The UN Department of Peacekeeping Operations (UNDPKO) drafted guidelines to address the violations. However, this effort was to no avail.² In spite of the guidelines, the violations have continued.³

It is now imperative to outline some of the reported incidents of sexual exploitation in the DRC. It must be noted that these incidents are not exhaustive. Only a few have been cited to serve the interests of this paper. The case study is based on reports from various NGOs, the International Committee of the Red Cross (ICRC), civil society and the UN.

Case Study: The Democratic Republic of Congo (DRC)

In 2004, numerous abuses were reported against MONUC peacekeepers in the DRC. Most of these were subsequently debated by the UN Security Council and the US Congress.⁴ Seventy-two allegations of sexual abuse and exploitation in Bunia, a region torn by war in the eastern DRC, were investigated by the Office of Internal Oversight Services⁵ The violations occurred at a time when the area was blockaded by rebel groups the previous year. Neighbouring villagers and town dwellers escaped their homes and erected temporary shelters adjacent to in MONUC's head offices which lay next to the camps of the UN peacekeeping troops. They did so with the hope that the peacekeepers were going to ensure their safety. However, this brought women and girls closer to abuse and exploitation by peacekeepers. The troops were not physically violent as the rebels, but they demanded sexual intercourse in exchange for providing some of them with food.⁶

It was difficult to bring the perpetrators to justice due to limited cooperation from the troops, who due to their fraternity, refused to cooperate with investigations. This protection was probably accorded to violators in the spirit of preserving the national honour and integrity. MONUC objected to the allegations, saying that the peacekeepers were a target of a vitriolic attack. Civilian staff were hesitant to report sexual misconduct by their colleagues because of the fear of victimisation for 'whistleblowing'. This was augmented by the widespread prostitution, sexual abuse of children and exploitation of Congolese women employees.⁷

The *New York Times* reported an incident of two UN peacekeepers who were investigated for sexual offences on a peacekeeping mission in Burundi. This incidence of sexual abuse happened while they were in peacekeeping

¹ Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law ST/SGB/1999/13.

² UN Staff Regulations and Staff Rules ST/SGB/2009/6 27 May 2009.

³ Kent African Security Review 85.

⁴ Martin, S. 2005 Must Boys Be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions Refugees International October 2005.

⁵ UN Doc A/59/710 24 March 2005 9.

⁶ Martin Must boys be boys 4.

⁷ UN Internal Document Evaluation of Emergency Rapid Response July 2004.

mission in neighbouring Congo. The soldiers were suspended from their duties during the investigations. The UN further investigated allegations of paedophilia, rape and prostitution against peacekeepers in Congo, allegedly committed by peacekeepers from various nations in South America, North Africa and Europe.¹

The UN reported more than 150 cases of sexual abuse committed by UN peacekeepers in DRC, particularly in the Bunia region where rebel groups have committed gross violations. Sexual violation of women and girls has become a norm in the the Congo's eastern jungles where various rebel groups and government forces are battling. The UNICEF has provided treatment to more than 2000 victims of sexual violations. Some of the patients had been violated by UN peacekeepers.²

An internal UN investigation has found that the allegations levelled in DRC against UN peacekeepers included sex with minors and prostitutes and rape. Investigators found that UN peacekeepers and civilian workers paid less than \$4 each for sex. At times, they battered food and employment opportunities for the same. Prince Zeid, Jordan's ambassador to the UN, reported that sexual exploitation and abuse by peacekeepers in the Congo is substantial and extensive. Fifty countries are represented among the 1000 civilian employees and 10800 soldiers who make up the MONUC. The peacekeeping mission expelled some Tunisian soldiers and sent them back to their country for determination on the appropriate punishment for them.³

Teenage girls in the Congo are encouraged to engage in sexual relations with foreign peacekeepers due to the money the soldiers spend on them and the enhanced opportunities of securing food in relatively hungry areas. Although many of the teenagers have been actively participating in sexual relationships, they prefer the peacekeepers over the local boys.⁴ Troops from Morocco, Tunisia, Nepal and France have been implicated in these affairs, although in some of the instances the evidence is inconclusive to warrant punishment.

¹ Lacey 2004 *The New York Times* <http://www.nytimes.com/2004/12/18/international/africa/18congo.html>.

² Lacey *The New York Times* 2004 <http://www.nytimes.com/2004/12/18/international/africa/18congo.html>.

³ Lacey *The New York Times* 2004 <http://www.nytimes.com/2004/12/18/international/africa/18congo.html>.

⁴ Lacey *The New York Times* 2004 <http://www.nytimes.com/2004/12/18/international/africa/18congo.html>.

Determining the Accountability of UN Peacekeepers

The responsibility for and accountability of criminal violations committed by peacekeepers can be determined at both domestic and international level. Geneva Conventions compel states to prosecute offenders.¹ The imposition of individual criminal responsibility for violations of IHRL and IHL is crucial to bring perpetrators to justice. In 1946, the International Military Tribunal, Nuremberg, famously pronounced that:

Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.²

The Rome Statute of the International Criminal Court codifies individual responsibility for serious crimes in international law. Article 25(3) imposes individual criminal responsibility for crimes committed inside the jurisdiction of the International Criminal Court. It imposes liability on actual perpetrators as well as all persons who contribute towards the commission of the offences; such as instigators and aiders and abettors. It also imposes liability on all persons who have knowledge of an intent for the commission of the various crimes and fail to disclose it for the purposes of preventing the commission of the offences.

Peacekeepers can face prosecution both at the host state and their home state. It is submitted that the prosecution of peacekeepers in the host state in which sexual crimes have been committed has numerous benefits. First, the prosecution of perpetrators by the host state enables victims to recognise that justice has been done. Second, it is easier to secure witness testify. Third, it deters potential violators from sexually abusing and exploiting civilians.³

The doctrine of complementarity provides that national courts have co-current jurisdiction for international crimes committed in their territories. have jurisdiction over violations in their state territory. IHRL and IHL extend

¹ In Schabas' *An Introduction to the International Criminal Court* 7, it is clear that at Nuremberg, Nazi war criminals were charged with what the prosecutor called "genocide", but the terms did not appear in the substantive provisions of the Statute, and the Tribunal convicted them of "crimes against humanity" for the atrocities committed against the Jewish people of Europe..

² Schabas *International Criminal Court* 101. The establishment of special courts or tribunals have also emphasized this philosophy. The ICTY has jurisdiction over war crimes, crimes against humanity and genocide committed in the territory of the former Yugoslavia after 1 January 1991. The ICTR has jurisdiction over war crimes, crimes against humanity and genocide. It is also limited to crimes committed in Rwanda or by Rwandans in neighbouring states between 1 January and 31 December 1994. The SCSL's mandate is to try persons who bear the greatest responsibility for serious violations of IHL and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. The ECCC has jurisdiction to try senior leaders of the Khmer Rouge and those most responsible for the crimes and serious violations of Cambodian penal law, IHL and custom and international conventions recognised by Cambodia.

³ Ndulo Berkeley Journal of International Law 153.

beyond a state's borders to all areas in which the particular state exercise jurisdiction over the particular person. Yet, the European Court of Human Rights held in *Bankovic and Others v Belgium and Others*,¹ that the European Convention on Human Rights does not apply globally but only to the 'the legal space of the contracting states':

In short, the Convention is a multi-lateral treaty operating, subject to Article 56 of the Convention, in an essentially regional context and notably in the legal space (*espace juridique*) of the Contracting states. The Federal Republic of Yugoslavia clearly does not fall within this legal space. The Convention was not designed to be applied throughout the world, even in respect of the conduct of contracting states. Accordingly, the desirability of avoiding a gap or vacuum in human rights protection has so far been relied on by the Court in favour of establishing jurisdiction only when the territory in question was one that, but for the specific circumstances, would normally be covered by the Convention.²

Article 56 of the European Convention enables a state to extend the applicability of the Convention to any territory for which it is responsible for diplomatic matters. In *Al-Skein and Others v United Kingdom*³ the court held that a state could exercise extra-territorial jurisdiction where it has authority over a complainant. It terms this the state agent authority. The court added that a state will have jurisdiction where it has effective control of an area outside its borders.⁴

I would therefore be more cautious than the Divisional Court in my approach to the *Bankovic* judgment. It seems to me that it left open both the ECA and SAA approaches to extraterritorial jurisdiction, while at the same time, emphasizing that because a SAA approach might constitute a violation of another state's sovereignty (for example, when someone is kidnapped by the agents of a state on the territory of another state without that state's invitation or consent), this route to any recognition that extra-territorial jurisdiction has been exercised within the meaning of an international treaty should be approached with caution.⁵

¹ ECHR *Bankovic and Others v Belgium and Others* (52207/99) 12 December 2001.

² ECHR *Bankovic and Others v Belgium and Others* (52207/99) 12 December 2001 para 80.

³ *Al-Skeini and Others v. United Kingdom*, Application no. 55721/07, Council of Europe: European Court of Human Rights, 7 July 2011, available at: <http://www.refworld.org/docid/4e2545502.html> [accessed 29 August 2016]

⁴ *Al-Skeini and Others v. United Kingdom*, Application no. 55721/07, Council of Europe: European Court of Human Rights, 7 July 2011, available at: <http://www.refworld.org/docid/4e2545502.html> [accessed 29 August 2016] para 79.

⁵ *Al-Skeini and Others v. United Kingdom*, Application no. 55721/07, Council of Europe: European Court of Human Rights, 7 July 2011, available at: <http://www.refworld.org/docid/4e2545502.html> [accessed 29 August 2016] para 80.

The principle of universal jurisdiction states that a state must prosecute individuals suspected of certain crimes regardless of where the commission took place. The nationality of suspects and the origin of victims do not matter. The *Geneva Convention on the Protection of Civilians*¹ founds universal jurisdiction for gross violations of human rights. It provides that state parties:

Shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches of the present Convention, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.²

Under IHRL and IHL, principles of accountability under the UN Charter apply. The UN conducts its own internal investigations on the violation of human rights and reports them. Each state has a UN obligation to take measures to prevent violations of human rights and to put in place mechanisms for accountability of their citizens for violations. This is regardless of whether they are acting under the UN Security Council. They must undertake reasonable measures to prevent their nationals from violating IHRL and IHL³

Conclusion

IHRL and IHL preserve and promote the dignity of civilians and ex-militias in post-conflict areas. Both laws provide a legal framework for the deployment of UN peacekeepers. However, incidents of civilian abuse by members of peacekeeping missions have emerged, raising issues of accountability for the violations. Following the approach of the IMT, Nuremburg, on the imposition of liability for violations of human rights, peacekeepers who commit violations on mission duty are individually liable for the violations, not the UN. They can be prosecuted either in host countries or in their country of origin.

The UN endeavours to reform its peacekeeping agencies by enacting various guidelines for conduct of peacekeepers to eliminate sexual exploitation and abuse of civilians.⁴ It must draft and adopt a treaty which specifically

¹ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, available at: <http://www.refworld.org/docid/3ae6b36d2.html> [accessed 29 August 2016]

² Article 146 of the Geneva Convention IV.

³ UN Human Rights International Legal Protection of Human Rights in Armed Conflict 87.

⁴ Martin, S. 2005 Must Boys Be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions Refugees International October 2005.

regulate the conduct of peacekeeping forces. It is recommended that the proposed treaty must provide for referrals to the ICC by the host state where it is unable to prosecute due to lack of resources or other impediment. This will go a long way in ending impunity.

References

- Advisory Opinion on the Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, 20 December 1980 Reports
- Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* 08 July 1996 Reports.
- Advisory Opinion Relating to Reparation of Injuries Suffered in the Service of UN* 11 April 1949 Reports.
- Al-Skeini and Others v. United Kingdom*, Application no. 55721/07, Council of Europe: European Court of Human Rights, 7 July 2011, available at: <http://www.refworld.org/docid/4e2545502.html> [accessed 29 August 2016]
- Bankovic and Others v Belgium and Others* (52207/99) ECHR 12 December 2001.
- Bedjaoui, A. 1985 Commentary on Article 1 of the UN Charter 1985.
- Global Rights Annual Report 2011.
- Human Rights Report 1 January- 31 March 2007.
- International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, available at: <http://www.refworld.org/docid/3aefb36d2.html> [accessed 29 August 2016]
- Kent, V. 2005 Peacekeepers as Perpetrators of Abuse: Examining the UN's Plans to Eliminate and Address Cases of Sexual Exploitation and Abuse in Peacekeeping Operations African Security Review Vol 14(2) 2005.
- Lacey 2004 The New York Times <http://www.nytimes.com/2004/12/18/international/africa/18congo.html>
- Martin, S. 2005 Must Boys Be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions Refugees International October 2005.
- Megret, F. and Hoffmann, F. 2003 The UN as Human Rights Violator: Some Reflection on the Changing Human Rights Responsibilities Human Rights Quarterly Vol 25 2003.
- Ndulo, M. 2009 The UN Responses to Sexual Abuse and Exploitation of Women and Girls by Peacekeepers during Peacekeeping Missions, Berkeley Journal of International Law 2009.
- Porretto, G. and Vite, S. *The Application of International Humanitarian Law and Human Rights Law to International Organisations* 2006 Research Paper Series No (University Centre for International Humanitarian Law Geneva 2006)
- Prosecutor v Kunarac* IT-96-23/1 Judgment 21 July 2000 (TC).
- Report of the Secretary General in the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies 23 August 2004 S/2004/616.
- Report of the Secretary-General S/1261 1.1999.
- Schabas, W., 2004 *An Introduction to the International Criminal Court* 2nd Edition (Cambridge University Press Cambridge) 2004.
- Secretary-General's Bulletin on the Observance by UN Forces of International Humanitarian Law ST/SGB/1999/13 06 August 1999.
- Security Council Resolution 1565 1 October 2004.

- Security Council Resolution 1590 24 March 2005.
- Shraga, D., 2000 United Nations Peacekeeping Operations: Applicability of International Humanitarian Law Vol 94 African Journal on International Law 2000.
- UN Department of Peacekeeping Operations (DPKO), *United Nations Peacekeeping Operations: Principles and Guidelines*, March 2008, available at: <http://www.refworld.org/docid/484559592.html> [accessed 29 August 2016]
- UN Human Rights 2004 *International Legal Protection of Human Rights in Armed Conflict* SC/Doc S/2004/814 New York and Geneva 13 October 2004.
- UNAMI 2007 www.ohchr.org/Documents/countries/jan-to-march2007_engl.pdf.
- UNHCR and Save the Children-UK, 2002 Note for Implementing and Operational Partners on Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone February 2002.
- United Nations Department of Peacekeeping Operations: *Glossary of UN Peacekeeping Terms* <http://www.un.org/Dept/dpko/glossary>
- United Nations Document A/57/465 11 October 2002.
- United Nations Document A/59/710 24 March 2005.
- United Nations Internal Document Evaluation of Emerging Rapid Response to Sexual Exploitation and Abuse Allegations in Bunia from July 2004 (Unpublished Document).
- United Nations Secretary General 2005 *Sexual Abuse in Peacekeeping Report* Press Release 24 March 2005.
- United Nations Staff Regulations and Staff Rules 2009 ST/SGB/2009/6 27 May 2009.
- United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <http://www.refworld.org/docid/3ae6b3930.html> [accessed 29 August 2016]