

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of **a letter dated 15 August 2017 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/2017/713.

15 August 2017



THE SECRETARY-GENERAL

15 August 2017

Dear Mr. President,

Following the deaths of Ms. Zaida Catalán and Mr. Michael Sharp, members of the Group of Experts on the Democratic Republic of the Congo, in March 2017, a United Nations Security Management System Board of Inquiry (BOI) was convened to establish the facts related to the incident. The BOI was also tasked with evaluating the United Nations response to the incident, reviewing the application and adequacy of relevant security risk management procedures, rules and regulations, as well as to provide recommendations on actions that should be taken to avoid such incidents in the future.

By this letter I wish to transmit to you the executive summary of the BOI report which provides a synopsis of the findings and recommendations contained therein. A copy of this executive summary will also be shared with the families of Ms. Catalán and Mr. Sharp, and with the Permanent Missions to the United Nations of Chile, the Democratic Republic of the Congo, Sweden and the United States of America.

While the Secretariat looks forward to the opportunity to brief the members of the Security Council on the BOI report, I wish to note that the Board has indicated that further investigations and judicial processes would be required to fully ascertain the identity, affiliations, and motives of the individuals involved in the killing of Mr. Sharp and Ms. Catalán. In this regard, I intend to discuss with DRC officials and consult with Council members regarding the establishment of a follow-on mechanism and its mandate.

His Excellency
Mr. Amr Abdellatif Aboulatta
President of the Security Council
New York

In its report, the BOI also provided recommendations on actions that the Organization could consider to strengthen the support arrangements and management and support arrangements of Groups of Experts reporting to the Security Council and its sanctions committees, as well the manner in which Groups of Experts should comply with the requirements of the applicable security policies and procedures established under the United Nations Security Management System. The Secretariat is currently reviewing these recommendations, some of which carry financial implications, with the view of developing a plan for their implementation, as appropriate.

I wish, once again, to pay tribute to the dedication of Ms. Catalán and Mr. Sharp to the United Nations, in the service of peace in the Democratic Republic of the Congo, to which they paid the ultimate price.

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

respects with my warmest personal



António Guterres

Executive Summary
United Nations Security Management System Board of Inquiry on the critical security incident resulting in the deaths of two members of the Group of Experts in Kananga, Democratic Republic of the Congo

INTRODUCTION

1. On 24 April 2017, the Under-Secretary-General for the Department of Safety and Security, in consultation with the Executive Office of the Secretary-General and Under-Secretaries-General for Political and Legal Affairs, convened the United Nations Security Management System (UNSMS) Board of Inquiry (BOI) on the critical security incident resulting in the deaths of two members of the Group of Experts in Kananga, Democratic Republic of the Congo (DRC). Mr. Michael Sharp (United States of America) and Ms. Zaida Catalán (dual national of Chile and Sweden) were members of the Group of Experts on the DRC. Mr. Sharp was the Coordinator of the Group and also one of the two designated armed group experts, while Ms. Catalán was the humanitarian issues expert.

2. The Group of Experts was mandated by Security Council resolution 1533 (2004). The mandate of the Group of Experts was subsequently renewed, including by resolution 2293 (2016), which directed the Experts to provide information to the 1533 Sanctions Committee on, among other issues, violations of human rights or international humanitarian law; support for armed groups or criminal networks involved in the illicit exploitation of natural resources; recruiting or use of children in armed conflict; designation of individuals or entities involved in non-compliance of the sanctions; and attacks on MONUSCO.

THE BOARD OF INQUIRY

3. The BOI was comprised of former (retired) members of the Department of Safety and Security, Department of Peacekeeping Operations and Department of Political Affairs. Mr. Gregory Starr, the former Under-Secretary-General for the Department of Safety and Security was the Chair of the Board. The Board operated with full independence and impartiality.

4. The terms of reference of the Board included the review of all preliminary investigation reports, establishment of the 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 United Nations in response to the incident, determination of whether relevant security risk management procedures, rules and regulations were followed properly and whether they were adequate and to provide recommendations concerning any actions, steps or measures that should be taken by the UNSMS to avoid such incidents in the future.

5. The BOI commenced its work on 8 May 2017 in New York through reviewing preliminary investigation reports, records relevant to the activities of the Group of Experts and their mandate as well as interviewing relevant United Nations officials at Headquarters. From 6 to 17 June 2017, the Board travelled to the DRC including to Kinshasa, Goma and Kananga, to conduct further interviews and review relevant information. The Board submitted its final report on 2 August 2017.

6. In the course of its inquiry, the Board interviewed and obtained witness statements from United Nations officials and non-UN personnel, had discussions with representatives of the Government of the DRC, met with officials from eight Permanent Missions of Member States to the United Nations, conducted discussions with non-United Nations organizations and national investigation authorities of the Member States concerned. The Board also met with the families of the two Experts who were killed.

7. A Board of Inquiry is an analytical and managerial tool to review investigation reports, establish facts related to critical security incidents involving organizations of the United Nations Security Management System, including whether the occurrence took place as a result of the acts or omissions of any individual(s). The purpose of a Board of Inquiry is to identify gaps or deficiencies in security risk management policies, procedures or operations, to strengthen security risk management controls (lessons learned) and to improve accountability for security risk management. A Board of Inquiry is neither an investigative nor a judicial review mechanism.

FACTS RELATED TO THE INCIDENT ESTABLISHED BY THE BOARD

8. On 8 March 2017, Mr. Sharp and Ms. Catalán arrived in the city of Kananga in the Kasai Central province, DRC, via a UN Humanitarian Air service flight from Goma, North Kivu province. Their visit followed a previous trip to Kananga in January 2017. The primary purpose of their visit, in accordance with their mandate, was to gather information on armed groups, inquire into sources of violence in the Kasai provinces, and look into reports of purported use of children in conflict.

9. On 11 March 2017, Mr. Sharp and Ms. Catalán met with a small group of people presenting themselves as having connections with the Kamuina Nsapu (KN) militia. The meeting led to a decision by the two Experts to travel the next day through parts of the Kasai Province to the town of Bunkonde for meetings with the Kamuina Nsapu militia leaders in that area. An audio recording of the meeting was reviewed by the Board.

10. On the morning of 12 March 2017, both Experts departed their hotel in Kananga enroute to the town of Bunkonde (90 km South-East of Kananga) in furtherance of their investigation. They were accompanied by a locally-hired Congolese citizen who served as their interpreter. They travelled on motorbikes driven by three locally-hired Congolese citizens.

11. The Board was informed that the two Experts and the four Congolese persons passed through two *Forces Armées de la République Démocratique du Congo* (FARDC) checkpoints on the way to Bunkonde, and two Kamuina Nsapu militia checkpoints thereafter. Sources reported that a militia group gathered near the Moyo River crossing close to the village of Moyo Musuila on the route to Bunkonde and had fired a shotgun to stop the motorbikes, wounding one of the drivers.

12. Before arriving at their destination, the two Experts and their party were accosted by persons who appeared to be members of a local militia group. This militia group killed Mr. Sharp

and Ms. Catalán near the village of Moyo Musuila, a location approximately 10-15 km before the town of Bunkonde. These facts were established based on a video recording of the incident by a member of the militia group. There are reports that the Congolese interpreter and the three motorcycle drivers were also killed, but their bodies have not been found to date.

13. Based on information from witnesses, ten individuals from the video have been identified. There remains a lack of additional physical or forensic evidence of the involvement of individuals in the attack beyond the video. The United Nations has provided all relevant information and evidence in its possession to the national authorities. At the time of the issuance of the Board's report, the Congolese authorities had arrested two men who appeared on the video. The Congolese authorities had also arrested ten men who did not appear on the video but who are believed to be members of the militia group involved. The Board was informed that proceedings against the suspects were being conducted in a military court because the military prosecutor has jurisdiction over crimes committed in the DRC involving the use of firearms. The Board was also informed that the Kasai Central province had been declared a military zone by the DRC authorities and the military prosecutor in Kananga has taken the lead in the investigation.

FACTS FOLLOWING THE INCIDENT ESTABLISHED BY THE BOARD

14. By nightfall on 12 March 2017, it was confirmed that Mr. Sharp and Ms. Catalán had not returned from their trip, and repeated attempts to contact them were unsuccessful. United Nations Headquarters and senior mission staff members were also immediately informed. On the morning on 13 March 2017, United Nations crisis management procedures were activated, and the Government of the DRC as well as the Embassies and Permanent Missions of Sweden and the United States and subsequently Chile were apprised on the situation involving the two missing Experts.¹

15. From 13 to 28 March 2017, MONUSCO conducted a search for the two missing Experts. The Uruguay Battalion (URUBATT) in Tshimbulu was dispatched on the morning of 13 March 2017 with additional resources immediately mobilized in Kinshasa, Goma, Kananga and Headquarters in New York. URUBATT conducted both air and ground patrols in the Bunkonde area starting on Tuesday, 14 March. In the course of the search efforts, additional formed units of Tanzanian Special Forces (TANZSF), helicopters, communications equipment, and other additional resources were flown into Kananga to bolster the search operation. The difficult terrain necessitated the ground patrols searching on foot where they encountered numerous armed elements, some of them belligerent.

16. A dedicated information management unit comprising staff from the mission's Joint Operations Centre (JOC) and Joint Mission Analysis Centre (JMAC) was established for gathering, analyzing and sharing information for the search effort.

17. On 27 March, a shallow grave with two bodies, one male and the other female, appearing to be Caucasian, was discovered. The site was secured overnight by United Nations forces and

¹ The Security Council was also notified of the situation on 13 March.

the Government of the DRC and the American and Swedish Embassies in Kinshasa were informed. On 28 March, forensic officers of the Police component of MONUSCO, UNPOL, exhumed the bodies and transported them to the United Nations compound in Kananga. On 29 March, the two bodies were identified as those of Mr. Sharp and Ms. Catalán. On 29 March, the families of Mr. Sharp and Ms. Catalán were informed of the positive identification of the bodies by a senior United Nations official in the presence of a stress counselor.

18. On 1 April 2017, following a United Nations ceremony in their honor, the remains of Mr. Sharp and Ms. Catalán were transferred by United Nations aircraft to Entebbe, Uganda for autopsies and embalming procedures. On 2 April, Ms. Catalán's autopsy was conducted in Kampala, Uganda. On 4 April, Michael Sharp's autopsy was conducted in Kampala. Following the autopsies, the remains of Mr. Sharp and Ms. Catalán were repatriated to the United States and Sweden.

DELIBERATIONS AND CONCLUSIONS OF THE BOARD

19. The Board found that a group of Congolese, likely militia members from the Kasai Central province, was responsible for the deaths of Mr. Sharp and Ms. Catalán and was likely also responsible for the deaths of the Congolese translator and the three motorcycle drivers. It also found that there was a reasonable likelihood that the killings were committed after consultation with other local tribal actors. The Board noted that investigative support by United Nations Police to the DRC Government as well as investigative activities by the DRC provided information that led to the identification of the individuals in the video-recording. The Board held 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. Catalán cannot be fully established, but the video-recording leaves no doubt that Mr. Sharp and Ms. Catalán were murdered.

20. The Board was informed of several alternate causes of the incident. It is the judgment of the Board that information circulating regarding the possible involvement of various government individuals or organizations does not provide proof of intent or motive on the part of any individual(s). It noted that an absence of evidence however does not preclude the possibility that others are involved. Additional investigations, including those conducted by national authorities, may provide greater clarity on this issue.

21. The Board found that the two Experts were performing their official duties at the time of the incident. The purpose of their trip was to conduct first person interviews and make first-person observations in accordance with the Sanctions Committee mandates and Security Council Resolution 2293 (2016).

22. Through interviews of United Nations personnel in Kinshasa, Goma, and Kananga, as well as with personnel in New York, the Board found the overall United Nations response from the time it became apparent that Mr. Sharp and Ms. Catalán were missing was capable, timely, well-coordinated, and caring. The Mission was highly focused on finding the two missing Experts and the four accompanying Congolese, and mobilized all available assets in this effort. Regular updates were provided to the families of the missing Experts, the other members of the

Group of Experts on the DRC, the governments of the DRC, Chile, Sweden, and the United States of America.

23. The Board found that the United Nations had a fully functional, in-depth security program in place that was adequately staffed and resourced to perform required security functions. Security training was readily available for UN personnel and for the personnel of the organizations that participate in the UN Security Management System. Adequate checks ensured that mandatory training was generally taken and security procedures for personal security, home security, travel security, and facilities security were functional as they should.

24. However, the Board has identified several areas of concern. The Board found through interviews and observations that the members of Groups of Experts do not believe that the United Nations Security Management System regulations pertain to them. The Board did not believe that the actions of either Mr. Sharp or Ms. Catalan contributed to the outcome.

RECOMMENDATIONS

25. The Board made a number of recommendations in the following areas:

- (a) Advocacy for the criminal investigation to be conducted and completed by the Government of the DRC, under its jurisdiction, and with the support of other Member States, in a transparent and conclusive manner, ensuring that the perpetrators of this crime are brought to justice.
- (b) Review and strengthening of the management of the activities of Groups of Experts, including training, coordination frameworks, reporting lines, and support to their activities by field missions.
- (c) Inclusion of all security aspects of the activities and personnel of Groups of Experts into the mandatory UNSMS framework, including the application of Programme Criticality and Security Risk Management processes to enable informed decisions on acceptable security risks.
- (d) Review, evaluation and adjustment of the support arrangements for Groups of Experts, in consultations with relevant legislative and budgetary bodies, to enable the safe and effective implementation of their mandates.

26. The United Nations Secretariat is now reviewing all these recommendations with a view to developing a comprehensive implementation plan, as appropriate.