

U.S. Draft  
6/19/02  
11:00a.m.

Resolution

The Security Council,

Recalling its primary responsibility for the maintenance of international peace and security,

Noting that operations established by the Security Council are deployed under United Nations Status-of-Mission Agreements to maintain or restore international peace and security,

Noting that established UN practice, as reflected in United Nations Status-of-Mission Agreements, generally creates immunity from the jurisdiction of third-parties with respect to criminal offenses committed during such operations and that Article 98 of the Rome Statute creating an International Criminal Court recognizes and accommodates to such practice,

Noting further that the existence of such immunity facilitates the ability of Member States to contribute to, and participate in, UN mandated operations and emphasizing that participation by a substantial number of States is important to strengthening the role of the United Nations with respect to the maintenance of international peace and security,

Determining that operations established or authorized by the UN Security Council are deployed to maintain or restore international peace and security,

Determining further that it is in the interests of international peace and security to facilitate Member States' ability to contribute to operations established or authorized by the UN Security Council,

Acting under Chapter VII of the Charter,

1. Decides that Member States contributing personnel participating in operations established or authorized by the UN Security Council to promote the pacific settlement of disputes or to maintain or restore international peace and security shall have the responsibility to investigate crimes with respect to which they have jurisdiction and, as appropriate, prosecute offenses alleged to have been committed by their nationals in connection with the operation;
2. Decides that persons of or from contributing states acting in connection with such operations shall enjoy in the territory of all Member States other than the contributing State immunity from arrest, detention, and prosecution with respect to all acts arising out of the operation and that this immunity shall continue after termination of their participation in the operation for all such acts;
3. Decides that the contributing state may waive such immunity whenever and to the extent that, in its judgment, the interests of

justice will be served;

4. Decides further that in the absence of a waiver by the contributing state, the Security Council shall have the exclusive authority to waive the immunity in the interests of justice;

5. Notes that the immunity referenced in the above paragraphs is without prejudice to any other privileges or immunities the individual may otherwise enjoy.