



REF. No: DOS/2020.10

Standard Operating Procedure

Boards of Inquiry


APPROVAL SIGNATURE: _____ DATE: 8 JUNE 2020
APPROVED BY : Atul Khare USG DOS
EFFECTIVE DATE : 8 June 2020
REVIEW DATE : 31 December 2023
CONTACT : Audit Response and Boards of Inquiry Section, DOS

TABLE OF CONTENTS

- A. PURPOSE**
- B. DEFINITION, RATIONALE AND SCOPE OF APPLICATION**
- C. CIRCUMSTANCES IN WHICH A REVIEW MUST BE CONDUCTED**
- D. FACT FINDING INVESTIGATIONS**
- E. OCCURRENCE REVIEW OPTIONS**
- F. HEAD OF MISSION REPORT**
- G. NOTICAS PROCEDURES**
- H. UNHQ BOARDS OF INQUIRY**
- I. FUNCTIONAL RESPONSIBILITIES**
- J. PROCEEDINGS OF A BOARD OF INQUIRY**
- K. BOARDS OF INQUIRY REPORT**
- L. REVIEW OF BOI REPORT PRIOR TO ITS SUBMISSION TO CONVENING AUTHORITY**
- M. MONITORING AND COMPLIANCE**
- N. DISSEMINATION AND RELEASE OF A BOARD OF INQUIRY AND HEAD OF MISSIONS REPORT**
- O. EXTERNAL COMMUNICATIONS ON BOI FINDINGS**
- P. TERMS, DEFINITIONS AND ACRONYMS**
- Q. DATES**
- R. CONTACT**
- S. HISTORY**
- T. ANNEXES**
 - i. Format for Board of Inquiry Convening Order**
 - ii. Format for Terms of Reference**
 - iii. Format for Undertaking of Confidentiality**
 - iv. Guidelines for BOI Members on the Conduct of Inquiries**
 - v. Format for Witness Statements**

STANDARD OPERATING PROCEDURE ON BOARDS OF INQUIRY

A. PURPOSE

1. This Standard Operating Procedure (SOP) describes what Boards of Inquiry (BOI) are, when and how they shall be convened, what their purpose is and according to which modalities they shall perform their tasks. This SOP further confirms responsibilities for investigations of serious incidents.
2. This SOP establishes the range of occurrences and serious incidents affecting United Nations peace operations, their personnel and their assets, which must be reviewed for their underlying causes and administrative as well as operational implications and reported to the Under-Secretary-General for Operational Support (USG, DOS).
3. This SOP supersedes and replaces the Policy Directive of 2008 and SOP on BOI of 2016 and all earlier guidance and instructions on BOI that have been issued by circular, facsimile, cable or other methods of communication.

B. DEFINITION, RATIONALE AND SCOPE OF APPLICATION

4. The BOI function is an important component of the Organizational accountability framework. Boards of Inquiry are an analytical, as well as an administrative and a managerial tool to assist senior United Nations managers in identifying the causes of serious occurrences, conducting an after-action review of their management. As such, Boards of Inquiry serve, among other things, to identify gaps in procedures and policies, strengthen internal controls and improve financial and managerial accountability, while helping managers draw lessons that will help prevent similar incidents or improve their management as well as minimize their consequences. Boards of Inquiry have also been used as a basis to review claims by United Nations personnel, Member States and third parties against the Organization.
5. A Board of Inquiry is neither an investigative nor a judicial process and does not consider questions of compensation, legal liability or disciplinary action. The procedures set forth within this SOP and recommendations emanating therefrom may, however, be relied upon as a basis for administrative action regarding responsible individuals. However, the decision as to whether and which type of administrative and/or disciplinary action should be taken, rests with the managerial structures of the Organization.
6. The procedures set forth within this SOP are not appropriate in matters involving allegations of misconduct, as defined under the Terms and Definitions, by any mission member, including in particular, allegations of Sexual Exploitation and Abuse (SEA), that have not resulted in death, serious injury or loss/damage to United Nations Owned Equipment (UNOE), Contingent Owned Equipment (COE) or third-party owned equipment to the extent specified in paragraphs 9 (g-i). Such matters must be referred to the mission Conduct and Discipline Team or Focal Point for further consultation with the Office of Internal Oversight Services (OIOS) as appropriate, in accordance with the provisions contained in Sections D, H and L of the present SOP.
7. The Convening Authority of a BOI with respect to occurrences in a field mission is the Head of Mission (HOM). At the UNHQ level, BOI can be convened by the USG, DOS in coordination with heads of other relevant UNHQ structures, as needed, when it is decided that an occurrence, due to its magnitude and implications, warrants such a review.

8. Compliance with this SOP is mandatory for all categories of United Nations personnel.

C. CIRCUMSTANCES IN WHICH A REVIEW MUST BE CONDUCTED

9. Conducting a review and reporting on the results of such review to the USG DOS is mandatory in the following circumstances:
 - a) Any type of occurrence resulting in the death or serious injury of a mission member, which transpired within the field mission operational area or during the victim's official travel outside the operational area that had been duly authorized by the Organization;
 - b) Any occurrence, which transpired within the field mission operational area resulting in the death or serious injury or illness of a third party when United Nations personnel member(s) is (are) involved;
 - c) Natural death of a field mission member which transpired within the field mission operational area or during the mission member's official travel outside the operational area that had been duly authorized by the Organization;
 - d) Occurrences involving United Nations aircraft¹ irrespective of whether such occurrences resulted in death or injury;
 - e) The kidnapping or missing-in-action of United Nations personnel, irrespective of whether it resulted in death or injury;
 - f) The Protection of Civilians-related contravention of the Rules of Engagement or the Directive on the Use of Force;
 - g) Loss or damage to UNOE, assets, supplies and stores or other property (except property of personnel) in the amount of USD 25,000 or more that cannot be ascribed to wear and tear;
 - h) Loss or damage to third party-owned property in the amount of USD 10,000 or more when a mission member is involved;
 - i) Loss or damage of contingent-owned equipment (COE) (even if there is no death, serious injury, or loss or damage to United Nations-owned or third party-owned property) in the following circumstances:
 - I. Loss or damage as a result of a single hostile action or forced abandonment, of major equipment whose individual generic fair market value equals or exceeds \$100,000 or when the collective generic fair market value of such equipment equals or exceeds \$250,000 for a series of hostile actions within one United Nations budget year;
 - II. Cases involving loss or damage to major or minor COE used by one contingent, but provided by another troop-contributor/troop-contingent; and
 - III. Cases involving loss or damage to major or minor COE in which personnel from more than one contingent are involved;

¹ For the purposes of these SOP, the term United Nations aircraft applies to all aircraft operated solely by or for the United Nations and on its behalf.

10. Given the similarity between the administrative arrangements for the deployment of national troop contingents and Formed Police Units (FPUs), the procedure set forth in (h) above shall also apply in cases involving loss or damage to FPU equipment.
11. HOMs may also, at their discretion, or at the request of the USG DOS convene a BOI with respect to any occurrence that they consider warrants such review. In particular, consideration should be given to convening a BOI in “near miss” cases, i.e. occurrences which could have easily resulted in casualties or losses referred to in paragraph 9.

D. FACT-FINDING INVESTIGATIONS

Occurrence Reporting

12. Mission members are responsible for reporting any occurrence that falls under the provisions of paragraph 9 above, without delay to the attention of the officials responsible for initiating the investigation of such incidents² and informing the mission leadership.
13. The HOM is responsible for establishing suitable reporting procedures to ensure that such reports reach the relevant officials within 24 hours.
14. Upon receiving a report of an occurrence, the responsible official shall initiate a fact-finding investigation to obtain and record all factual evidence in accordance with the relevant guidelines. Should allegations of misconduct be suspected in relation to the occurrence, then such allegations shall also be reported, within 24 hours, to the mission Conduct and Discipline Team or Focal-Point.
15. Simultaneously, the official must notify, among others, the BOI Officer (or the BOI Focal Point in the absence of a BOI Officer in the Mission)³ about the occurrence and measures taken in regard thereof.
16. All possible measures shall be taken by mission members on the ground within their area of responsibility to ensure the scene of the occurrence is secure to preserve evidence until the arrival of the investigators.

Investigations

17. The HOM, in coordination with other relevant officials, is responsible for the establishment of appropriate investigation procedures, including for the distribution of investigation reports, within the mission. The investigations shall commence within 24 hours of the notification of the occurrence and the investigation report shall be completed within one month from the time of the occurrence.⁴
18. Should allegations of misconduct be suspected in relation to an occurrence, such allegations must be brought immediately to the attention of the Office of Internal Oversight

² Normally, these are the following officials or their delegates:

(a) The Chief Security Advisor (CSA) and/or the Chief Security Officer (CSO) in cases involving civilian personnel;

(b) The Military Chief of Staff in cases involving military personnel; and

(c) The United Nations Police (UNPOL) Chief of Staff in cases involving police personnel.

³ Henceforth referred to as a BOI Officer.

⁴ Due to the fact that the various investigative bodies (Special Investigation Unit, Force Provost Marshal Office, UNPOL Internal Investigations Unit) refer interchangeably to preliminary and final investigation reports, and that the former does not always lead to the latter, this SOP does not distinguish between the completion of a preliminary and final investigation report.

Services and the mission Conduct and Discipline Team, which might initiate a separate investigation in accordance with the procedures in place for handling such allegations. This separate investigation shall be, however, without prejudice to the continuation of the investigation being conducted for the purpose of an eventual BOI or the conduct of such BOI.

19. The purpose of the investigation is to collect and record all available evidence and documentation as it relates to the occurrence. Particular attention should be given to ensure that information is collected from individuals who may be required to leave the mission area in the near term due to rotation, reassignment or repatriation. United Nations personnel, who are due to leave the mission area, may be required to remain in situ until their participation in the investigation has been completed.
20. The investigation report shall contain relevant facts and evidence, including but not limited to:
 - a) Detailed description of the occurrence, including its place and time and how it became known to the mission; The names, status and nationalities of any person involved and/or affected by the occurrence and/or the description and estimated value of damage or loss of UNOE, COE or third party owned property;
 - b) Duly signed witness statements from all personnel involved in the occurrence or witnesses/experts providing information. Translations of such statements shall be included in either English or French when necessary;
 - c) Relevant medical summaries;
 - d) Explosive Ordnance Disposal reports and/or reports of UNMAS and forensic laboratories, as applicable;
 - e) Damage/discrepancy reports on all property;
 - f) Technical inspection reports on any UNOE, COE, weapons and/or ammunition involved;
 - g) Sketches, maps and photographs relating to the occurrence;
 - h) Relevant information on the chain of custody of evidence; and
 - i) Any other relevant documentation.

Any gaps or missing information shall be indicated and explained.

21. In the event of an occurrence involving more than one category of personnel or requiring forensic expertise not available in a particular mission investigative structure, or if the occurrence has the potential to damage the reputation, credibility or integrity of the mission and/or the Organization, a Joint Investigation Team (JIT) including representatives of other investigative structures of the same mission should be established.
22. Mission officials may be assisted by the local police, in accordance with the reciprocal obligations on the part of the field mission and the host government, as set forth in the applicable Status-of-Forces or Status-of-Mission Agreements (SOFA/SOMA) or paragraph 44 of the Model Status-of-Forces agreement for peacekeeping operations (A/45/594), in carrying out necessary investigations into offences in respect of which either or both have an interest. Cooperation between the mission investigative bodies and the local authorities shall be managed in coordination with the senior management of the mission.
23. With respect to investigations of occurrences that fall under the provisions of paragraph 9, the BOI Officer/Focal Point may provide guidance to the investigators

regarding specific aspects of the occurrence to be investigated and to be covered in the investigation report to facilitate the future BOI.

24. The investigation report shall be submitted to the HOM and concerned mission managers, including the BOI Officer. The HOM, in coordination with the relevant departments and units, maintains responsibility and control over the conduct of an investigation. If misconduct or breach of discipline is suspected as a result of the initial investigation, a copy of the initial investigation report shall also be submitted to the mission Conduct and Discipline Team of Focal-Point.

Investigation of Occupational Accidents

25. In addition to requiring a BOI, occurrences that cause death or serious injury or illness to United Nations civilian personnel and UN Police (UNPOL) members that are considered duty/work-related accidents (hereinafter, "occupational accidents") and do not result from deliberate, intentional or malicious acts fall within the purview of the Field Occupational Safety and Health (OSH) unit within DOS at UNHQ. OSH resources at UNHQ, the mission Occupational Safety Officer (OSO) or the mission OSH focal point may also provide technical support and assistance for occupational accidents involving Mission Force personnel, upon request.
26. Whenever the circumstances of the occurrence indicate the possibility of an occupational accident, the responsible officials indicated in paragraph 12 should immediately bring the incident to the attention of the Mission's OSO or Field Occupational Safety Focal Point (FOSFP). The latter will review the circumstances and if the occurrence falls under the definition of occupational accident as defined in the Terms and Definitions established by DOS, then he/she will undertake a formal OSH incident investigation and prepare a report corresponding to the requirements listed in paragraph 20. No further investigations are required unless otherwise decided by the mission leadership depending on the circumstances of the case. The OSH investigation report shall be submitted to the HOM and other mission managers concerned, including the BOI Officer.

Investigation of Aviation Accidents and Incidents

27. Occurrences involving United Nations contracted aircraft shall be investigated by the respective State(s) (State of Occurrence), as stipulated in Annex 13 of the International Civil Aviation Organization (ICAO) Convention. Normally, the State of Occurrence shall institute a preliminary and final investigation into the circumstances of the accident and shall be responsible for the conduct of the investigation, but it may delegate the whole or any part of the investigation to another State (i.e. State of Registry) or a regional accident investigation organization by mutual arrangement and consent. The Assistant Secretary-General, Office of Supply Chain Management/DOS, shall initiate the Aviation Safety Technical Investigation (ASTI), as stipulated in the DPKO/DFS Aviation Safety Policy and Manual. This procedure is applicable to accidents involving mission aircraft commercially chartered by DOS or operated under Letters of Assist. The ASTI shall be initiated as soon as possible following the occurrence. A DOS representative shall be designated (either a UNHQ, or Regional Aviation Safety Officer) to conduct the ASTI and will also serve as a technical advisor to the BOI, if required. A BOI may be convened only after the ASTI has been completed.
28. The State led investigation may take some time; therefore, the preliminary ASTI report shall serve as the source of technical information for the BOI or HOM report. The ASTI report will have two purposes: a) provide analysis of the mission's administrative and operational procedures as possible sources of contributing factors regarding the flight which resulted

in the accident; and b) provide preliminary technical information to the BOI while the State-led investigation could still be in progress. The ASTI report will be periodically updated (as additional information becomes available) and will consider the findings of the Preliminary State-led investigation report. After the Final Investigation Report is released by the relevant State, the ASTI report will also be finalized and approved by the ASG, OSCM/DOS. Both the preliminary State and the ASTI reports shall be provided by the Chief, Aviation Safety Section, OSCM/DOS to the respective BOI Officer. The ASTI report should normally provide enough information for the initiation of BOI proceedings, unless the specific circumstances of the case indicate the requirement to conduct an investigation as per paragraphs 17 – 24.

E. Occurrence Review Options

29. Once the results of the fact-finding investigation become available, the HOM shall decide whether the occurrence merits further inquiry by a BOI or can be reported through a HOM report. This decision is made at the advice of the BOI Officer communicated through the established reporting channels. The factors to be considered include the magnitude of the occurrence and its impact on the entity's operations, personnel morale, assets and public image of the Organization; the possibility of systemic issues or policy gaps resulting in the occurrence; or the individual responsibility or performance shortcomings. Generally, BOI proceedings, which are costly and time consuming, should be reserved for more complex and high-profile cases, while the routine occurrences should be covered by HOM reports. It should be stressed, however, that this decision should always be made keeping in mind the best interests of the Organization depending on the circumstances of a case.

Convening a Board of Inquiry

Timelines

30. In cases where the convening of a BOI is deemed preferable, it shall be initiated within two weeks following the submission of the investigation report to the HOM except for aviation cases, as stipulated in paragraphs 27-28. All efforts shall be made to finalize the BOI report within the timelines stipulated in the Convening Order, preferably within 60 days from the receipt of the investigation report by the BOI Officer.

Convening Order and Terms of Reference

31. Upon being informed of an occurrence that warrants the convening of a BOI and after receipt of the investigation report from the relevant mission structures, the BOI Officer shall prepare the Convening Order and, in consultation with the Legal Advisor/Officer, draft the Terms of Reference (TOR) for the signature of the HOM.
32. The Convening Order presented for approval of the HOM shall contain the name of the individual who is to serve as the Chairperson of the BOI and at least two other individuals to serve as BOI members, plus the BOI Coordinator. The Convening Order shall state the deadline by which the BOI report is to be completed.
33. The TOR constitute an integral part of the Convening Order and provide the framework within which the Board operates and defines the facts and issues that the Board will address. The TOR shall be as specific as possible and shall act as a limit to the Board's scope of inquiry. In particular, the TOR shall always specify that Board members are prohibited from making recommendations regarding compensation, disciplinary action and

legal liability. The TOR should include appropriate confidentiality requirements, including for the protection of victims and witnesses.

Composition of the Board of Inquiry

34. Considering that a need to convene a BOI always happens unexpectedly, missions should maintain a roster of individuals qualified to serve as BOI members. A BOI roster shall be updated every six months by the BOI Officer. The BOI Officer shall draft a memorandum for the signature of the HOM, directing heads of the missions' components/contingents and units to nominate personnel under their supervision or command with good analytical and communication skills. BOI assignments shall be compulsory for these personnel during the following six-month period and performing them shall be reflected in their individual work plans and performance assessment documents⁵.
35. In managing the roster of available Board members, the BOI officer shall pay special attention to the leave and travel plans of the mission members on the roster. If required, the HOM may relieve Board members from their regular duties to enable them to dedicate themselves, on a full-time basis, to the completion of the BOI proceedings. The BOI Officer shall also be responsible for conducting periodic trainings for the individuals on the roster, preparing them to perform these duties.
36. Members appointed to serve on a Board shall be required to do so unless they can show reasonable cause for being unable to serve. Any BOI member who becomes unable to serve due to unforeseen circumstances shall immediately inform the HOM through the BOI Officer. In such cases, an amendment to the convening order shall be prepared by the BOI Officer, stating the change of Board members and the reason thereof, for the HOM's approval. In appointing a new Board member to replace the member unable to serve, the HOM shall endeavour to maintain the original gender and component balance of the Board.
37. Composition of a BOI should reflect the nature of the occurrence to ensure a reasonable level of understanding by the Board members of the subject matter under review. Due consideration should also be given to maintaining the geographic and gender balance of the Board. At the same time, when selecting Board members, due care should be taken to exclude any conflict of interest, actual or potential. In particular, neither the Chairperson of the Board, nor members thereof, shall be selected from a unit or office that had the responsibility for the safe keeping of any item of equipment, property nor other asset involved in the occurrence under review. No one who has worked directly on the subject matter of the inquiry should be appointed to the BOI. Any BOI member finding him/herself in a conflict of interest position in the course of the inquiry should recuse him/herself. In such cases, the BOI Officer should document the recusal and the Board should be re-convened with a new composition.
38. The Chairperson of the Board, whose name shall be identified in the Convening Order, shall be of a grade/rank equal to, or higher than the most senior mission member involved in the occurrence under review. If the occurrence involves predominantly civilian matters, the Chairperson of the Board shall be civilian. If troop contingent members or other military personnel are involved in the occurrence, the Chairperson of the Board shall be military, but not from the same contingent or of the same nationality as those involved in the occurrence. If the case involves an UNPOL officer or an FPU contingent member, the Chairperson shall be a police officer, but shall not be of the same nationality as those involved in the occurrence.

⁵ The composition of the Board shall not necessarily be limited to individuals on the roster. In case of need any mission, member may be asked to serve on a BOI so long as he/she is available.

39. At least one member of the Board reviewing a case with military or police involvement shall be a United Nations civilian staff member. Military or police personnel can be appointed to serve on Boards reviewing civilian cases, depending on the nature of the case. A case involving Locally Recruited Staff should include at least one Locally Recruited Staff member.
40. Every Board shall have a BOI Coordinator, who is proficient in BOI procedures and is an ex-officio member of the Board.
41. All BOI members, except the Coordinator, shall serve on the Board in their individual capacity and shall act independently for the purpose of fulfilling these duties. The HOM shall ensure that no undue pressure is exerted on them in the context of the BOI proceedings. Should such pressure occur, it must be documented and duly reported to the Office of Internal Oversight Services (OIOS).
42. Individuals who have taken part in the investigation of the occurrence, or who are likely to have a role in reviewing the findings made by a BOI, such as staff members of the Legal Office or mission's investigative structures, shall not serve as members of a BOI.
43. Normally, Board members shall be mission members. A mission may, however, request the USG/DOS to nominate external members of the Board. In such cases, the mission shall bear all expenses associated with the external members' participation in the BOI proceedings.
44. Depending on the nature of the occurrence, the Board may require expert advice in a related area. For example, in cases of occupational accidents, an occupational safety officer should provide specific subject matter expertise. In the same manner, medical personnel should provide expertise in medical cases. BOI related to major human rights violations or abuses should avail of expert advice from human rights staff. In the cases involving use of firearms or explosives, the Board should also seek expert knowledge of such matters. Subject experts shall be arranged by the BOI Officer, if need be from among the United Nations Country Team (UNCT) members or by hiring a consultant, with due regard to excluding conflict of interest with either the individuals or mission components under review. Such experts shall not be considered Board members.

F. HEAD OF MISSION REPORT

45. The HOM may, under certain circumstances and at the advice of a BOI Officer, forego a BOI and submit a Head of Mission (HOM) report.
46. The HOM report does not require the selection of Board members, nor does it require the issuance of a Convening Order or Terms of Reference. HOM report does not require legal review or issuance of legal opinion. In particular, the submission of a HOM report in lieu of BOI proceedings should be proposed by the BOI officer for approval by the mission senior management under the following circumstances:
 - a) Routine road traffic accidents involving UN-registered vehicles wherein the investigation report does not indicate technical issues with the UN-registered vehicle or violations on behalf of the Organization's personnel involved;
 - b) Cases of natural death of mission personnel, wherein the reports of the investigators and/or medical personnel do not present issues that require further review and/or inquiry and clearly indicate that the occurrence is not attributable to service for the United Nations;
 - c) Cases of serious injuries or deaths of field mission members, that take place during any type of personal leave outside the mission area, including R&R, CTO, home leave,

- family travel, etc., wherein the mission has either not been provided with investigation/medical reports or the latter clearly indicate that the occurrence is not attributable to service for the United Nations.
- d) Under exceptional circumstances beyond the mission control (including, but not limited to ongoing hostilities or other serious security threats, natural disasters) or inadequate resource capacity that may render it difficult to conduct BOI proceedings in a timely manner, particularly during the mission early deployment or downsizing phases.
47. The HOM report shall contain a well-documented account of the occurrence reflecting the following:
- a) Investigation report of the occurrence prepared by mission investigative structures⁶ or respective national authorities, whenever available, if the occurrence took place outside the mission operational area;
 - b) In cases of death, proper documentation of the cause(s) by qualified medical personnel, if feasible, based on the results of autopsy reports;
 - c) Proper analysis of the underlying cause(s) of the occurrence⁷;
 - d) If applicable, a conclusion regarding the individual responsibility for the occurrence, magnitude thereof and whether the matter has been brought to the attention of the mission Conduct and Discipline Team or Focal Point;
 - e) The measures taken by the mission in connection with the occurrence to minimize the likelihood of its repetition;
 - f) Whether the death or serious injury was directly attributable to the performance by the victim of duties on behalf of the United Nations; and
 - g) A written explanation why a BOI was delayed or foregone.

G. NOTICAS PROCEDURES

48. In the event of death or serious injury of a mission member a Notification of Casualty (NOTICAS) is generated by the Mission and sent to UNHQ within 12 hours of the occurrence. Once the occurrence is investigated, the case shall be reviewed by a BOI Officer to provide advice to the HOM whether a Board of Inquiry should be convened. Should the Convening Authority decide to forgo the convening of the BOI, the determinations regarding the cause of occurrence and whether it was service-related shall be contained in the Head of Mission report compiled in accordance with the provisions of Section F of the current SOP.
49. Within 90 days from the date of occurrence, NOTICAS Confirmation shall be sent to UNHQ by the Mission to confirm whether the death or injury was service related and that there was no gross negligence on behalf of the victim. Ideally, this confirmation should be based on the completed BOI or HOM report. If neither is completed, however, by the end of the 90-day period, the determination shall be made based on the results of the fact-finding investigation. In this case, NOTICAS Confirmation shall be coordinated with the BOI Officer and the civilian Legal Advisor of the mission. In cases wherein the investigation reports do

⁶ For occurrences which took place within the mission operational area.

⁷ In relation to the death of mission members that occur while outside the mission area, there could be cases wherein the cause of death could be attributable to the service with the mission, e.g. due to stress or illness through prior exposure to mission environment.

not provide enough detail to make such determination, the issuance of NOTICAS Confirmation should be suspended until BOI proceedings are completed.

H. UNHQ BOARDS OF INQUIRY

Convening

50. Whenever USG DOS, in coordination with heads of other relevant structures of the Secretariat, decides to convene a UNHQ BOI to review an occurrence, the proceedings of the BOI shall be governed by the relevant provisions of this SOP, as applicable. The decision to convene a UNHQ BOI shall be communicated to the HOM via Code Cable from the USG DOS.
51. In coordination with the DOS BOI Unit, Mission BOI Unit shall compile a list of relevant staff, external individuals and/or officials, who could be interviewed by the Board members. The Convening Order and the TOR shall be prepared by the DOS BOI Unit in consultation with the Office of Legal Affairs (OLA), UNHQ, as appropriate and shall be shared with the HOM, also via Code Cable.
52. Board membership shall be coordinated with the relevant substantive offices of DOS as appropriate and/or shall be drawn from the existing membership roster on file.
53. Should allegations of misconduct be suspected as a result of a UNHQ Board of Inquiry, a copy of the completed final report shall also be shared with the Conduct and Discipline Service in the Department of Management Strategy, Policy and Compliance (DMSPC), which will ensure further action related to the handling of the misconduct aspects of the occurrence.

Exit briefing

54. Following the completion of the proceedings, Board members may be asked to conduct an exit briefing for the USG DOS and heads of other relevant structures of the Secretariat, or their delegates to summarize the main findings of the inquiry.

I. FUNCTIONAL RESPONSIBILITIES

BOI Officer

55. The mission BOI Officer reports to the HOM through the Chief of Staff⁸. He/she is responsible for all matters regarding occurrence review, coordinating the convening of a BOI and ensuring the efficient functioning of the Board. To this effect, he/she fulfils the following functions:
 - a) Maintain and periodically update the roster of qualified mission members nominated for BOI membership;

⁸ In the military-led missions, where the Chief of Staff is a military staff officer, BOI Officer reports to Director/Chief of Mission Support

- b) Conduct periodic training for mission members nominated for BOI membership on procedures set by the present SOP, confidentiality issues within the BOI context and techniques for collecting witness statements;
- c) Receive and review fact finding investigation reports;
- d) Provide a procedural briefing for the Board members;
- e) Prepare the Convening Order listing the names of a BOI Chairperson, at least two members, and the BOI Coordinator and draft case specific TOR for the HOM approval. A Convening Order template and generic TOR are attached as Annex I and II, respectively;
- f) Act as BOI Coordinator, as required;
- g) Review the draft BOI report to ensure it meets the established format, is written in a clear language, contains recommendations meeting SMART⁹ standards, has all necessary references and annexes, and provide relevant advice to BOI members;
- h) Seek and receive assistance, as required, from the Legal Advisor regarding any legally significant aspects of the matter under review and coordinate for the legal review of the draft BOI report;
- i) Bring to the attention of the mission Conduct and Discipline Team or Focal Point any elements in the case which, in his/her opinion or the opinion of the Board members, might constitute an allegation of misconduct on behalf of the Organization personnel involved in the case and coordinate with the mission Conduct and Discipline Team of Focal Point during the subsequent BOI review of such cases;
- j) Draft the Transmittal Memorandum to the USG, DOS and submit the BOI case file for the approval of the HOM;
- k) Provide administrative and logistic support, as needed, to UNHQ BOIs convened by the USG, DOS; coordinate with DOS BOI Unit and relevant mission structures for that matter;
- l) Facilitate the follow up by Risk Management and Compliance Officer on the implementation of the recommendations approved by the HOM;
- m) Provide quarterly updates on the implementation of BOI recommendations to the Board of Inquiry Unit in the Audit Response and BOI Section, OUSG, DOS;
- n) Provide statistics on a monthly basis to the BOI Unit, DOS on all outstanding BOI/HOM cases that have been initiated but not yet completed via Tracking Tables;
- o) Prepare quarterly digests of cases identifying the underlying causes of occurrences and recommendations in regard thereof for the mission training structures to enable a process of dynamic and continuous learning;
- p) Develop and deliver training module on BOI as part of regular induction and refresher training programs administered by mission integrated training center;
- q) Carry out biennial self-assessment exercises that utilize qualitative and quantitative data to identify trends in occurrences, systemic flaws and their impact on the entity, re-occurring recommendations made by BOI as well as process choke points and best practices in overcoming them;
- r) Administer and maintain the BOI Tracker as follows:
 - I. Upload all case files (BOI and HOM reports) and their supporting documentation;

⁹ Specific, Measurable, Actionable, Relevant, and Time-bound.

- II. Enter all relevant information into the applicable fields prior to transmitting the BOI report to UNHQ;
 - III. Input all recommendations, clearly stating the party/parties responsible for implementing each recommendation/s and the target date by which the implementation must be completed;
 - IV. Provide comments and relevant documents in support of the implementation of a recommendation;
 - V. Ensure that all comments and support documents regarding the implementation of recommendations are uploaded into the Tracker by the quarterly deadlines set by the BOI Unit, DOS; and
- s) Maintain all BOI records and case files;

BOI Coordinator

56. The BOI Coordinator is an ex-officio member of the Board who shall be proficient in BOI procedures, guidelines and rules. He/she participates in all its proceedings on par with the rest of the Board members. In addition to that, the Coordinator shall be responsible for the following:
- a) Provide procedural advice and support to Board members (in consultation with the BOI Officer, if applicable) throughout the BOI proceedings, advising on relevant procedures and arranging expert advice on applicable United Nations Regulations and Rules as needed;
 - b) Administer the Undertaking of Confidentiality to the Board members in accordance with the format attached as Annex III;
 - c) Set up the initial briefing/s (BOI and Legal) for the BOI members;
 - d) Arrange meetings with individuals identified by the BOI who would be able to provide witness statements, for the purpose of corroborating details of an occurrence;
 - e) Assemble relevant documentation from different mission components ;
 - f) Prepare and participate in on-site visits;
 - g) Keep minutes of witness statements, coordinate the review thereof by witnesses and obtain their signatures confirming that the content of statements reflects their best knowledge of the events under review;
 - h) Assemble all inputs from the Board members and draft the BOI report for review by the Board members, BOI Office and Legal Office;
 - i) Review the draft BOI report for quality control and format compliance before submission to the BOI Officer;
 - j) Coordinate the review of the BOI report by the BOI Officer and the Legal Advisor;
 - k) Present the views of the Legal Advisor to the Board for its consideration;
 - l) Compile the report case file and submit the BOI report package and annexes for the HOM approval (in the case of UNHQ reports, the Coordinator will compile the same).

BOI Focal Point

57. Smaller peacekeeping missions, as well as SPMs, where the staffing table does not provide for a BOI Officer, shall nominate a BOI Focal Point. The Focal Point should have a professional knowledge of the United Nations administration as well as solid analytical and drafting skills. While performing other duties in the mission, the BOI Focal Point shall receive regular training in BOI matters and participate in BOI workshops. The Focal Point shall serve as a Coordinator on all BOI, administer the mission page in the BOI Tracker, draft HOM reports and provide, in coordination with the BOI Unit, DOS, the full range of assistance to BOIs convened in the mission.

Legal Advisor

58. The Legal Advisor is responsible for the following functions:
- a) Review, as appropriate, the TOR drafted by the BOI Officer to ensure that they properly address all critical aspects of the case under review and provide feedback to the BOI officer within three business days;
 - b) Conduct a legal briefing for the Board, ensuring that they understand their responsibilities and outlining any points of clarification regarding the legal aspects of the TORs, as required;
 - c) Provide assistance, if and when requested, to the BOI Officer and Board members regarding any legally significant aspects of the matter under review;
 - d) Review the draft BOI report to ensure that the findings and conclusions of the Board are properly supported by the evidence; that the draft report addresses all the TOR; that it complies with the BOI procedures and other relevant United Nations Regulations and Rules, and within 21 calendar days provide related advice to the Board members;
 - e) Review the final BOI report for any legal issues, and, if need be, provide a written legal opinion regarding the same to the Convening Authority¹⁰.
59. The Legal Advisor does not serve as a clearing authority for BOI reports. Neither does he/she address format and/or editorial aspects of the BOI report.

J. PROCEEDINGS OF A BOARD OF INQUIRY

Responsibilities of Board Members

60. BOI members shall:
- a) Receive the Convening Order and the TOR;

¹⁰ The legal opinion should normally be provided within 14 calendar days, unless the Legal Advisor Officer advised the BOI Officer that the report presents no legal issues, or a different time frame is agreed to between the BOI and the Legal Offices.

- b) Receive procedural briefing from the BOI Officer/Focal Point and, as necessary, specialized briefings from relevant subject experts, including Legal Advisor, Occupational Safety Officer, Medical Doctor, etc;
- c) Obtain and analyse all investigation reports and other relevant source materials regarding the occurrence, including, inter-alia: the investigation reports and/or technical assessments, witness statements, expert opinions, medical reports and evaluations, and any other documents required by the BOI to conduct its proceedings;
- d) Obtain, if necessary, additional statements from witnesses to the occurrence¹¹, to supplement the evidence previously collected and conduct any necessary additional site visits, or further inquiries;
- e) If no such persons are available in the mission, seek explanations or clarifications of technical or specialized reports or other evidence of a technical or specialized nature from experts or specialists, as appropriate;
- f) Establish facts from the whole body of available evidence and review the circumstances of the occurrence in a comprehensive manner;
- g) Present, within the deadline specified in the convening order, a written report to the Convening Authority, setting forth in a clear, logical, and objective manner the BOI' s facts, findings, conclusions, and recommendations.
- h) While the BOI may determine responsibility for the occurrence, it is not the role of the Board to establish whether the actions of any individual involved constituted misconduct.

Interviewing Witnesses and Collecting Supporting Information

- 61. United Nations personnel, including members of national military contingents and FPU¹², have a duty to cooperate and provide statements to a BOI. Any other persons, including local citizens and local police or military officers, may be requested to provide a statement to the Board or answer its questions, but are under no obligation to do so.
- 62. Due consideration shall be given to witnesses and victims of occurrences, especially minors, to protect them from unnecessary repeat conversations that could be intimidating or re-traumatizing, and to uphold the principles of do no harm and confidentiality.
- 63. Principles of fairness and due process shall apply to all aspects of the BOI proceedings, including the collection of witness statements. The Board shall not be bound by any witness statement, if it deems it irrelevant based on the analysis of previously collected evidence. Any witnesses shall be informed during the interview of any evidence or allegations made against him/her and be given a reasonable opportunity to respond. This shall include the

¹¹ This, however, shall be done only when the Board Members decide that the evidence contained in the statements previously recorded by investigators is insufficient or contradictory.

¹² While the United Nations may, in practice, face difficulties in ensuring the cooperation of United Nations personnel who left the mission or the Organization, it should take the view that ex- United Nations personnel are under duty to cooperate in respect of incidents that occurred while they were serving with the United Nations .

- opportunity to present countervailing evidence and to suggest the names of relevant witnesses to be interviewed by the BOI. Where the Board decides not to call a witness who had been suggested by another witness, it shall make an explicit statement to that effect in the “Deliberations” part of the report and give the reasons for its decision.
64. If necessary, United Nations personnel, external witnesses and experts who have previously provided information shall be questioned again by the Board to clarify any ambiguities in their accounts and to indicate to what extent, if any, they have knowledge of relevant facts, not previously mentioned in their accounts.
 65. If United Nations personnel, external witnesses and experts, including non-UN personnel, refuse to make or sign witness statements to the Board, the Board shall record that fact.
 66. United Nations personnel, external witnesses and experts shall be questioned in the language they naturally use, resorting to interpretation when necessary.
 67. United Nations personnel, external witnesses and experts shall be questioned by Board members individually. At no time, however, there should be less than two members of the Board conducting an interview. The BOI Coordinator should also be always present during the interview.
 68. The Board shall question a minor in the presence of a parent, guardian or, if neither are available, an adult of the minor’s choosing. Where possible, there should be present an appropriate officer from the mission with experience in dealing with children, ideally, a Child Protection Officer or Human Rights Officer.
 69. United Nations personnel, external observers or experts shall be informed of the subject matter of the inquiry and the reasons why they have been called to appear before the Board. The BOI shall then ask them to identify themselves, their role in the subject matter, and state any information he/she is aware of regarding the occurrence. Following that, the Board members may ask questions. Additional practical advice on interviewing witnesses is contained in the “Guidelines on the Conduct of Inquiries”. (Annex IV)
 70. While the meeting progresses, a written record shall be taken of the witness statement(s) provided. The standard witness statement form shall be used, for which a template has been attached herewith as Annex V. Interpreters speaking on behalf of individuals shall also be required to sign this form. Translation into a working language of the United Nations shall be provided, if necessary.
 71. After a witness statement has been provided, UN personnel, external observers or experts shall be familiarized with the transcript and asked if he/she wish to amend it. Once they are satisfied with their statement, he/she shall be asked to sign and date the document. A thumb impression may be used in lieu of a signature. The BOI Coordinator shall also countersign the statement.
 72. To ensure full cooperation of all United Nations personnel, external witnesses or experts, the BOI shall take all necessary measures to protect confidentiality. This includes referencing their identity in an Attachment, as opposed to in the main body of the BOI report by either name or title.

Deliberations

73. The Board shall consider carefully all evidence, facts and findings it has collected.
74. In determining the cause(s) of an occurrence, Board Members shall consider which of the facts it has established, single or in combination with others, triggered the unfolding of events, resulting in the occurrence. No assumptions shall be made. At the same time, reasonable inference is admissible and shall be practiced. Additional guidance on

- determining the cause of the occurrence is provided in the Guidelines for BOI members in Annex IV.
75. Board Members shall be particularly careful in apportioning personal responsibility for the occurrence. This shall always be based on hard evidence considered against Regulations and Rules of the Organization, relevant guidelines and policies and terms of reference of the subject's post. Persons concerned shall be given an opportunity to present their version of events leading to the occurrence.
 76. The recommendations included by the Board in the report shall address the underlying cause(s) of the occurrence and the contributory factors. Additional guidance on formulating the recommendations is provided in the Guidelines for BOI members in Annex IV.
 77. Board members shall be prohibited from making recommendations regarding compensation, disciplinary action or legal liability.

Re-convening of BOIs

78. In circumstances, wherein new evidence comes to light after a BOI has been finalized, and if this new evidence may impact the findings, conclusions and recommendations made in the previous BOI report, the Convening Authority may re-convene the BOI with the same or other members. The report would retain the same BOI report number and shall be considered an addendum to the previous BOI report.
79. In particular, in the cases of aviation accidents and incidents the Convening Authority should re-convene the BOI if the final State Investigation report, which is usually released after a significant amount of time from the preliminary State Investigation report, contains major findings that substantially differ from the ASTI and/or the preliminary State report.

K. BOARD OF INQUIRY REPORT

80. The BOI shall prepare a report in the following format:
 - a) **Constitution** shall cite the convening order, its date, the period during which the Board conducted its proceedings, as well as the venue thereof;
 - b) **Description of occurrence** shall contain a purely factual description of the occurrence under review. It shall not include any extraneous information, analysis, conclusions and/or recommendations;
 - c) **Facts** shall respond to all issues cited in the TOR;
 - d) **Deliberations** shall contain an account of how the facts and findings related to the occurrence were assessed by the Board and shall specify the reasons relied upon by the Board in reaching the conclusions and recommendations in the case;
 - e) **Conclusions** shall draw upon the findings generally follow the issues cited in the TOR;
 - f) **Recommendations** shall meet the SMART standard and be directed at the elimination of the cause(s) of the occurrence in question. Board members are prohibited from making recommendations regarding compensation, disciplinary action or legal liability;

- g) **Observations** shall be an optional section of the report, reserved for additional matters not covered by the TOR, but believed by Board members to be significant and relevant to the subject matter of the inquiry;
 - h) **Signatures** shall be affixed by Board members only upon the review of the draft report by the Legal Advisor, once legal comments have been considered by the Board. A dissenting member shall not be obliged to put his/her signature on the report, but shall explain the abstention in a separate document addressed to the HOM, which shall become an integral part of the case file;
 - i) **Annexes** shall contain documents relevant to the subject matter of the inquiry, which have been considered by Board members in the course of the proceedings.
81. Throughout the report, the use of personal names shall be limited to only the victims and subjects (perpetrators/assailants) responsible for the occurrence. Particular care shall be taken not to reveal information regarding witnesses, in particular, their names or functional titles.
82. The numbering of a BOI report shall be as follows: **a mission¹³ acronym/ four-digit number for the year** in which the Board was convened – not the year in which the occurrence took place - **a three-digit number in chronological order**. Missions are to use a single sequential numbering format regardless of whether the report is being issued as a BOI or HOM report. For example, UNXX_2015_001; UNXX_2015_002. A fresh set of numbers shall begin each New Year.

Confidentiality

83. Board Members shall consider whatever information they became privy to during the Board proceedings as confidential, as per Statement of Confidentiality signed by all Board Members, and, unless specifically authorized to do so by the Convening Authority or his / her delegates, shall not share it with any other individual(s), other than those directly involved with the Board of Inquiry.

L. REVIEW OF BOI REPORT PRIOR TO ITS SUBMISSION TO CONVENING AUTHORITY

84. The BOI Coordinator, on behalf of the Board, shall submit a typed draft report to the BOI Officer, together with all the necessary annexes.
85. The BOI Officer shall review the draft report before sending it to the Legal Advisor to ensure that it is written in clear and coherent language, that the report complies with the established format, the conclusions are based on presented and / or referenced evidence, the recommendations meet SMART standards, and all the supporting documentation is attached/annexed to the report. If necessary, the BOI Officer shall render assistance to the Board in addressing any shortcomings with respect to the above. Once the BOI Officer is satisfied that the draft meets the

¹³ UNHQ, in case of the BOI convened by USG DOS

- required standards, including for language and formatting, he/she shall forward the draft report to the Legal Advisor.
86. The Legal Advisor shall review the draft BOI report to ensure that it complies with the BOI procedures; all TOR have been properly addressed; that all facts and findings are supported by evidence; and provide, within 21 calendar days, related advice to the Board members.
 87. Having received the Legal Advisor's comments, Board members shall finalize the draft, taking into consideration these comments, as appropriate. The Board members and BOI Coordinator shall then sign the report with their full signatures and return it to the BOI Office. From this point on, no further changes/edits are to be made in the BOI report by either the Board members or any other role players.
 88. The final signed BOI report and all supporting Annexes shall be submitted to the Legal Office for review and, if need be, issuance of a written legal opinion, which should normally be provided within 14 calendar days, unless the Legal Advisor Officer advised the BOI Officer that the report presents no legal issues, or a different time frame is agreed to between the BOI and the Legal Offices.
 89. The mission BOI Officer shall draft a transmittal memorandum from the HOM to the USG, DOS. This memorandum shall indicate the extent to which the report's conclusions and recommendations have been accepted by him/her and what measures, if any, have been taken in the mission to implement these recommendations. The HOM should also give reasons as to why a recommendation was not accepted. The transmittal memorandum will become an integral part of the BOI case file.
 90. Should allegations of misconduct be suspected as a result of the Board's deliberations, a copy of the completed final BOI report shall also be shared with the mission Conduct and Discipline Team or Focal-Point, which will ensure further action related to the handling of the misconduct aspects of the occurrence.

M. MONITORING AND COMPLIANCE

91. The entire case file shall be uploaded by the BOI Officer into the BOI Tracker before the file is physically sent to UNHQ. Every field in the Tracker must be completed.
92. Mission BOI Officer shall direct the recommendations approved by the HOM to the relevant mission components for their further information and/or action. DOS BOI Unit will direct the recommendations relating to UNHQ action to the appropriate BOI focal points within the relevant Office/Section/Division for review and/or action. All mission-level recommendations shall be copied to respective mission Risk Management and Compliance Officer, who shall be provided access to the BOI Case Tracker.
93. The missions and UNHQ, as appropriate, shall appoint at least two BOI focal points from each Office/Section/Division, who will be provided access to the BOI Tracker and will be responsible for updating the status of the recommendations by uploading relevant documents and information as evidence of implementation as it pertains to their respective areas. Alternatively, the BOI Officers may update the Tracker, once all relevant documents and information demonstrating that the recommendations have been implemented are collected from the appropriate Office/Section/Division by the mission Risk Management and Compliance Officer.

94. BOI Unit, DOS shall oversee the implementation of BOI recommendations approved by the convening authorities across missions and Headquarters at the UNHQ level. The status of recommendations will be determined upon review of the uploaded comments/support documents. If such comments and support documents are deemed sufficient, the recommendation(s) will be closed accordingly by the BOI Unit, DOS, which also report quarterly on the same to the DOS Senior Leadership Team.
95. The primary responsibility for monitoring BOI recommendations rest with the Mission. Each field mission is responsible for establishing the necessary administrative and reporting arrangements to implement the requirements set out in these procedures. USG, DOS is responsible for establishing the necessary arrangements at Headquarters.

N. DISSEMINATION AND RELEASE OF A BOARD OF INQUIRY AND HEAD OF MISSION REPORTS

96. BOI and HOM reports are confidential internal documents of the United Nations which contain sensitive information and are generally not made available to outside entities. Care shall be taken in the assembly of the information contained in the reports and in determining the security classification to be given to the reports in accordance with guidance contained in the Secretary-General's Bulletin ST/SGB/2007/6.

Within the Mission

97. Access to BOI and HOM reports shall be provided in their entirety or in part on a need-to-know basis to mission structures that need to be aware of the BOI's recommendations for the purposes of taking corrective or remedial actions, Annexes, excluding witness statements, may be provided on a discretionary basis. Witness statements given by UN personnel members shall be withheld, however, as required to protect their interests and to preserve confidentiality.
98. BOI reports which contain conclusions about the responsibility of a subject for gross negligence, wilful wrongdoing or any other form of alleged misconduct shall be shared, in full, with all annexes including witness statements, with the mission Conduct and Discipline Team or Focal Point.
99. In cases of concern for the safety and security of UN personnel members, a summary of the report's findings and conclusions as well as recommendations should be disseminated by the Convening Authority as a broadcast to all concerned staff. Within one quarter, a subsequent report should be disseminated in the same manner, indicating the status of recommendation implementation.
100. A copy of the BOI report with all attachments/annexes shall be retained in the mission BOI Office or mission archives unit, until the closure of the mission.

UNHQ

101. Upon receipt of a BOI or HOM report at the USG, DOS Office, it shall be reviewed between all competent departments for issues to be addressed at the UNHQ level.
102. Access to the report shall be provided on a need-to-know basis as appropriate to structures within the United Nations Secretariat.
103. The BOI electronic file shall be stored in the database indefinitely.

Outside Entities

104. USG, DOS or delegates shall have the sole discretion in making reports available to Member States, particularly in cases that involve the personnel of that country and that may have implications for that country's procedures, training or other actions. The supporting documentation attached as attachments/annexes to such reports shall normally be held back. If such documentation is requested, then, in coordination with OLA, it can be decided whether to make such available to the requesting authorities, if appropriate. Requests for BOI and HOM reports must be made by the relevant Member State to USG DOS.
105. In cases where a report is being shared with a Permanent Mission, it shall be accompanied by a Note Verbale that includes the following sentence:

“This report is an internal document of the United Nations and is being made available for official use only; it is not to be made public in any form, either in whole or in part, including for judicial, legislative or other proceedings. This report is provided on a voluntary basis and without prejudice to the privileges and immunities of the United Nations”.
106. Board of Inquiry or Head of Mission reports shall not be shared with other third-party entities (e.g. families of victims and/or their legal representatives). Upon request, a summary factual account of the occurrence based on a BOI report may be shared with such entities. Such factual accounts shall not contain any extraneous details, analysis, conclusions or recommendations usually found in a BOI report. Requests of this nature must be coordinated with OLA and approved in writing by USG, DOS.
107. In deciding whether to make a report of the occurrence available to an outside entity, including the International Criminal Court or national judicial bodies, USG DOS will seek the advice of OLA. To the extent necessary, heads of other relevant departments may need to be also consulted.

O. EXTERNAL COMMUNICATIONS ON BOI FINDINGS

108. With regards to high-profile cases of heightened political sensitivity that garner public or media interest it may be deemed in the best interests of the Organization to release to the public a summary of inquiry findings. The prerogative of making decisions in this regard shall rest with the HoM for the inquiries initiated at the mission level, or the USG DOS, in consultation with heads of other relevant structures of the Secretariat, for the inquiries initiated by him/her. Utmost discretion shall be exercised in making a judgement on the scope of the information to be released taking into account specific issues arising from each case. The summary shall be coordinated with the mission Legal Advisor or OLA, UNHQ as appropriate and delivered to the public by a designated spokesperson.

109. With regards to aviation occurrences, some information may be specifically privileged under the Convention on International Civil Aviation, e.g. as per ICAO Annex-13 (Aircraft Accident and Incident Investigation). In this regard, consultation with the relevant Aviation safety sections/OSCM is mandatory, if the information is required to be shared externally.

P. TERMS, DEFINITIONS AND ACRONYMS

110. The terms, definitions and acronyms given in this glossary are for the purpose of this SOP only, and in no way intended to reflect or imply a broader or more general meaning or definition beyond the scope of this SOP.

Allegations of misconduct - Any alleged criminal act or breach of the United Nations standards of conduct applicable to mission members or breach of discipline, when allegedly committed by any mission member

ASTI- Aviation Safety Technical Investigation

BOI / Board members - Mission members appointed by Head of Mission to conduct an inquiry, whose names appear on the Convening Order

Casualty Evacuation (Casevac) - Evacuation of a casualty from the site of injury to the closest medical facility, which should ideally be conducted within 1 hour of injury.

COE - Contingent-owned equipment

DMS - Director of Mission Support

DOS – Department of Operational Support

Forced Abandonment - an action resulting from a decision approved by the Force Commander/Police Commissioner or his authorized representative or a provision in the rules of engagement which results in the loss of custody and control of equipment and supplies.

FOSRM - Field Occupational Safety Risk Management

FPU - Formed Police Unit

Gross Mismanagement - a significant, clear, and convincing violation of the United Nations regulations and rules and/or terms of reference of the subject's position that results in a significant reduction of funds available for the Organization's programs, services, functions, or activities or loss/damage of the United Nations property or equipment.

Gross Negligence – an extreme and reckless failure to act as a reasonable person would with respect to a reasonably foreseeable risk with manifest disregard for the safety of life, health and property.

HOM - Head of Mission

Hostile Action – an attack or other use of force by any civilian, paramilitary, or military force or terrorist(s) (with or without national designation) against the United Nations personnel, means of transportation, premises and/or assets perpetrated to undermine, disrupt or inhibit the implementation of the mission mandate.

Medical Evacuation (Medevac) - Evacuation of a patient or casualty between two medical facilities, either within the Mission area (in-theatre) or out of it (out-of-theatre). The casualty may either return to duty (RTD) within the timeframe stipulated in the holding policy or be repatriated.

Medical Repatriation - Return of a patient or casualty to his home-country because of medical reasons, following which he would be unlikely to return to duty.

Mission Member(s) - Any member of the civilian, military or police component of the mission, including United Nations Volunteers (UNVs) and individual contractors.

Natural Death - Death primarily attributed to an illness or internal malfunction of the body and which is not caused by an act of violence or an accident.

Occupational Accident - an occurrence arising out of, or in the course of work that results in death, injury and ill health.

Ordinary Negligence – omission to do something which a reasonable person, guided upon those considerations that ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable person would not do.

Serious Injury or Illness - An acute, life threatening, medical or surgical condition that may lead to death or significant and permanent loss of bodily functions.

Sexual Exploitation and Abuse (SEA) - Sexual exploitation: any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (See, ST/SGB/2003/13 of 9 October 2003.)

SOFA/SOMA - Status-of-Forces Agreement / Status-of-Mission Agreement

SOP - Standard Operating Procedure

TOR - Terms of Reference

UNOE - United Nations-owned Equipment

Willful Wrongdoing - Knowing violation of a reasonable and uniformly enforced regulation or rule or policy; intentionally doing what should not be done or intentionally failing to do what should be done in pursuit of a predetermined goal.

Q. DATES

111. This SOP shall become effective on 8 June 2020. This SOP shall be reviewed no later than 31 December 2023.

R. CONTACT

112. The Unit Chief of Boards of Inquiry in the Audit Response and BOI Section, Office of the Under-Secretary-General, DOS shall be contacted regarding this SOP.

S. HISTORY

113. This SOP supersedes the previous SOP on BOI dated 1 December 2016.

T. ANNEXES

Board of Inquiry Convening Order

[Name of Mission]

Date: _____

To: [distribution]**From:** [name and title of Head of Mission]**Subject:** **Board of Inquiry [mission acronym, number]**

1. In accordance with the DOS Standard Operating Procedure on Boards of Inquiry, a Board of Inquiry is hereby convened to consider and prepare a report on the [brief description of occurrence] which took place on the [date] at [time] hours at [place].

2. The Terms of Reference of this Board of Inquiry is attached.

3. An initial legal briefing shall be provided to the Board on its responsibilities immediately prior to commencement of its deliberations. Copies of the investigation report and other relevant documentation will be forwarded to the Board members prior to the initial briefing. Attendance at the initial briefing and any subsequent briefings/meetings is mandatory. The Members of the Board shall not proceed on leave unless special permission has been granted by the Head of Mission.

4. Composition:

	Name	Title
Chairperson		
Member		
Member		
Coordinator		

5. The Chairperson shall submit the final BOI report, reviewed and finalized by [date], in accordance with Standard Operating Procedure on Boards of Inquiry, established by Department of Operational Support.

Distribution:

Chairperson, Members of the Board

Legal Officer

BOI Officer

**Terms of Reference
of [mission acronym] Board of Inquiry [number]
[brief description of occurrence] which took place on the [date] at [time] hours at [place]**

Attention: the following Terms of Reference are generic and represent the most typical issues confronted by a BOI. BOI Officer shall prepare case specific TOR depending on the circumstances of each occurrence.

1. The mandate of the Board of Inquiry shall be as follows:

- 1.1. Obtain all investigation reports and other relevant source materials regarding the occurrence, including, *inter-alia*: Security Incident Report(s), Military Police Report(s), technical assessments, witness statements, expert opinions, medical reports and evaluations, and any other documents required by the BOI to conduct its deliberations.
- 1.2. Collect any relevant additional statements from witnesses, and conduct any necessary additional site visits, interviews, or further investigations.
- 1.3. Seek explanations or clarifications of technical or specialized reports or other evidence of a technical or specialized nature from experts or specialists, should it be deemed necessary by the BOI to enable it to address all relevant issues.
- 1.4. Establish facts from the whole body of available evidence presented and review the circumstances of the occurrence in a comprehensive manner.
- 1.5. Within the deadline specified in the convening order, present a written report to the Convening Authority, setting forth in a clear, logical, and objective manner the BOI's findings, conclusions, and recommendations.

2. The Board of Inquiry shall establish the following facts:

- 2.1. Date, time and place of occurrence.
- 2.2. Factual and comprehensive account of the occurrence and the events leading thereto.
- 2.3. Identification of UN and non-UN investigators, if applicable.
- 2.4. Full names of all individuals involved in the occurrence, their nationality and (for mission members) status and UN ID/index number.
- 2.5. When, how and by whom were the mission structures informed of the occurrence?
- 2.6. What standing procedures, if any, were engaged in the mission following the notification of the occurrence? When, and by whom?
- 2.7. When, how and by whom was the search and rescue operation / MEDEVAC carried out, (if relevant)?
- 2.8. By whom and for how long was the occurrence site preserved?

- 2.9. Who maintained custody of the chain of evidence?
- 2.10. Have the remains of all the victims been identified? How were the remains identified, (if relevant)?
- 2.11. Whether or not any court action (prosecution or lawsuit) has been initiated.

In cases of death, illness or injury

- 2.12. Time, date and place of death or injury.
- 2.13. Where and when hospitalized, (if applicable)?
- 2.14. Identification of the doctor(s) who provided medical treatment.
- 2.15. The initial and final diagnosis.
- 2.16. The course of treatment, medicines and procedures administered.
- 2.17. Cause of death or injury as per death certificate or autopsy report.

In cases of traffic accident

- 2.18. Identification of vehicle(s) involved.
- 2.19. Weather, lighting and road conditions.
- 2.20. Whether a car log was operational in the UN vehicle and, if so, what it showed with regards to exact speed, location and time of accident.
- 2.21. Identification of damage to vehicles and other property.
- 2.22. Actual or estimated cost of repairs to vehicle(s) involved.
- 2.23. Name(s) and address(es) of insurer(s) of vehicle(s) involved.

In cases of a hostile action

- 2.24. Security Phase in force at the time and place of the occurrence.
- 2.25. Were the affected mission members briefed about security threats in the area?
- 2.26. What precautionary measures, if any, and by whom have been put in place to anticipate the occurrence or mitigate its effects?
- 2.27. The roles of each of the mission members UN personnel involved in the incident.
- 2.28. Identification (to the extent possible) of attackers.

In cases of loss/damage to property or equipment

- 2.29. Identification of those responsible for custody of property or equipment in question;

- 2.30. Identification of protective measures, if any, which were put in place to ensure the safekeeping of property or equipment, which went missing. Did these measures comply with appropriate UN rules and regulations?
- 2.31. Whether the theft is suspected and whether police authorities were notified and, if so, details regarding such notification.
- 2.32. The value of the missing article(s) or cost of repairing equipment;
- 2.33. Name and address of insurer, if any;

In cases of aviation accidents

The following information should be provided as per ASTI or final report on the technical investigation conducted by the authorities of the State of Occurrence:

- 2.34. Make, model, registration number, year of manufacture, and call sign of the aircraft.
- 2.35. Did the aircraft have a valid Certificate of Registration or military equivalent?
- 2.36. Which Civilian Aviation Authority issued the Certificate of Registration?
- 2.37. Did the Certificate of Registration conform to applicable international regulations, rules, standards and recommended practices, in particular with Annex 7 of the Convention on International Civil Aviation for civilian aircraft?
- 2.38. Did the aircraft carry a valid Certificate of Airworthiness or military equivalent?
- 2.39. Which Civilian Aviation Authority issued the Certificate of Airworthiness?
- 2.40. Did the aircraft comply with all appropriate airworthiness requirements?
- 2.41. Was the maintenance of the aircraft carried out regularly and in accordance with applicable manuals, rules and procedures? When was the last time a "scheduled" or "unscheduled" maintenance was carried out on the aircraft? A copy of maintenance records should be appended to the BOI report. Were the maintenance activities properly recorded, and these records later monitored by the relevant aviation technical unit?
- 2.42. Did the contractor company possess and maintain a valid National Air Operator Certificate and an appropriate authorization from the local Civil Aviation Authority to conduct air transport operations in the country?
- 2.43. Was the Air Operator Certificate or equivalent document issued under laws and regulations which conform to applicable international regulations, rules, standards and recommended practices, in particular, Annex 6 to the Convention on International Civil Aviation?
- 2.44. Did the aircraft carry a valid Certificate of Insurance?
- 2.45. Does the contractor company maintain a comprehensive third-party liability insurance policy to cover all persons and cargo authorized by the UN to be transported on the aircraft?
- 2.46. Was the condition of the aircraft, its documents and maintenance regularly monitored as part of the Aviation Section Technical Compliance Unit and Mission Aviation Safety Programme activities? Were there any findings? Which were the results of the Military Aviation Unit

Performance Evaluation reports? Did UNHQ provide any feedback or guidance as part of its oversight role?

- 2.47. Was the crew licensed to fly the type of aircraft in question?
- 2.48. How long had the crew been in the mission? Was the crew's training experience and maintenance of flight proficiency commensurate with operating conditions in the mission and with the type of aircraft?
- 2.49. Was the crew provided with an aviation and aviation safety induction briefing before starting operations? Were these briefings in line with the UN Aviation and Aviation Safety Manuals requirements? Were they formal briefings with presentations and hand-outs?
- 2.50. Was the flight crew fully fluent in "aeronautical" English
- 2.51. Was the flight crew and maintenance personnel medically fit in accordance with Annex 1, Chapter 6 to the Convention on International Civil Aviation or military certificate?
- 2.52. Was the crew adequately rested prior to carrying out the mission?
- 2.53. Did the flight crew contain at least one pilot fluent in "technical aviation English"? Did this pilot possess an "English Language Proficiency Certificate"?
- 2.54. Did the flight approval process conform to all UN regulations and procedures?
- 2.55. Who tasked the aircraft? Did the flight tasking procedures comply with all relevant UN regulations and procedures? A copy of the tasking order should be attached to the BOI report.
- 2.56. Did any parties, entities or organization outside the UN play a role in the planning or tasking of the flight and if so, what role did they play?
- 2.57. Was the flight conducted in accordance with the tasking order? If not, how and why did the flight deviate from the tasking order?
- 2.58. Were standard routes, altitudes and approach, and departure procedures established for traveling to and from each leg of the flight?
- 2.59. Was the crew briefed about the mission in accordance with UN procedures? If so, by whom?
- 2.60. Were the crew members subject to Breath Analysis Tests (BAT) during their tour of duty? Were these tests in accordance with the Mission Aviation Safety Programme calendar of activities?
- 2.61. Were the crew members provided with an approved and valid Standard Operating Procedures (SOP) by its Government? Was this SOP assessed and found suitable in accordance with UN regulations?
- 2.62. Were the standard routes, altitudes, approaches and departure procedures established for travelling to and from each leg of the flight?
- 2.63. Was the crew briefed about the mission in accordance with UN procedures? If so, by whom? Was the crew given appropriate information for the safe execution of the flight?

- 2.64. Did the crew (or the crew's employer/supervisor) express any concerns or raise any objection to carrying out the flight as tasked?
- 2.65. Did the crew file a flight plan? Was the flight plan in accordance with applicable procedures and/or with the UN tasking order?
- 2.66. Were the applicable host country flight clearance procedures in force at the time of the flight operation? Were such procedures properly followed?
- 2.67. Was there any communication between the Mission and host country authorities regarding the flight while it was operated? If so, when and with whom?
- 2.68. What was the weather en route and was the crew given appropriate information on it for the safe execution of the flight? Were any other extraneous factors (e.g. other aircraft, hostile fire, political, operational or other factors) that caused the flight to be undertaken in a non-routine manner?
- 2.69. What was the performance of the aircraft during the flight?
- 2.70. What was the total weight and volume of cargo onboard the aircraft at the time of takeoff?
- 2.71. Was all cargo on board the aircraft adequately stowed and secured?
- 2.72. Was there any dangerous cargo on board the aircraft?
- 2.73. Were any personal weapons carried on board by anyone?
- 2.74. Was any electronic equipment (other than the aircraft's own equipment) carried on board by anyone? If so, was it being used for personal or official purpose?
- 2.75. Who authorized the travel of each of the passengers? Copies of the flight authorization (Movement of Personnel) for each of the passengers should be appended to the BOI report.
- 2.76. Were relevant UN procedures, rules and regulations adequate? Were they followed properly?
- 2.77. In cases where the occurrence involves death or serious injury, did the death, injury or illness was directly attributable to the performance by the victim of duties on behalf of the United Nations?
- 2.78. Were the passengers manifested to ensure that an accurate passenger manifest for each leg of the flight was immediately available? A copy of the passenger manifest should be appended to the BOI report.
- 2.79. Did the crew brief the passengers on the safety features of the aircraft prior to take-off? Did the briefing conform to standard requirements?
- 2.80. Were safety features engaged?

3. The Board of Inquiry shall provide its judgment on the following:

- 3.1. What caused the occurrence?

- 3.2. Was anyone responsible for the occurrence, if so, who, and to what extent?
- 3.3. Whether any United Nations rules and regulations were contravened? If so, identify the contravened rules and regulations and the particular aspects thereof;
- 3.4. Whether any individual(s) has/have been victimized by the occurrence and whether the negative effect of the occurrence was directly attributable to the performance by the victim of duties on behalf of the United Nations (service incurred);
- 3.5. Whether the relevant UN procedures, regulations and in place at the time of the occurrence were adequate and properly followed.

UNDERTAKING OF CONFIDENTIALITY

I, the undersigned, undertake that, in the performance of my duties as a Chairperson/ Member/BOI Coordinator (underline as appropriate) of [mission acronym] Board of Inquiry #, shall exercise the utmost discretion in all matters relating to the Board proceedings, and I shall not, at any time, use for private advantage or communicate any information relating to the Board proceedings to any person or institution, within or outside the Mission, without the authorisation of the Head of Mission of [mission acronym].

I undertake that all evidence, files, statements, maps, drawings, photographs, discs, plans, reports, recommendations, estimates, documents and any other data or information compiled or received by me as a result of my association with the Board of Inquiry shall be treated as confidential, shall be delivered only to the Board of Inquiry Officer of [mission acronym] and shall not be retained by me in any form. I shall ensure that I have returned all documents and other information and materials to the Board of Inquiry Office after completion and submission of the Board of Inquiry Report and have not retained any copies in any form.

Print name: _____

Signature: _____

Date: _____

Annex IV

Guidelines for BOI Members on the Conduct of Inquiries

1. General

When the Board of Inquiry (BOI or Board) is convened by the Head of Mission (HOM), it will receive, along with a Convening Order, its Terms of Reference (TOR), together with the report of the preliminary investigation and other document files assembled by the Mission Board of Inquiry Unit. The Board will also receive initial briefings by the Mission BOI Officer.

When the Board members have been able to peruse the documents, they shall meet and determine the internal procedure by which they will operate, in particular deciding which persons shall be called as witnesses. Minutes of the meetings shall be kept throughout the proceedings, and should include a record of times, names and places, relevant to the occurrence in question.

2. Interviews

Before interviewing witnesses, the Board, at its preliminary meeting, should assess whether it is necessary to re-interview those who have already provided information and decide what issues on the TOR it will need to address with particular persons. While it will be, from time to time, inevitable that a person is called back more than once, the process of recalling witnesses should be avoided as much as possible, notably with respect to victims and witnesses who are minors. Interviews with victims and witnesses must be carried out in accordance with the principles of do no harm, confidentiality and informed consent. Interviews with minors must follow specific procedures including, inter alia, being conducted in the presence of a parent, guardian or, if neither are available, an adult of the minor's choosing. Where possible, there should be present an appropriate officer from the mission with experience in dealing with children, ideally, a Child Protection Officer or Human Rights Officer.

The Board Members should decide, in advance of each interview, the member who will lead it. At the beginning of the interview, this person should explain the mandate of the Board to the witness, introduce the Board Members and request the Coordinator to administer the attestation. After the witness has signed it, he/she should be requested to state, initially, what he/she knew about the occurrence in question. The interviewers should be careful not to ask, "leading questions", i.e., questions which suggest an answer. For instance, "Tell us what happened about these vehicle parts" is usually much better than: "Is it right that the auto parts went missing last Thursday?" In other words, the evidence should be the witness's and not the Board's.

When the witness has finished with the narration and the leading interviewer has completed her/his initial questioning, he/she will request other Members to ask questions, as they think appropriate. Finally, the witness shall be asked whether he/she wishes the Board to hear the evidence of any other particular persons or review any other evidence.

The above may seem simple, but it is not. The art of interviewing is not easily acquired. While leading questions should not be asked initially, this does not mean that the Board should accept vague and unhelpful answers. The Board should obtain clear answers as much as possible. However, there is a fine line that must be drawn between pressing a witness for a clear answer and harassing him/her. Clearly, the latter would contravene UN regulations and rules and is unacceptable.

3. **Evidence**

The Board should acquire the best evidence. It should note that original documents are better than copies, if they are available. Documents should always be identified by the witness by exhibit numbers, such as “Exhibit no. ...” and referred to in the witness’s statement, saying, for example, “I am shown a receipt (Exhibit no. 3) which I recall was given to me on” If the best document is a copy, “I am shown a copy of a receipt (Exhibit no. 3), the original of which was given to me on”; in other words, care and accuracy should always be applied.

Similarly, it is always preferable to hear what Mr. B says, rather than hear Mr. A’s account of what Mr. B has supposedly said. This is always the case when it comes to deciding the truth of what actually happened, although there may be occasions when hearing what a witness has said before might be important to test his consistency. Inconsistency may sometimes indicate an unreliable witness.

4. **Analysis of evidence**

The Board should arrive at conclusions based on evidence that it has considered carefully and found credible. No assumptions should be made. If the evidence is simply not there, the Board must say so. At the same time, reasonable inference is admissible and should be practiced. For example, if some goods go missing and there is only one person who had access to the goods at that particular time, deciding that that person took the goods is not assuming anything; it is drawing a reasonable inference from the facts. Of course, in this kind of situation, the inquiry would concentrate on whether the evidence was clear that this person was the only one who had access, or whether it is reasonably possible that somebody else could have taken the goods in question.

In determining the cause(s) of an occurrence, Board Members should consider which of the facts it has established, single or in combination with others, triggered the unfolding of events, resulting in the occurrence. Conversely, a cause is a deficiency which, if corrected, eliminated, or avoided, could have prevented the occurrence. A cause may be an act, an omission, a condition, or a circumstance and it either starts or sustains the accident sequence. A cause may be an element of human or mechanical performance. An environmental condition may be a cause if it was not foreseeable or avoidable. Quite often, Board members might come across several factors, which acted in combination to produce damage or injury. It is important to distinguish between the root cause, which triggered the unfolding of events, and contributory factors, which aggravated the accident or its negative effects.

Board Members should be particularly careful in apportioning personal responsibility for the occurrence. This should always be based on hard evidence. Persons concerned should be given an opportunity to present their version of events leading to the occurrence.

Whenever a Board of Inquiry is debating the degree of negligence displayed by the case subject, attention should be given to the element of wilfulness in his or her actions. An ordinarily negligent person genuinely does not foresee the consequences of his or her action or inaction and simply fails to exercise care and diligence expected of a responsible adult human being. In the case of gross negligence, the subject foresees, or must foresee (due to his or her position Terms of Reference, special training received, etc.) the negative consequences of his or her action or inaction but chooses to proceed with it in the expectation that these consequences will be somehow avoided, or simply being indifferent to them. The examples of behaviour where the Board might find gross negligence (the list is not exhaustive) include driving under the influence of alcohol and drugs, contravening standing orders, exceeding speed limits, driving without valid driving licence.

Gross mismanagement is another example of gross negligence. Gross mismanagement means a management action or inaction which creates a substantial risk of significant adverse impact on the

Organization's ability to accomplish its mission. It is more than negligence or de minimis [i.e., minor] managerial failures and does not include management decisions that are merely debatable. In such cases, the Board must clearly determine a) which specific United Nations regulations and rules have been violated; b) that the subject was responsible for the implementation of these regulations and rules; and c) that there was a causal link between the violation and the loss of funds, property and equipment.

It is important to differentiate gross negligence (gross mismanagement) from wilful (intentional) wrongdoing. While in the former case the subject is aware or must be aware of possible consequences of the chosen course of action (or inaction), he/she does not want their arrival. In the cases of wilful wrongdoing, the subject is not only aware these consequences but acts intentionally to achieve them.

Very often the issue facing a Board of Inquiry, especially in death or disability cases, is to determine whether the negative effect of the occurrence was directly attributable to the performance by the victim of duties on behalf of the United Nations. Board members will need to examine the specific circumstances of the occurrence, in order to determine this factor. In this context, two aspects should be considered carefully: a) whether the victim was at liberty to decline from participating in the activity which resulted in the occurrence without violating Terms of Reference of his/her position; b) whether the negative effects of the occurrence have been brought about by the victim's lawful use of mission premises, means of transportation, consumption of mission-provided rations, water, medicines etc, or exposure to mission environment. For example, a trauma received by a TCC member would be service related if it was inflicted during a physical training exercise, which was a part of the unit drill or an officially organized sports event. On the other hand, the same kind of trauma received during an improvised match would be non-service related as the participants were at liberty to decline participating therein.

5. Writing a report

The report of a BOI should be based on evidence derived from the Investigation Report, as well as evidence obtained by the Board throughout its proceedings. It should cover all points of the Board's TOR.

Throughout the report, the use of personal names and or/ functional titles shall be limited to only those of victims and subjects responsible for the occurrence. Particular care shall be taken not to reveal the names or functional titles of witnesses. No quotations should be used. The writers of the report should never write "Mr. John Dow informed the Board that..." or "Chief Transport Officer stated...". Instead, it should be written "The Board was informed that..." followed by a footnote referring to a numbered annex. This way it would be possible to share the report without revealing the identity of witnesses.

The section "Constitution" should cite the convening order, its date, the period during which the Board conducted its proceedings, as well as the venue thereof.

Under the title "Description of Occurrence" the Board should provide a summary of purely factual description of the occurrence under review. It should not include any extraneous information, analysis, conclusions and/or recommendations. It should be kept in mind that this section of the report is commonly used for informing the extraneous parties about the occurrences, including the victims' families.

In the section "Facts" the Board should respond to all issues cited in the TOR. The objective of this paragraph is to present a clear statement of all relevant facts. The Board can choose to present them in either chronological order, starting with what is considered to be the first significant event, or

follow the order of questions in the TOR. The most important factor is that all issues are fully addressed. Footnotes should be used liberally referring statements in the report to the sources of evidence annexed to the report (i.e. Attach 1: “Statement A”; Attach 2: Statement B”, etc.). The Board should avoid expressing its opinions and conclusions on the cause(s) of the occurrence in this section unless they form an essential part of the description of the accident. Adjectives “adequate”, “appropriate”, “inadequate”, etc. should be saved for the section “Conclusions”.

The “Deliberations” section is regarded as a “bridge” between the “Facts” and the two following sections. In this section, the Board should explain how all facts and evidence were analysed to arrive at the conclusions on the causes of the occurrences and the recommendations it wishes to make. The Board should describe each aspect that was considered and explain its significance. The reasoning of the Board should be based on the evidence adducted. Its members’ best judgment or expert opinion and should be explained in detail, as well as be supported by references to statements of witnesses and/or exhibits. If there is conflicting evidence, the Board should state why it is not prepared to accept the evidence that it does not use. While determining whether the occurrence was service related, the Board should specify the facts and explain the reasons relied upon in reaching such a conclusion. The same applies to the issue of responsibility. In particular, in cases where the Board is of the opinion that negligence is present, it should indicate in what particular respect the person concerned failed to act as a reasonable adult human being or failed in his or her duty. The latter necessitates clear evidence as to exactly what duties the person was entrusted with (job description, post terms of reference, etc). The same applies to rules and regulations. If those were violated, the report should be specific as to what rule was violated and in what respect. If the Board concludes that the occurrence was caused by internal malfunctioning of the Organization, it should clarify where the procedures were inadequate and in what respect.

The “Conclusions” section of the report should generally follow the issues cited in the TOR. However, should the Board arrive at conclusions other than those requested in the TOR, they could also be included in the report. The reasoning of the Board should be based on its members’ best judgment or expert opinion and should be explained in detail, as well as be supported by references to statements of witnesses and/or exhibits.

“Recommendations”: These should meet SMART standards (i.e., be specific, measurable, actionable, relevant, and time-bound) and directed at the elimination reduction mitigation of the cause(s) of the occurrence in question. An important aspect to bear in mind is that Board Members are prohibited from recommending administrative or disciplinary action, even if they conclude that an individual(s) exhibited negligence or gross negligence, or otherwise breached UN Regulations, Rules and other Administrative Issuances or standards of conduct applicable to a particular category of mission members. Likewise, the recommendations regarding compensation or legal liability should never be made by the Board. These are matters outside the purview of a BOI and should be addressed by the Head of Mission.

“Observations” This is an optional section of the report. If, during the course of its deliberations, the Board’s attention is drawn to additional matters of significance, not covered by the TORs, but relevant to the subject matter of the inquiry, BOI members can point them out in this section of the report.

“Signatures”: BOI members should initial the draft before submitting it for review by the BOI Officer and the Legal Advisor. Once the report is finalized with due regard to the BOI Officer’s and the Legal Advisor’s comments and recommendations, the Board members should sign it with their full signatures. A dissenting member is not obliged to put his/her signature on the report but should explain the abstention in a separate document addressed to the HOM, which becomes an integral part of the case file.

“Annexes” The following documents should be typically annexed to BOI report:

- I. Convening order and TOR;
- II. Investigation report with original attachments, including photos;
- III. List of persons present or involved in the occurrence, giving names, UN ID/index numbers, positions (if civilian); ranks and units (if military or police), addresses and occupations (if non-UN);
- IV. Statements and attestations by witnesses;
- V. Maps or sketches of the scene of the occurrence;
- VI. Medical reports and technical inspection reports (e.g., weapon inspection reports, vehicle inspection reports);
- VII. Claims, local police reports, pending proceedings or actual decisions of local courts;
- VIII. Detailed description of property destroyed or damaged, with attachments of available damage/discrepancy reports; and
- IX. Any additional relevant documents, statements, photos, etc.

6. Finalizing the report

Members of the Board remain the sole authors of their report. As such, they are under no obligation to follow the Legal Advisor's recommendations made after reviewing the draft report. Nevertheless, the recommendations of the Legal Advisor should be treated with the utmost attention.

7. After the inquiry

Board Members should consider whatever information they became privy to during the Board proceedings as strictly confidential and should not share it with any other individual(s), other than those directly involved with the Board of Inquiry.

Witness Statements

Statement to Board of Inquiry No. _____

The Statement of: _____
Name of UN Personnel Member/Individual

Index No. (If UN staff member): _____

Position of UN staff member: _____

Address and Occupation _____
(If non-UN witness) _____

I do affirm that the evidence I give to this Board of Inquiry shall be the truth, and to the best of my knowledge and/or recollection.

Signed: _____

Date: _____

Witness Attestation

I have reviewed my above statement. I have been told that I may amend it or add anything I wish. The statement is true. I make it of my own free will, knowing that if I have wilfully stated in it anything that I know to be false, or do not believe to be true, I may be liable to administrative and/or disciplinary action.

Signature of Witness Date

Signature of Chairperson Date