



MEMORANDUM INTERIEUR • INTEROFFICE MEMORANDUM

A: Emma Reilly
TO: Human Rights Officer, OHCHR

DATE: 14 March 2017

S/C DE:
THROUGH:

REFERENCE:

DE: Mr. Zeid Ra'ad Al Hussein
FROM: High Commissioner for Human Rights

OBJET: **Response to your request for a final administrative decision**
SUBJECT:

1. I take note of your communication dated 20 February 2017 where you have requested "a final administrative decision" concerning the press release issued by OHCHR on 2 February 2017 and wish to clarify a number of points raised.

2. I first note that the various allegations contained in your letter dated 20 February 2017 have already been reviewed and/or investigated by the internal mechanisms of the Organization, including the Office of International Oversight Services (OIOS), the Ethics Office, and an independent panel pursuant to ST/SGB/2008/5 on "prohibition of discrimination, harassment, including sexual harassment, and abuse of authority."

3. With regard to the press release dated 2 February 2017, it is within the discretion of the Organization to issue a public statement rejecting the unsupported allegations which were raised by the Global Accountability Project (GAP) and Inner City Press blog in the public domain. The Office of the High Commissioner for Human Rights (OHCHR) considered that the allegations were damaging to the Organization and raised serious security issues which the Office was required to address and clarify. You will note that your name was not mentioned in the press release.

4. There was no change to the accreditation practice for non-governmental organizations (NGOs) in March 2013. From 2006 onwards, requests from delegations were treated in relation to security threat assessments made by the United Nations Office at Geneva (UNOG) Director-General. Government authorities regularly ask the OHCHR whether or not a particular NGO will attend a forthcoming session. The Office never confirms this information until the accreditation process at UNOG is formally under way, to ensure that there is no security risk. The OHCHR always makes efforts to protect all participants at the Human Rights sessions.

5. The facts surrounding the Chinese human rights defenders' attendance at the Human Rights Council session in March 2013, as well as the position of the Office with regard to the policy on informing governments of the attendees of Human Rights Council sessions, is accurately expressed in the press release dated 2 February 2017. The human rights defenders' in question attended the February to March 2013 sessions in Geneva, which was a publically broadcasted event. All four individuals were residing in Europe or the United States, and made public their plans to attend the sessions in advance.

Prince Zeid knew none of these "investigations" ever looked at the policy of handing names to Beijing, but only retaliation against me for reporting it.

Both OIOS and the harassment panel found my claims were substantiated.

My case before the Ethics Office was ongoing.

In these paragraphs, OHCHR confirms again that the policy of transmitting names was ongoing in March 2017.

The other claims are refuted by the individuals and the written evidence.

MEMORANDUM INTERIEUR • INTEROFFICE MEMORANDUM

The people whose names were transmitted were not named. See the witness statement from the NGO in question (World Uyghur Congress)

6. The NGO in question had announced that it would be co-hosting a public side event at the United Nations headquarters in Geneva through a press release dated 27 December 2012, circulated on the internet on 5 January 2013. The NGO was open about its attendance at various Human Rights Council meetings and sessions.

I asked only for investigation of whether her name was transmitted - the UN has always refused.

7. In relation to the detention and tragic death in custody of a particular human rights activist from the People's Republic of China, this specific activist was arrested in Beijing, while in route to participate in an event outside of the United Nations premises. Your attempts to link the tragic death of this human rights activist to the actions of the Office are not only totally unfounded but irresponsible and damaging to OHCHR and to the Organization as a whole, whether raised internally or externally.

The panel members testified in court in June 2019 that they had found prohibited conduct against me.

8. With regard to the findings of your harassment complaint, I would like to reiterate the statements made in the 30 December 2016 memorandum to you. The investigation determined that there was no harassment, abuse of authority, and/or discrimination against you.

9. It is recalled that section 1.2 of ST/SGB/2008/5 provides that "[d]isagreement on work performance or on other work-related issues is normally not considered harassment and is not dealt with under the provisions of this policy but in the context of performance management." Any finding by the investigation panel of "adverse actions" in relation to the application of the performance management and development system framework outlined in ST/AI/2010/5 is wholly unrelated to your allegations and claims of harassment, which were found to be unsubstantiated. Accordingly, the statement contained in the 2 February 2017 press release is accurate.

I had actually objected to having no functions. I still do not have functions, more than 4 years later.

10. Concerning your request to "be transferred at least for the period of consideration of [your] application for protection against retaliation from the UN ethics mechanisms," I note that your reporting lines have already been changed and that you now report to Mr. Adam Abdelmoula, Director of the Human Rights Council, Treaties and Mechanisms Division.

This is an outright lie. OHCHR ignored recommendations made by Ethics Officers in 2018 and again in 2021.

11. As you allege that you currently have an additional complaint pending with the Ethics Office, please note that OHCHR will take any appropriate action deemed necessary by the Ethics Office.

12. In accordance with Chapter XI of the Staff Regulations and Rules, should you wish to contest any final administrative decision(s), you may access the internal justice mechanisms of the Organization.

13. Please note that staff members may only contest final administrative decisions which impact their terms of appointment and conditions of employment.

14. I trust that the above clarifies your concerns.

cc.: Ms. Kate Gilmore
Mr. Kyle Ward
Mr. Laurent Sauveur
Ms. Maarit Kohonen Sheriff

This is the real UN position - there is no forum in which transmission of names to Beijing can ever be challenged. Prince Zeid and OHCHR senior management therefore simply did not care.