

URGENT

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High Commissioner for Human Rights Zeid Ra'ad Al Hussein
52 rue des Pâquis
CH-1201 Geneva, Switzerland

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Dear High Commissioner Zeid,

I write to reiterate my request for immediate reinstatement in a P5 level position at the UN Office of the High Commissioner for Human Rights (OHCHR) in Geneva with retroactive effect to the date I was separated from service in May 2015. Failing this, I request expedient access to independent adjudicative bodies, in particular external arbitration (as defined by the US Congressional Consolidated Appropriations Act of 2015, Division K, Title VII, Sec 7048(a)(1)(B)(iv)) with respect of the non-renewal of my fixed term P5 level contract at OHCHR in Geneva and subsequent transfer to Fiji (one of the furthest places and UN duty stations from Geneva). I consider both decisions to be adverse and retaliatory personnel actions taken against me as a consequence of my protected disclosures as a UN whistleblower and witness in a major investigation of allegations of serious (possibly criminal) wrongdoing at the highest level of WIPO, including violation of human rights (theft of DNA from UN staff) and procurement corruption, as well as well as a witness in the abuse of power by the UN leadership in relation to the UN's response to allegations of child sexual abuse in the Central African Republic and mistreatment of Anders Kompass.

As you know I recently testified before the US Senate Foreign Relations Committee (13 April 2016) and the US House Committee on Foreign Affairs (24 February 2016), as a witness and whistleblower who reported allegations of wrongdoing at WIPO and the UN Secretariat. The Committee passed the U.S. Department of State Authorization Act of 2017 on April 27th, which strengthens whistleblower protections at the UN. The new whistleblower protections will increase scrutiny of the State Department's certification process, including in 2016.

The US law stipulates that only 85 percent of US appropriations may be dispersed to the United Nations (UN), unless the State Department certifies that the UN is compliant with best practices for the protection of whistleblowers. The best practice includes provision of external arbitration and "proven results that eliminate the effects of retaliation".

You have denied my repeated requests for reinstatement in 2015. My requests for external arbitration and an investigation into retaliation against me were also denied. The denial of a

request for investigation into the facts renders any internal UN legal process (through the UN Dispute Tribunal) as hopelessly flawed. And more recently, you have been unwilling to reappoint me in the position I previously occupied at OHCHR, as Chief of the East and Southern Africa section, which has now been vacant for four months, and for which the recruitment process was concluded two months ago. Your stated reasons for not reappointing me have been that there are no vacant positions at OHCHR in Geneva. Clearly this is not true as the position I used to occupy and three other P5 level positions (all of which I have applied for) are vacant and have been for several months.

I now reiterate my request for immediate reinstatement in a P5 level position at OHCHR in Geneva with retroactive effect to the date I was separated from service – this would be consistent with Rule 4.18 of the UN Staff Rules and Regulations and is at your and the Secretary General’s discretion.

Rule 4.18

Reinstatement

(a) A former staff member who held a fixed-term or continuing appointment and who is re-employed under a fixed-term or a continuing appointment within 12 months of separation from service may be reinstated if the Secretary-General considers that such reinstatement would be in the interest of the Organization.

I believe it is incumbent on you as the High Commissioner for Human Rights to uphold the highest standards of integrity, including with respect of the treatment of whistleblowers.

As the High Commissioner for Human Rights, I wonder why you would agree to participate in a legal process at the UN Dispute Tribunal where the whistleblower’s rights to an investigation into retaliation have been denied. I must ask if your participation in such a process, where the right to an investigation into the facts has been denied, and hence the process is flawed at the outset, is really consistent with the values you seek to uphold as High Commissioner for Human Rights?

I would be grateful for a response from you by no later than 9 May 2016 on your decision with respect a) of reinstatement in a P5 level position at OHCHR in Geneva with retrospective effect to the date of separation from service; or b) access to external arbitration.

I shall be informing the US House Committee on Foreign Affairs and US Senate Foreign Relations Committee of your decision.

Yours faithfully,



Miranda Brown