

URGENT

Miranda Brown
Geneva, Switzerland
miranda.brown.blackberry@gmail.com

United Nations Secretary General Ban Ki-moon,
760 United Nations Plaza, New York 10017,
United States

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Dear Secretary General,

I write to request that you urgently put an end to the Office of Internal Oversight Service (OIOS) investigation into the disclosure by Mr Anders Kompass, Director at the Office of the High Commissioner for Human Rights (OHCHR), of the MINUSCA report *Sexual Abuse on Children by International Armed Forces* in the M'Poko IDP camp in Bangui, Central African Republic to the French authorities.

I am a key witness in this investigation. I was the Acting Director of the Africa Branch at OHCHR in early August 2014 during the period shortly after the MINUSCA report came to OHCHR's attention in Geneva. Mr Kompass was my direct supervisor at the time. Emails document my involvement and I was the key contact between OHCHR and MINUSCA during the period immediately following the disclosure.

OIOS has repeatedly tried to interview me in connection with their investigation into Mr Kompass' disclosure (the latest request was on 25 September 2015) but I have not provided testimony as I believe the investigation was fundamentally flawed at the outset and may constitute an abuse of authority.

My testimony to the OIOS investigation would have supported Mr Kompass' decision to disclose the MINUSCA report to the French Government and would have shed light on key elements relating to the disclosure. As such, my testimony would also have been embarrassing and potentially problematic for High Commissioner for Human Rights Zeid Ra'ad Al Hussein and others in the UN leadership, who have publicly denounced Mr Kompass for wrongdoing and placing victims, investigators and witnesses at risk.

In the absence of appropriate guidelines for situations of ongoing child sexual abuse, Mr Kompass followed the best practice established in many states, including Australia, Canada, the US, most European Union member states, Brazil and South Africa, which have implemented specific mandatory disclosure and reporting requirements for child abuse. In these states, there is a legal obligation placed on certain citizens, usually professionals working with children, or on issues relating to children, civil servants and other categories to

report without delay child abuse, including child sexual abuse, to the authorities or law enforcement agencies. In some countries, these laws extend to all citizens and are not limited to professionals working with children or civil servants. The disclosure must include the full name of the child suspected of being abused, or at risk of abuse, and as much information as possible about the child and suspected abusers. In some states, the professional may report the suspected abuse to the hierarchy in his or her institution, but in other states there is a requirement for the professional to report directly to the relevant authorities (usually law enforcement agencies), thereby bypassing the hierarchy. This is to avoid a situation where the professional is placed under pressure by his or her hierarchy not to disclose the information or to redact it.

Moreover, it appears that Mr Kompass was not the only UN staff member to have informed the French Government about the allegations of child sexual abuse by the Sangaris force in Bangui. I draw your attention to the documentary released on 2 October 2015 by the French 2 TV program Envoyé Spécial “Centrafrique: scandale dans l’armée française?” (see link http://www.francetvinfo.fr/replay-magazine/france-2/envoye-special/video-envoye-special-centrafrique-scandale-dans-l-armee-francaise_1108137.html) which features an extensive interview with OHCHR Human Rights Officer Ms Gallianne Palayret and author of the MINUSCA report, in which she reveals for the first time, that she met with the Sangaris authorities in Bangui in May 2014 and informed them about the allegations of child sexual abuse (please see also an unofficial translation on the Code Blue website <http://www.codebluecampaign.com/latest-news/2015/10/8>). Ms Palayret’s disclosure to the French authorities appears to have occurred two months prior to Mr Kompass’ transfer of the MINUSCA report to the French Permanent Mission in Geneva. During my conversation with Ms Palayret on 4 o5 August 2014, she did not refer to her earlier disclosure of the allegations to the French authorities and to the best of my knowledge nobody at OHCHR was aware of her actions at the time or subsequently.

Despite Ms Palayret’s report to the Sangaris authorities in Bangui in May 2014, the abuse appears to have continued with the MINUSCA report documenting interviews with child victims in June 2014. In fact, the abuse appears to have continued until Mr Kompass disclosed the MINUSCA report to the French Government in July 2014. Mr Kompass made his report in compliance with his terms of reference and responsibility as Director of the Field Operations and Technical Cooperation Division (FOTCD) at OHCHR, and the French Government expressed its thanks in writing. French law enforcement received the disclosure immediately and a team of investigators was urgently dispatched to Bangui.

Clearly, both Ms Palayret and Mr Kompass took actions to try to stop the child sexual abuse in the M’Poko camp in Bangui. But Mr Kompass has been subject to an unlawful suspension and to an investigation. We can disagree on the actions taken to try to stop the child sexual abuse in the Central African Republic and improve the processes and procedures for reporting such abuse, but no UN staff member should have been placed under investigation for trying to stop child sexual abuse. The actions taken by both these OHCHR colleagues and the UN leadership’s confused response to the allegations and subsequent disclosures, including Ms Palyaret’s disclosure to the media over a year after the events occurred, are

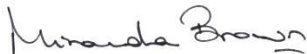
indicative of a systemic failure and only reinforce the notion that there are inadequate guidelines and protocols in place for dealing with such a situation and little protection for those who report wrongdoing.

I noted with interest that the articles in the French media refer to Ms. Palayret as having been designated a whistleblower by the UN. I am unaware of any policy or process that might explain this designation, but as a whistleblower myself at WIPO, I wonder how the UN came to recognize Ms. Palayret as such. While I recognize that the media may have misunderstood a complex internal issue at the United Nations, I must ask: is Ms. Palayret recognized as a whistleblower by the United Nations? If so, through what process was this status awarded her?

I am confident that the Panel appointed by yourself to review the response of the United Nations to allegations of sexual misconduct by members of foreign military forces not under UN command in Central African Republic (CAR Review Panel) will address the overarching policy concerns and make recommendations to ensure such a situation is not repeated, but it does not have the authority to address Mr Kompass' situation.

I understand that as the Secretary General of the United Nations, only you have the authority to stop the OIOS investigation into the so-called unauthorised disclosure by Mr Kompass of the allegations of child sexual abuse to the French government. I urge you to do this now. Failure to stop this investigation, especially given the recent revelation by Ms Palayret to the media of her own earlier disclosure of the same allegations to the French authorities, will confirm grave fears of abuse of authority.

Yours faithfully,



Miranda Brown