

United Nations  Nations Unies

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Dear Ms. Donovan, Dear Mr. Lewis,

16 September 2019

I write in response to your letter of 28 August 2019 to Under-Secretary-General Atul Khare referencing earlier correspondence between the United Nations Secretariat and Code Blue in late 2017 and early 2018. Following management reform in the Secretariat, the responsibility for the conduct and discipline function now comes under the Office of Human Resources in the Department of Management Strategy, Policy and Compliance.

The United Nations Secretariat has previously responded, on 19 and 22 December 2017, to queries from Code Blue regarding the Organization's efforts to prevent and respond to sexual exploitation and abuse, including questions regarding a report of sexual abuse of a child in November 2017 that implicated a civilian staff member then serving in the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO). The staff member in this case was dismissed from service with the United Nations following an administrative investigation and disciplinary process; he was not permitted to resign as indicated in your letter.

Code Blue has requested an update on the MONUSCO case, particularly whether the matter has been referred to national authorities for criminal accountability. The Organization took prompt action in 2018 with respect to the case mentioned, in accordance with the Secretary-General's obligation under General Assembly resolution 62/63, to refer "credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made". The UN also cooperated with national authorities which had sought assistance from the Organization in connection with their investigations into the matter.

The United Nations engages with Member States to fulfill its obligations pursuant to General Assembly resolution 62/63 and cooperates actively with national authorities, as demonstrated in the Secretary-General's report on "Criminal accountability of United Nations officials and experts on mission" (A/74/145). As you are aware, the Organization has no criminal enforcement power. Accordingly, ensuring criminal accountability for United Nations personnel ultimately falls within the purview of national authorities.

Paula Donovan
Co-Director, AIDS-Free World

Stephen Lewis
Co-Director, AIDS-Free World

The Conduct and Discipline website contains information that the Organization is in a position to share with the public. In this regard, I trust you will appreciate that providing real time data to the public with respect to referrals and cooperation with ongoing criminal investigations could compromise the integrity of such investigations and proceedings and would therefore undermine the common goal of ensuring criminal accountability. The Conduct and Discipline website will be updated to include information regarding the actions of the Member State to seek criminal accountability in this serious matter, once such information becomes publicly available.

You may also find information concerning all referrals made by the Secretary-General, and the Organization's cooperation with national authorities investigating such cases, in the annual Secretary-General's Report on the Criminal Accountability of United Nations Officials and Experts on Mission (A/74/145), in accordance with the terms of the General Assembly Resolution on Criminal Accountability of United Nations officials and experts on mission (A/RES/73/196, A/RES/72/112, etc.).

Please note that this exchange of correspondence has been shared with the Secretary-General.

Thank you for your continued concern and interest in the work of the United Nations in this area.



Martha Helena Lopez
 Assistant Secretary-General for Human Resources
 Department of Management Strategy, Policy and
 Compliance

cc: Ms. Maria Luiza Ribeiro Viotti
 Mr. Atul Khare
 Ms. Catherine Pollard
 Mr. Miguel de Serpa Soares
 Ms. Jane Connors
 Ms. Jane Holl Lute
 Mr. David Kanja