

STRICTLY CONFIDENTIAL

CAR SEA

The present account covers the facts that have come to my attention concerning the case of SEA by French troops addressed in the investigation report of [REDACTED] at the time Human Rights Officer in MINUSCA, which had reportedly been leaked to the French authorities from staff in the OHCHR office.

I became aware of the situation some time in early fall, most probably September 2014 (I regret that I do not recall the exact date) when I was informed by my colleague Cecile Aptel, Senior Legal Adviser, of the request by the French investigative authorities to interview [REDACTED] in the context of a report on SEA by French troops in CAR, which she authored. The issue had arisen when [REDACTED] had been approached by the French authorities to testify and was dismayed to learn (from the French authorities) that the report in question, over which her testimony was sought, was already in their hands in its full and un-redacted form and that they were seeking her testimony to confirm facts. She had consulted the office on how to respond to that request in line with UN applicable rules, knowing that the report in question was already known.

We discussed how to proceed given that reportedly the report had been leaked by our office but not transmitted officially to the French. Cecile had consulted with OLA and in line with guidance received, we agreed that it was necessary to provide officially the report to the French authorities but after redacting all the details that could lead to the identification of the victims and witnesses. I understand this was done from the OHCHR office in Geneva but have no information of the exact date or by whom.

I am also informed that Cecile further consulted OLA on the testimony, ultimately informing the French authorities that [REDACTED] would provide written answers to written questions. I understand that this was done at a later date and that [REDACTED] replied along the lines recommended by OLA.

At the same time this matter was brought to my attention, I was also informed that the source of the leaked document was Anders Kompass. I have a very vivid recollection of asking him about it and that he admitted without any difficulty having indeed conveyed the document to the French mission as he felt that no action on it was being taken by the mission in Bangui, nor that there was any intention to do so in the future. I regret that I cannot recall the date precisely, which must have been some time in early fall.

It is around this time however that I received a call from the High Commissioner on my cell phone one evening to inform me that Anders was indicated as the source of leaked documents. My immediate thought was that this had to do with CAR and I was surprised to hear that the matter related to Western Sahara instead. I recall telling the High Commissioner that I had thought initially he was talking about the "other" leak, namely the one about CAR.

The High Commissioner decided immediately to call for an investigation of the Western Sahara allegations, for which I contacted the OIOS office in Vienna and got the investigation under way.

I regret to say that, in the context of those very hectic days (we were in the midst of a 20% funding cut with the inherent staff tensions and stresses this entailed) I failed to follow up on the CAR situation too. I believe the concern over Western Sahara took precedence, as both the HC and I knew that on CAR there was an ongoing process initiated by the French authorities to bring perpetrators to justice. I take full responsibility for not having given the matter the necessary attention.

In the intervening months I have not focused on this matter (which, I repeat, I understood being under investigation by the French authorities in relation to the substance of the SEA accusations), until the HC mentioned to me, approximately two weeks prior to the S-G staff retreat (hence in early March 2015) the need to follow up on the leaked report. The HC reported to me that there had been apparently a second OHCHR staff member of OHCHR who had leaked the same document, though his/her identity was not known. Concurrently, he had heard informally through the CdC that the investigation on the Western Sahara leaked documents could not substantiate any responsibility for Anders Kompass. Nonetheless, on account of the leaked CAR SEA investigation report, he indicated that Anders's behaviour would have to be sanctioned, having shown at the very least extremely poor judgement in disclosing to third parties a confidential document without first consulting with senior management (and with the potential harm that the disclosure of the victims' names could entail for them). He asked me to talk to him and suggest that it would be better for him to submit his resignation.

I therefore invited Anders for a meeting at 9:00 on Thursday 12 March. When I presented the situation to him, and the request of the HC that he submit his resignation, he reacted quite forcefully, arguing that he had nothing to reproach himself for, that he had done the right thing, since no one else seemed keen to want to give any follow up to the report. He stated that he would do it again under similar circumstances and expressed his surprise (even outrage) that he could be even asked to resign for having done what was morally the right thing to do.

He indicated that he would go to the press, that he would inform his government, that he would not take this without reaction, but instead fight it with all means; he refused to resign, this would be all over the media in Sweden and it would not go down well at all with one of our major supporters, if someone was being sanctioned for having been a whistle blower.

I tried to calm him down, to convince him that it was in no one's interest to bring this matter to the public attention, that indeed it was important to investigate and prosecute (once established) the alleged behaviour; I understood his moral outrage, but that was no reason to take unilateral action nor to put the victims at risk of retaliation by sharing details concerning them without their knowledge and concurrence. To this Anders retorted that he had passed the document to the French specifically because he felt that they would do something to investigate the facts and prosecute those responsible, while he would have been more cautious with other TCCs that might not have been as scrupulous. He also told me that the names in the report were fake ones and that there was no risk therefore for witnesses. I repeatedly underlined that there had been a breach of confidentiality in sharing an internal document which possibly jeopardized the safety/well-being of victims.

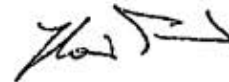
I nonetheless succeeded in convincing him not to go public and to await the outcome of the meeting that the HC and I were planning to have on the margins of the S-G retreat in Turin the following week with colleagues from OIOS, Human Resources and the Ethics Office.

Upon return from Turin, at 9:00 on Tuesday 24 March, I met again with Anders and conveyed to him what we agreed at the meeting in Turin, namely that he was being asked to provide an account of his action and reasons thereof. I again stressed that while I perfectly understood (and shared) his moral outrage, the initiative taken without consultation had not been appropriate. I also indicated that if he preferred for confidentiality reasons to send me his report to my personal email it would be OK. We therefore exchanged our personal email addresses.

Following our conversation that morning, I received late the same evening an email from Anders questioning the reasons for his report and why it had to be sent to me, to which I replied early in the morning of 25 March, suggesting that he send it directly to OIOS and the Ethics Office. (Please see attached email conversation below).

Later in the day, since we were sitting next to each other on the podium of the Human Rights Council, I again reminded him of the need to send the report quickly ("How can I prepare it, when I sit here the whole day?" he asked. This is indeed a valid observation as I had similar difficulties in finding time to prepare my own account.) I also told him that he was the only one who could help himself and that it was important that our colleagues in New York receive his account with the shortest delay.

It is clear to me that I have only a very partial knowledge of the events and that I may not have been privy to some, possibly major, details about them. I am also aware that my memory is not particularly precise on matters of timing, which is very much regretted. The above represents facts as known to me and truthfully reported as recalled.



Flavia Pansleri

Deputy High Commissioner for Human Rights

Geneva, 26 March 2015

ANNEX

E-mail exchange with Anders Kompass

Follow-up

Anders Kompass <[REDACTED]@hotmail.com> 24 Mar (2 days ago)
to me

Dear Flavia,
With regard to our conversation of earlier today, I would be grateful for a clarification. You told me that you and HC had spoken with the head of OIOS and the Ethics Office and both advised not to proceed with an investigation. I am therefore confused as to the reasons why you would need me to send you a written report that, from what I understand would help you write your own report to OIOS and the Ethics Office. I would be grateful if you could tell me what procedure you are following that requires me to write such a report and what would be its foreseen use.
With thanks and best regards
Anders

Sent from my iPad
Reply Forward



Flavian Pansierl <[REDACTED]@gmail.com> 25 Mar (1 day ago)
to Anders, bcc: fpansierl

Dear Anders,
I did not tell you that OIOS and the Ethics office advised not to proceed with an investigation. I told you that before deciding on any course of action they felt it appropriate to hear your views.

Also, I am not asking you for a report to help me write mine. I have to write one too, reporting what I know of the issue, fully separately. If you prefer to send your account directly to Carman Lapointe and Joan Dubinsky, please feel free to do so. I was only asked to facilitate the process of collecting various inputs
Flavia