

His Excellency Mr. Antonio Guterres
Secretary-General
The United Nations
New York, NY 10017

Via Fax: +1-212-963-2155

May 25, 2017

Re: Request for Investigation into OHCHR Breaches of Neutrality and Conflict of Interest Obligations in Hiring Staff for Goldstone Probe

Dear Secretary-General Guterres,

As the UN Human Rights Council (HRC) is about to debate yet another “Accountability” report by the UN Office of the High Commissioner for Human Rights (OHCHR) which is expected to again accuse Israel of war crimes on the basis of the Goldstone Report,¹ we write to advise you of—and demand accountability for—serious breaches of UN neutrality and conflicts of interest duties by certain officials at OHCHR in connection with its hiring and vetting of staff for the Goldstone Commission who drafted the 500-page report in 2009.

These breaches go directly to the credibility of the Goldstone Report, which continues to be relied upon and invoked by various UN bodies, including the HRC, to repeatedly impugn Israel for failing to comply with the report’s recommendations.² We urge you to fully investigate this matter.

Indeed, HRC Resolution S-12/1 dated October 29, 2009³, expressly endorsed the recommendations in the Goldstone Report, called upon “all concerned parties including United Nations bodies, to ensure their implementation in accordance with their respective mandates,” and requested continued reporting and follow-up on the

¹ [A/HRC/12/48](#), Report of the United Nations Fact-Finding Mission on the [January 2009] Gaza Conflict, Sept. 25, 2009.

² Significantly, Judge Richard Goldstone, under whose auspices the report was written, himself has called into question the report’s credibility in two separate op-ed articles published in 2011 in which he retracted the central accusations against Israel. *See* R. Goldstone, *Reconsidering the Goldstone Report on Israel and war crimes*, [Washington Post](#), April 1, 2011; R. Goldstone, *Israel and the Apartheid Slander*, [New York Times](#), Oct. 31, 2011.

³ [A/HRC/Res/S-12/1](#), The human rights situation in the Occupied Palestinian Territory, including East Jerusalem.

implementation of those recommendations. The upcoming OHCHR report on Accountability is based on Resolution S-12/1 and the Goldstone Report. Indeed, since October 2009, OHCHR has to date presented *nine* periodic reports (at least one per year)⁴ to the HRC concerning implementation of Resolution S-12/1, all condemning Israel in the harshest terms for alleged human rights violations based on the Goldstone Report's inflammatory and highly questionable factual findings.

UN Watch has learned that under the stewardship of then-High Commissioner Navi Pillay and then-chief of staff Francesca Marotta⁵, OHCHR hired Grietje Baars, an organizer of anti-Israel legal campaigns, as a lead researcher and writer of the Goldstone Report.⁶ Shortly thereafter, Baars was chosen as the [European contact person](#) for the May 2010 flotilla—organized by Turkey's terrorist-linked IHH—that tried to break Israel's blockade of Gaza.

As detailed below, the hiring of Baars violated Article 101 of the UN Charter and several provisions of the UN Staff Regulations and Rules (which apply equally to fixed term and temporary staff)⁷ concerning neutrality and conflicts of interest.

Accordingly, we call upon you to (i) publicly dissociate the UN from the Goldstone Report and declare that it is not credible and should not be used or relied upon for any purpose; (ii) open an Office of Internal Oversight Services (OIOS) investigation into OHCHR's hiring and vetting of staff for the Goldstone Commission; and (iii) impose disciplinary measures on OHCHR officials and staff responsible for the improper hiring and retention of Grietje Baars, as set forth below.

A. Violations of UN Rules

1. Duty of Neutrality

Article 101(3) of the UN Charter states that the “paramount consideration” in employing staff is “securing the highest standards of efficiency, competence and

⁴ The most recent such report is dated Jan. 25, 2017, [A/HRC/34/36](#).

⁵ Currently, Marotta is the Chief of the Methodology, Education and Training Section of the OHCHR.

⁶ Apparently, Baars herself understood that she had major conflicts of interest, could not be impartial and should have recused herself from any involvement in the Goldstone Commission, and therefore she deliberately obscured her involvement in the report. For example, while Baars' LinkedIn profile currently states that she was “a member of the secretariat” of the Goldstone Commission and did “legal and factual research & analysis,” when the report came out and for some time thereafter her LinkedIn profile stated generically only that she was a “United Nations Human Rights Officer” for the period that she worked in the report. Another online profile which mentioned a lecture she gave about the Goldstone Report at the German National College for Security Studies left out completely Baars' role in writing the report.

⁷ [OIOS Investigations Manual](#), Section 2.2.1.

integrity.”⁸ The values of integrity and impartiality are also central to the UN Staff Regulations and Staff Rules.⁹

Regulation 1.2(b) requires staff members to “uphold the highest standards of efficiency, competence and integrity,” and explains that “integrity includes, but is not limited to, probity, *impartiality, fairness*, honesty and truthfulness” (emphasis added). The UN Ethics Office’s Guide for UN Staff explains that impartiality means that staff must “ensure that expression of personal views and convictions *does not compromise or appear to compromise* the performance of their official duties . . .”¹⁰ (emphasis added).

These values are again reflected in **Regulation 1.2(f)** which requires staff to remain neutral and impartial, especially with respect to public pronouncements, stating that staff “shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on *the integrity, independence and impartiality* that are required by that status” (emphasis added).¹¹

2. Conflict of Interest

The UN also has very strict rules about how conflicts of interest are to be handled. **Regulation 1.2(m)** defines conflict of interest as occurring when “a staff member’s personal interests interfere with the performance of his or her official duties and responsibilities or with *the integrity, independence and impartiality* required by the staff member’s status as an international civil servant.” (emphasis added). The employee must disclose any actual or possible conflict of interest.

It is clear that the UN considers conflicts of interest to be extremely serious as the issue is addressed more specifically in Staff Regulations 1.2(o) and (p), Staff Rules 1.2 (q), (s) and (t) and at least three other UN reports and bulletins, including a Report of the Secretary-General on Conflicts of Interest.¹²

The Secretary-General’s report sets forth a long non-exhaustive list of situations that typically constitute a conflict of interest, including: (h) taking instructions from sources external to the Organization (such as an NGO); (i) Leadership, policymaking or advisory role in external entities (such as an NGO).¹³

⁸ Charter of the United Nations, Chapter XV, [Article 101\(3\)](#).

⁹ The most current version of the Staff Regulations and Rules of the United Nations is contained in [ST/SGB/2017/1](#).

¹⁰ [Putting Ethics to Work](#): A Guide for UN Staff, UN Ethics Office, Sept. 2012, at 4.

¹¹ *See also* Commentary to Staff Regulation 1.2(f) contained in Status, basic rights and duties of United Nations staff members, [ST/SGB/2002/13](#) (“While their personal views remain inviolate, international civil servants do not have the freedom of private persons to express their convictions publicly on controversial matters.”)

¹² Personal Conflict of Interest, Report of the Secretary-General, June 27, 2011, [A/66/98](#); United Nations Secretariat Information Circular on Outside Activities, August 16, 2006, [ST/IC/2006/30](#); United Nations Secretariat Administrative Instruction on Outside Activities, Oct. 25, 2000, [ST/AI/2000/13](#).

¹³ *See A/66/98* at 6.

Furthermore, **Staff Regulations 1.2 (o) and (p)** prohibit outside occupation, employment or activities that might result in a conflict of interest absent approval of the Secretary-General and state the circumstances under which such approval may be granted. Approval *cannot be granted* if the outside activity conflicts with the staff member's official functions.¹⁴

Staff Rules 1.2 (s) and (t) also address this issue. As reflected in **Staff Rule 1.2 (t)**, these outside activities are broadly defined to include: (i) issuing statements to the press, radio or other agencies of public information; (ii) accepting speaking engagements; (iii) taking part in film, theatre, radio or television productions; (iv) submitting articles, books or other material for publication, or for any electronic dissemination.

The Secretary-General's Report addresses this too, explaining that involvement in outside activities "may cause concern if the personal views of the staff member are perceived to be those of the Organization."¹⁵ Further, the UN Ethics Guide warns staff to "use care, discretion and good judgment," when posting anything online because staff "must ensure that . . . personal views expressed on such sites do not reflect adversely on [staff member's] independence and impartiality."¹⁶

3. Duty to Report Violations

Finally, under **Staff Rule 1.2(c)**, UN staff are duty-bound to report any breach of the Staff Rules and Regulations to the proper officials.

B. Facts Concerning Grietje Baars' Lack of Neutrality and Conflicts of Interest

1. As an Anti-Israel Lawfare Scholar and Activist, Baars Lacked the Ability to be Neutral

Baars holds several academic degrees, including a Master's of Law and a PhD from University College London (UCL). She is also a qualified solicitor. Over the years, she has held several visiting scholar positions at numerous universities and currently teaches international human rights law at the City Law School in London.

Prior to being hired for the Goldstone Commission, Baars already had prominently revealed her hostility towards Israel, both through her scholarship and her ardent anti-Israel activism. The most basic due diligence, such as a review of Baars' CV and a google search of her name, would have revealed her prejudice and made it clear that prosecuting Israelis in international courts was essentially her life's dream—in other words, that she was the opposite of the impartial, neutral and objective human rights officer as required by the UN Charter and UN Staff Regulations and Staff Rules.

¹⁴ See also ST/SGB/2002/13, Commentary to Staff Regulation 1.2(p) ("The key factors in whether permission should be granted relate to the compatibility of that employment with the status and functions being discharged by the staff member and with the interest of the United Nations.")

¹⁵ See A/66/98 at 9.

¹⁶ Putting Ethics to Work at 41.

Examples of Baars' pre-Goldstone Commission anti-Israel statements and lawfare activities are detailed below.

- In 2007, Baars published a law journal article in the *Yearbook of Islamic and Middle Eastern Law*, titled “Corrie et al. v. Caterpillar: Litigating Corporate Complicity in Israeli Violations of International Law in the US Courts.” The article analyzed case law and suggested best practices regarding Palestinian lawfare efforts against Israel and the movement to boycott companies doing business with Israel, with numerous comparisons to the Nuremberg trials against the Nazis.¹⁷ A copy of this article is attached hereto as [Exhibit A](#).
- Also in 2007, Baars posted an online message in a public Yahoo forum showing her contempt for Israel by offering tips on how travelers with something to hide might pass through Israeli airport security. After having her laptop confiscated at Israel's Ben-Gurion Airport, she advised, “Don't take your laptop. If you do, make sure it's clear of anything you don't want (fill in the blank) to see.” The words “fill in the blank” are her own. A copy of this post is attached hereto as [Exhibit B](#).
- In a December 2008 post to the same Yahoo forum, Baars advised a freelance photojournalist on how to enter blockaded Gaza, suggesting he “get a ride” with one of the Free Gaza boats, which were successfully running the Israeli blockade at the time, or “try the tunnels” that run beneath the Gaza border with Egypt, through which terror networks smuggle weapons. A copy of the post is attached hereto as [Exhibit C](#).
- On January 1, 2009, while the Gaza conflict, *which the UN would later hire her to investigate*, was unfolding, Baars emailed her activist colleagues preemptively declaring that Israel was conducting a “massacre” in the territory and ranted about Israeli “lies we have to fight.” This email was sent after receiving a purportedly leaked copy of guidelines for pro-Israel spokespeople responding to questions about the incursion. “These are the lies we have to fight to end the massacre in Gaza,” her email says. “This has been leaked from sources in Washington DC. Please study this and prepare a response as defiantly yet respectfully as you can do. This is easy to trash, but do so in a civil manner please. Outrage is our weapon, but respect is our salvation.” A copy of this email is attached hereto as [Exhibit D](#).

Each of the above examples should have been sufficient to disqualify Grietje Baars from holding any position with the Goldstone Commission on the grounds that she lacked the ability to be impartial, neutral and objective, as required by the UN Charter and the Staff Rules and Regulations cited above.

¹⁷ Publications by Baars subsequent to her time on the Goldstone Report have also accused Israel of war crimes, crimes against humanity, and other atrocities. *See, e.g.*, An Open Letter to Israel Academics, July 13, 2014 published on the website of [Intifada Palestine](#); G. Baars, Palestinian Political Prisoners: Unfair Game for Israel's Persecution, [Adalah Newsletter](#), volume 68, January 2010.

2. Baars' Employment with Diakonia before and during the January 2009 Gaza Conflict Constituted an Actual Conflict of Interest

Even worse, Baars had an actual conflict of interest. From September 2007 to January 2009, *including during the Gaza conflict which the UN would later hire her to investigate*, Baars was employed as a legal advisor in the Jerusalem offices of Diakonia, a fervently pro-Palestinian organization. Diakonia prepared its own report on Operation Cast Lead and made submissions to the Goldstone probe. Indeed, the Goldstone Report expressly referenced and relied on the Diakonia report at least twice in criticizing Israel's tactics against the Hamas terror group.¹⁸

It was as Diakonia's representative that Baars traveled to Gaza to meet with key Palestinian contacts. Among them was reported Hamas official Dr. Maher al-Huli, the "Faculty of Sharia & Law Dean" at the Gaza-based Islamic University. *See Exhibit E*. This institution, according to *The New York Times*, is "one of the prime means for Hamas to convert Palestinians to its Islamist cause"¹⁹ and the reported site of a Hamas arms cache during Hamas' 2007 fight with its Palestinian rival, Fatah.

While at Diakonia, Baars also prepared numerous anti-Israel workshops. Many of Baars' Diakonia workshops trained activists in how to isolate Israel or Israeli interests internationally, building legal cases against Israeli soldiers and officials, as well as companies doing business in the settlements. She also lobbied European governments to endorse her anti-Israel boycott and legal campaigns. *See Exhibits H and I* below.

In one such legal briefing for activist attorneys, Baars' PowerPoint presentation (*Exhibit F* hereto) celebrated the numerous "opportunities" to prosecute Israeli soldiers or officials, because, after all, Israelis were responsible for a "war crime a minute." With undisguised glee, Baars concluded, "See you in Court!" During the course of the presentation, Baars ironically suggested that the dearth of prosecutions to date resulted from international bias in favor of Israel. "Courts don't necessarily dispense justice," she said. And at least one forum during that conference included a discussion of the "rights" of "armed resistance" groups in relation to the "siege."

In another PowerPoint presentation for European diplomats (*Exhibit G* hereto), Baars emphasized that the Palestinian Authority has no legal power to make concessions that, in her view, would "sign away" obligations or rights.

Baars' leadership role at this time in the global movement of anti-Israel legal campaigners (known as lawfare) is perhaps most evident from the September 2008 Diakonia conference that she planned under the name "Palestine/Israel: Making Monitoring Work: (Re-) Enforcing International Law in Europe." The Conference Report is attached hereto as *Exhibit H*. The event was a major gathering of some of the world's top activists and lawyers in the anti-Israel lawfare movement, and was designed to mobilize, network, and share best practices. It was Baars' signal accomplishment. Baars organized the conference together with the head of the Gaza-

¹⁸See A/HRC/12/48, Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the [January 2009] Gaza Conflict, Sept. 25, 2009, at 131, n. 365; 283, n. 677.

¹⁹ Erlanger, Steven, *Violence Continues in Gaza*, New York Times, May 18, 2007.

based Palestinian Center for Human Rights, Raji Sourani—perhaps *the* leading proponent of lawfare. In a July 2008 pre-conference planning meeting with Sourani, the two discussed the ambitious upcoming conference aimed at organizing and training Palestinian and European activist lawyers in how to conduct the “pursuit of Israeli war criminals” through “joint action in international courts.” See PCHR Director Meets Several International Delegations, July 9, 2009, attached hereto as [Exhibit I](#).

Even though Baars’ employment with Diakonia ended prior to her work on the Goldstone Commission, the facts that, *inter alia*, she was employed at Diakonia during the Gaza conflict that is the subject of the Goldstone report; while at Diakonia came into contact with people and information that colored her views of the Gaza conflict; and publicly expressed her opinion, even before the conflict ended, that Israel was conducting a “massacre,” clearly interfered with her ability to perform her duties for the Goldstone Commission with “integrity, independence and impartiality.” Staff Regulation 1.2(m).

Furthermore, at least some of Diakonia’s submissions to the Goldstone probe were likely obtained by Baars herself or under her supervision while she was still working at Diakonia. The value which the Goldstone Commission ascribed to Diakonia is reflected in its reliance upon and citation to Diakonia’s report on the 2009 Gaza conflict—a report that likely included Baars’ own work from her time at Diakonia.

Being involved in both sides of an investigation is exactly the type of conflict the UN Staff Regulations and Rules are designed to prevent. Furthermore, Baars’ involvement with Diakonia during the Gaza conflict which she later investigated as a UN human rights officer can be equated with taking instruction from an external NGO or having a leadership or advisory role in an external NGO, both of which are listed as conflicts of interest by the Secretary-General in his non-exhaustive lists of conflicts.²⁰

Moreover, this was clearly not the type of conflict for which approval could be granted pursuant to Staff Regulations 1.2(o) and (p). The substance of Baars’ work at Diakonia highlights her vehement anti-Israel partisanship which made it impossible for her to be independent and impartial in carrying out her duties for the Goldstone Commission.

3. While on the Goldstone Commission, Baars Improperly Engaged in Outside Activities in Conflict with her UN position

Most outrageously, while serving on the Goldstone Commission, Baars blatantly violated the UN Staff Regulations and Rules on neutrality and conflict of interest when she joined Noam Chomsky and others in signing a petition for an anti-Israel campaign called the “Toronto Declaration” ([Exhibit J](#) hereto). The September 2, 2009 declaration protested the Toronto International Film Festival’s “celebratory spotlight” on Tel Aviv, Israel’s largest city. It also referred to the Israeli government as an “apartheid regime” that operates a “propaganda machine.” These are not the kind of public statements that should be made by a supposedly impartial and objective UN human rights officer charged with investigating Israel, the subject of the statements.

²⁰ A/66/98 at 6.

Signing that petition constituted a direct breach of Staff Regulation 1.2(f)—Baars’ obligation to avoid any kind of public pronouncement adversely reflecting on the “integrity, independence and impartiality,” required by her status as a human rights officer for the Goldstone Commission. The UN Ethics Guide cautions employees to be careful about any online postings that could even create an appearance of lack of impartiality.²¹

Certainly, signing a petition which refers to Israel as an “apartheid regime” and a “propaganda machine” does much more than create an appearance of impartiality—it is an overt manifestation of such. *See also, e.g., Kuruc v. Secretray-General of the United Nations*, Judgment No. [UNDT/2015/008](#), Jan. 30, 2015 (high level UNHCR employee in Turkey violated Staff Regulation 1.2(f) by participating in a non-UN international delegation to Syria which protested foreign interference in the internal affairs of Syria and, while there, was photographed handing a white flag with the words ‘do not yield’ to the Syrian president; the photograph was later published in a Turkish newspaper and on the employee’s Facebook page).

Signing the Toronto Declaration also constituted a direct breach of the prohibition against engaging in outside activities pursuant to Staff Regulations 1.2(o) and (p) and Staff Rules 1.2(s) and (t). Outside activities are defined broadly to include “statements to the press, radio or other agencies of public information.” *See* Staff Rule 1.2(t). A published online petition falls within this broad definition.

4. The OHCHR’s Duty to Report Violations

Pursuant to Staff Rule 1.2(c), UN staff are duty-bound to report any violations of the UN Staff Regulation and Staff Rules.

The complicity of high level officials in the OHCHR, including then-High Commissioner Navi Pillay and then-Chief-of-Staff Francesca Marotta, in wrongfully hiring the highly partisan and vociferously anti-Israel Grietje Baars as a key member of the Goldstone Commission is clear. Marotta’s key role in giving Grietje Baars the opportunity to work on the Goldstone Commission is evident from the dedication in Baars’ PhD thesis ([Exhibit K](#) hereto) to Marotta, among others: “those fighting for a better world each in their own particularly heroic and inspiring way.” These OHCHR officials further breached their obligations to the UN by failing to immediately dismiss Grietje Baars after she signed the “Toronto Declaration.”

C. These Grave Breaches of UN Staff Rules and Staff Regulations Discredit the Goldstone Report

The fact that the OHCHR breached such important and basic UN principles by hiring Grietje Baars in the first place, and then continuing to retain her after she openly breached her neutrality and conflict of interest obligations while on staff, is evidence of a serious flaw in the OHCHR’s hiring process when it comes to Israel related matters. Moreover, this was not just some inconsequential oversight with no real impact. Baars’ key role on the Goldstone Commission severely prejudiced the final

²¹ Putting Ethics to Work at 41.

product—to such an extreme degree that Richard Goldstone himself, under whose name the report was published, retracted some of the report’s most inflammatory accusations against Israel.

For Grietje Baars, working on the Goldstone Report was obviously a dream come true. All of her hard work at Diakonia, her visits to Hamas-linked activists in Gaza, her lobbying of European diplomats to sanction Israel, her global conference in 2008 to orchestrate universal jurisdiction cases against Israelis—all of this was going to pay off in a colossal UN report.

She certainly did everything she could to ensure success. Given Baars’ immense on-the-ground experience and credentials with Palestinian and international lawfare activists, along with her substantial legal writing experience, she was arguably the most influential behind-the-scenes member of the Goldstone probe. As a front-line researcher with the inquiry, she was responsible for being a first point-of-contact for many of the witnesses giving testimony. As such, she was in a position to prioritize incoming evidence, a critical responsibility that a truly objective inquiry would assign only to a truly impartial expert, which Baars clearly was not. Not surprisingly, many of the NGO lawfare groups from her 2008 Diakonia conference were featured prominently as evidentiary sources in the Goldstone Report.²²

In light of all of this, it is not surprising that the Goldstone Report cast Israel as a wicked and racist predatory state whose leaders gathered around a cabinet able to orchestrate crimes against humanity. In weighing the evidence and various accusations, the report repeatedly gave the benefit of the doubt to the terrorist group Hamas. By contrast, Israeli defensive actions were consistently interpreted as part of an over-arching plan to oppress, discriminate against, and murder Palestinian civilians.

Because the report was the result of an extremely flawed and biased process, the UN must completely disassociate itself from the Goldstone Report and proclaim that the report has no legal or evidentiary value and should not be relied upon for any purpose.

Moreover, it is critical that an OIOS investigation be undertaken into the OHCHR’s process for hiring and vetting staff to serve on its Israel fact finding missions, to ensure that travesties like the Goldstone Report are not repeated and that all staff comply with the neutrality and conflict of interest provisions in the UN Staff Regulations and Staff Rules.

D. Disciplinary Action

The decision to launch an investigation into allegations of misconduct lies with the Secretary-General. UN Staff Rule 10.1(c). According to the OIOS Investigations Manual, misconduct involving a conflict of interest is considered serious Category I misconduct (as compared to a Category II routine matter which includes simple theft,

²² Herzberg, Anne, *NGO “Lawfare” Exploitation of Courts in the Arab-Israeli Conflict*, NGO Monitor Monograph Series, December 2010, at 23, 34-40.

traffic violations, contract disputes, etc.).²³ This means that OIOS must investigate this matter itself and not refer it back to OHCHR for investigation.²⁴ Pending the results of the investigation, we recommend that, at the very least, the following current and former OHCHR officials be subjected to appropriate disciplinary action pursuant to UN Staff Rules 10.2 and 10.4.

1. Grietje Baars

Grietje Baars was employed by the OHCHR on a temporary basis to serve on the Goldstone Commission. She gravely breached the most basic neutrality and conflict of interest obligations applicable to all UN staff. Since she is no longer employed by the OHCHR or any other UN body, we recommend that a written censure be placed in her file pursuant to Staff Rule 10.2 (a)(i), and that she be permanently barred from service to the UN in any capacity pursuant to Staff Rule 10.2 (a)(viii). *See, e.g., Kuruc v. Secretray-General of the United Nations*, Judgment No. [UNDT/2015/008](#), Jan. 30, 2015 (imposing Staff Rule 10.2(a)(viii) for employee's violation of Staff Regulation 1.2(f)).

2. Francesca Marotta

As OHCHR Chief-of-Staff during the relevant time, Francesca Marotta is directly responsible for the decision to hire Grietje Baars for the Goldstone Commission. In hiring Baars, Marotta grossly breached her own neutrality obligations as a UN employee and ensured that the Goldstone Commission would be anything but impartial towards Israel. Currently, Marotta is the Chief of the Methodology, Education and Training Section of the OHCHR. We recommend that she be placed on administrative leave pending investigation and the disciplinary process pursuant to UN Staff Rules 10.2(b)(iii) and 10.4 and UN Administrative Instruction [ST/AI/371](#). Ultimately, we recommend that Marotta be dismissed pursuant to Staff Rule 10.2(a)(ix).

3. Navi Pillay

As the High Commissioner for Human Rights at the time of the Goldstone Commission, Navi Pillay bears ultimate responsibility for the OHCHR's decision to hire and retain Grietje Baars for the Goldstone Commission. Her term as High Commissioner ended in 2014 and she no longer holds a position with the UN. Accordingly, pursuant to Staff Rule 10.2(a)(i), we recommend that a written censure be placed in her file pursuant to Staff Rule 10.2 (a)(i), and that she be permanently barred from service to the UN in any capacity pursuant to Staff Rule 10.2 (a)(viii).

E. Conclusion

In light of the foregoing, we urge you to:

²³ OIOS Investigations Manual Section 1.3.1.

²⁴ *Id.*

(a) Publicly disavow the Goldstone Report, delete it from all UN websites and declare that the report has no legal or evidentiary value and should not be relied upon for any purpose;

(b) Commence an OIOS investigation into the OHCHR's hiring and vetting process for the Goldstone Commission;

(c) Impose disciplinary measures on the key OHCHR officials and staff responsible for the improper hiring and retention of Grietje Baars for the Goldstone Commission, including Grietje Baars herself, former Chief-of-Staff Francesca Marotta and former High Commissioner Navi Pillay.

Thank you for your attention to this important matter.

Sincerely,



Hillel C. Neuer
Executive Director

cc: Amb. Nikki Haley, U.S. Permanent Representative
UN Office of Internal Oversight