

No. \_\_\_\_\_, Original

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In The  
**Supreme Court of the United States**

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CYNTHIA BRZAK and NASR ISHAK,

*Plaintiffs,*

v.

UNITED NATIONS, KOFI ANNAN,  
RUUD LUBBERS, WENDY CHAMBERLIN,  
WERNER BLATTER, KOFI ASOMANI,  
RAYMOND HALL, A.-W. BIJLEVELD, DAISY BURUKU,

*Defendants.*

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**PLAINTIFFS' MOTION FOR LEAVE  
TO FILE COMPLAINT IN AN ORIGINAL ACTION  
AND PLAINTIFFS' BRIEF  
IN SUPPORT AND COMPLAINT**

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EDWARD PATRICK FLAHERTY  
*Counsel of Record for Plaintiffs*  
SCHWAB, FLAHERTY, HASSBERGER & CRAUSAZ  
4, avenue Krieg, cp 510  
CH-1211 Geneva 17  
Switzerland  
Tel: 4122.840.5000

severely, and the absence of a clear and unequivocal statement therein that staff members who reported sexual harassment at the United Nations would be protected from retaliation. To the best of the undersigned's knowledge and belief, the UN's internal anti-harassment procedures have remained essentially unchanged from the date of the Chadbourne and Parke LLP comparative report through the present.

4. The date(s) the event(s) took place;

See Annex 4 attached for a detailed chronology of the acts of retaliation that began almost immediately upon Ms. Brzak's formal reporting on 28 April 2004 of the alleged indecent assault, and the most recent act of retaliation which occurred on 12 May 2005 (Annex 5 – notice that her post was likely to be abolished).

5. Whether the individual has filed the same or similar charge with a state or local fair employment practice agency;

No.

Signed under the pains and penalties of perjury this 28th day of October 2005, at Geneva.

/s/ Cynthia Brzak  
Cynthia Brzak, Claimant

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## **ANNEX 1**

### **Note to the Secretary-General**

1. On 24 May 2004, I sent you a preliminary report on the complaint against Mr. Ruud Lubbers, of misconduct involving sexual harassment. OIOS has since completed

the investigation into this complaint and the report is attached.

2. OIOS has concluded that the allegation against Mr. Lubbers is substantiated in that Mr. Lubbers did engage in unwanted physical contact with the complainant, a subordinate female staff member. New allegations that came to OIOS' attention during the investigation, were also examined and indicate a pattern of sexual harassment by Mr. Lubbers, OIOS is also of the view that Mr. Lubbers abused his authority as High Commissioner by his intense, pervasive and intimidating attempts to influence the outcome of this Investigation.

3. OIOS recommends that appropriate action be taken against Mr. Lubbers for misconduct and abuse of authority as set out in the attached report.

4. I am ready to provide any further clarifications on the report should you deem it necessary.

/s/ [Illegible]  
Dileep Nair  
Under-Secretary-General  
for Internal Oversight  
Service  
2 June 2004

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**REPORT OF INVESTIGATION INTO MISCONDUCT  
AND ABUSE OF AUTHORITY AT UNHCR**

I. Executive Summary

1. The Investigations Division of the Office of Internal Oversight Services [OIOS] received a complaint from Mrs. Cynthia Brzak, a staff member of the Office of the United

Nations High Commissioner for Refugees [UNHCR], who alleged that she had been sexually harassed by Mr. Ruud Lubbers, High Commissioner, UNHCR, and was subsequently harassed by Mr. Werner Blatter, Director, Division of Human Resources Management [DHRM], UNHCR.

2. Mrs. Brzak addressed a copy of the same complaint to the Inspector-General's Office, UNHCR [IGO]. However, given that one of the allegations involved the highest-ranking UNHCR official, the IGO, as per its terms of reference, was precluded from initiating an investigation into the matter, and OIOS became responsible for handling the case, but with assistance as necessary from the IGO. Given the nature of the complaint, OIOS opened an investigation under its terms of reference, of misconduct and abuse of authority by Mr. Lubbers and Mr. Blatter.

3. The misconduct alleged involved sexual harassment both in conduct and in words. The abuse of authority involved actions on the part of Mr. Lubbers after he was notified of the details of the complaint by the UNHCR Inspector General on 6 May 2004.

4. In her complaint, Mrs. Brzak alleged that on 18 December 2003, at the end of an official meeting held in the UNHCR office of Mr. Lubbers, which was attended by five other male colleagues, Mr. Lubbers engaged in inappropriate and unwelcome sexual conduct which included physical contact of a highly personal nature with her.

5. Mrs. Brzak also alleged that following the meeting, Mr. Blatter referred to the conduct of Mr. Lubbers and then attempted to replay the same conduct, much to her embarrassment and chagrin. Mrs. Brzak further alleged that a few days later when she and her colleagues were waiting outside their UNHCR offices, Mr. Blatter again

referred to the behaviour of Mr. Lubbers and tried to grab her.

6. Messrs. Lubbers and Blatter denied that they had engaged in the conduct alleged by Mrs. Brzak. However, OIOS found that the allegations of Mrs. Brzak were credible, and based upon the overall evidence adduced during its investigation, OIOS has concluded that Mr. Lubbers had engaged in serious acts of misconduct and abuse of authority and that Mr. Blatter had engaged in acts of misconduct in this case.

7. In the course of this investigation, OIOS was apprised of several other cases of Mr. Lubbers engaging in misconduct involving UNHCR staff or women closely affiliated with UNHCR. In at least four of these cases, OIOS has interviewed the women concerned and corroborated the incidents with others in whom they had confided. These cases indicate a pattern of such misconduct on the part of Mr. Lubbers.

8. The purpose of this report is for the Secretary-General to be provided with the detailed findings of the OIOS investigation and recommendations for appropriate action in response to these findings.

## II. Methodology

9. Upon receiving the complaint of Mrs. Brzak, OIOS dispatched two investigators to Geneva for a preliminary assessment of the matter. Following an initial interview of the complainant and upon obtaining additional information, OIOS determined that a formal investigation into acts of misconduct and abuse of authority was warranted.