**U.S. Supreme Court Filing Challenges United Nations Immunity**

Plaintiffs in Sexual Harassment Complaint Involving Top UN Official Seek First-Time High Court Consideration of UN Immunity Protections

June 1, 2010

PRNewswire

*http://www.prnewswire.com/news-releases/us-supreme-court-filing-challenges-united-nations-immunity-95317264.html*

WASHINGTON, June 1 /PRNewswire-USNewswire/ -- The following is being issued by the Law Offices of Schwab, Flaherty and Associates:

Plaintiffs in a sexual harassment case against the United Nations filed a petition with the U.S. Supreme Court today – offering the high court a chance to broadly test the limits of diplomatic immunity granted to UN officials.

The case, which eventually led to the ouster of former Dutch Prime Minister and UN High Commissioner for Refugees Ruud Lubbers, is a stark example of the impunity with which UN officials are allowed to operate – even when they violate the law and sexually victimize subordinates. By hearing the case, the Supreme Court has, for the first time, the opportunity to address the legal basis for UN immunity from American laws that has traditionally been limited to sovereign governments and their officials.

The petition was filed by workplace harassment victims Cynthia Brzak and Nasr Ishak, and it names the UN former Secretary General Kofi Annan and former UN High Commissioner for Refugees Ruud Lubbers as culpable.

The case stems from an incident in December 2003 when then-UN High Commissioner for Refugees Lubbers indecently assaulted UNHCR employee Brzak in his executive offices. The UN's Office of Internal Oversight Services (OIOS) investigated and confirmed the complaint and recommended to then-Secretary General Kofi Annan that disciplinary action be taken against Lubbers. Annan ignored the recommendation and two other complaints of retaliation experienced by Brzak and Ishak – a UNHCR staff member who Lubbers targeted because he believed he had assisted Brzak in filing her complaints. Lubbers resigned in 2005 after details of the complaint, including the OIOS report, were reported in the media.

"My client, an American citizen, experienced criminal behavior that would land any other employer in jail. But at the UN, it's just another day at the office," said attorney for the petitioners Edward Flaherty.

"Cynthia Brzak was first the victim of sexual harassment by a powerful ex-prime minister and head of an entire UN agency. When she blew the whistle, she and Ishak then became the targets of repeated retaliation that continues to this day," added Flaherty. "Yet because of where she happens to work, her assailant is beyond the law. The question being placed today before the Supreme Court is whether this system should be allowed to stand in the United States, where no one is supposed to be above the law."

The issue is far from an isolated case of sexual misconduct. Internal and external investigations have documented a systematic array of sexual misconduct that continues to go unaddressed at the UN.

For example, a May, 2009 article in The Wall Street Journal titled "Sexual-harassment cases plague United Nations" uncovered widespread sexual misconduct that simply went unanswered. And because of the diplomatic immunity, victims have no recourse in local jurisdictions where the offenses take place.

"The United Nations, which aspires to protect human rights around the world, is struggling to deal with an embarrassing string of sexual-harassment complaints within its own ranks," the May 22-24 Journal article states. "Many U.N. workers who have made or faced accusations of sexual harassment say the current system for handling complaints is arbitrary, unfair and mired in bureaucracy."

Brzak and Ishak have filed a writ of certiorari seeking Supreme Court review of a March 2010 judgment by the U.S. Court of Appeals for the Second Circuit that upheld a dismissal of the case by the U.S. Federal Court for the Southern District of New York. The District Court ruled that UN officials enjoy immunity under the 1946 Convention on Privileges and Immunities of the United Nations.

*Editor's Note: The writ of certiorari is available here: http://tinyurl.com/brzak-ishak-v-UN*