

United Nations Human Rights
Special Procedures
Attn. Mrs. Mary Lawlor, Mr. Dante Pesce
and Mr. Clement Nyaletsossi Voule
Palais des Nations
1211 Geneva 10

Switzerland

March 30, 2021

Dear Mrs. Lawlor,
Dear Mr. Pesce,
Dear Mr. Voule,

We confirm receipt of your letter dated 5 February 2021, in respect of which we have the following comments.

1. You state that you have received information about a series of attacks, including death threats, against Mr. Camille Occius concerning his work as a human rights lawyer in connection with a business relationship with our company.

According to your information, since 2019, Mr. Occius has documented several cases of alleged corruption in connection with a contract concluded on 13 July 2018 between the Haitian Government and Dermalog. After Mr. Occius had received repeated death threats in this context, on 30 November 2020, two unknown armed individuals broke into his house, threatened his maid, searched several rooms and looked at a photo of his family for a longer period of time.

2. We have the following comments on your questions in this regard:

- *"Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations."* (Question 1)

First of all, we would like to point out that the contract you mentioned does not exist. We therefore assume in the following that your comments refer to the supply contract concluded in 2018. We are aware that there was a political and official discussion in Haiti following this contract on the question of whether a public tender for the contract would have made sense. On the other hand, we have no substantiated information on the "irregularities" you allege, nor are we aware of any criminal investigations or other substantiated and verifiable evidence of such irregularities.

On the other hand, we first learned about the alleged event on 30 November 2020 and the alleged threats against Mr. Occius through your letter of 5 February 2021 and the subsequent media reports. In particular, Dermalog has no information of its own about the accuracy of these reports and the basis of Mr. Occius' alleged connections. We are also not aware of any official investigation into these incidents and its status.

- *"Please provide information about the human rights due diligence policies and processes put in place by your company to identify, prevent, mitigate, and remedy adverse human rights impacts of your activities, in line with the UN Guiding Principles of Business and Human Rights."* (Question 2)

Since many years, we have maintained a comprehensive "Compliance Programme" as well as "Common Ethical Standards of Conduct for Dermalog and its Employees" (Code of Conduct) and have also established a detailed Whistleblowing Guideline, which enables all employees

to disclose possible misconduct and suspicious situations without risk. The content of all these rules laid down by our management goes far beyond the principles agreed in the UN Guiding Principles of Business and Human Rights and are accessible to all employees via the intranet.

- *"Please provide information about specific due diligence taken by your company in relation to the stipulation of the contract with the Haitian Government. Moreover, please clarify whether your company has policies, procedures and training focused on, and setting clear expectations regarding, the prevention of corruption and the respect for human rights."* (Question 3)

Our employees are required to strictly observe the Compliance Programme, the Code of Conduct and to report any suspicious cases without restriction, not only when they are hired, but also in connection with upcoming orders, tender procedures and comparable occasions. Both our company and our employees have also fully complied with these duties of care in connection with the contract mentioned above. In particular, to date we have no verifiable indications of any corrupt facts on the part of Dermalog.

- *"Please describe the measures that your company has taken, or plans to take, to prevent recurrence of such negative impacts in the future."* (Question 4)

We are not aware of any conduct by Dermalog or its employees that could have had the "negative impact" you mention; nor does your letter indicate what specific conduct you are referring to.

- *"Please provide information on the measures taken or to be taken by your company to provide for, or contribute to providing, effective remedies (including compensation) for any adverse impact your activities may have on the human rights and fundamental*

freedoms of human rights defenders. This may include establishing or participating in effective operational-level grievance mechanisms." (Question 5)

With our Whistleblower Guideline, we are maintaining a very effective grievance mechanism to uncover and put an end to possible abuses. We have no evidence to suggest that this mechanism is inadequate.

3. Irrespective of this, we would like to emphasize that we are taking the suspicions mentioned and implied in your letter very seriously and would like to support their clarification to the best of our ability. In order to enable us to do so, we would like to ask you to provide us with more detailed information on the following questions:

- You mention "*a series of attacks, including death threats*": Were there any other incidents besides the phone calls and the reported incident on 30 November 2020?
- Is there an investigation into these incidents? Where and under what file number is it being conducted? What is the status of the proceedings?
- You write that Mr. Occius has "*documented*" (several) cases of corruption in connection with the contract of 13 July 2018. Do you have these documentations? How can we obtain more detailed information on this?
- Is there an investigation into the allegations of corruption? Where and under what file number is it being conducted? What is the status of the proceedings?
- Do you have any other information that would enable us to make a more detailed assessment of the issues raised?

In addition, we would like to point out that, according to our understanding, none of the accusations mentioned in your letter are directly or indirectly addressed to our company, its

management and/or its employees. Should this be the case, we expect you to provide us with substantiated information as to the concrete factual basis of this suspicion.

Finally, as a precautionary measure, we would like to point out that any publication in this matter that arouses the unfounded suspicion of Dermalog's knowing involvement in the events described by you would be grossly unlawful under the relevant German law.

Please let us know if you have any further questions on this.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sven Böckler', with a stylized flourish at the end.

Sven Böckler
Head of Marketing & Design
Press Officer