

Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
OL OTH 45/2018

20 July 2018

Dear Ms. Smale,

With reference to my letter of 3 November 2017 regarding the importance of an access-to-information policy for the United Nations as a whole, I would like to bring to your attention a specific case submitted to my mandate.

On 25 February 2016, I sent a communication to the then Under-Secretary-General for Communications and Public Information, Ms. Cristina Gallach, regarding the decision to withdraw the Resident Correspondent accreditation at the UN office in New York of Mr. Matthew Lee, journalist with Inner City Press, in favour of a non-Resident Correspondent.

Ms. Gallach responded in a letter of 25 May 2016, informing that under non-resident correspondent accreditation, Mr. Lee has been free to continue his full journalistic activities in reporting in and about the United Nations. The letter furthermore noted that the use of space in the UN Headquarters was a matter of privilege previously accorded to Mr. Lee, contingent upon his observing the UN Media Accreditation Guidelines, and was revocable by the UN in its sole discretion.

In June 2018, I received new information from Mr. Matthew Lee who reportedly on 22 June 2018 had been ordered out of the UN premises by Security Officers while in the middle of covering an event. During this incident, Mr. Lee reportedly had his arm twisted and his shirt torn due to use of force by a Security Officer who refused to give his name. Mr. Lee was subsequently banned from UN Headquarters and is now unable to enter the UN premises.

In this connection, I would appreciate your view on the above mentioned information, and I would also like to ask for clarification to the following questions:

1. What standards apply to determine the various statuses for journalists at the United Nations? Would you kindly identify where those standards may be found in UN rules, regulations or policies? In addition, who has the authority to interpret and implement the standards? Are decisions and actions under those standards subject to appeal?
2. How were those standards applied to the situation of Mr. Matthew Lee? What specific standards did he violate, according to your office's findings?
3. How does your office respond to the allegations lodged by Mr. Lee about the use of force by security officers? Has your office undertaken any kind of

evaluation to determine whether force was used and, if so, whether it was excessive?

I would appreciate receiving a response within 60 days. Your response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, I urge that all necessary interim measures be taken to address the situation described and prevent its re-occurrence and in the event that an investigation supports or suggests the allegation to be correct, to ensure the accountability of any person(s) responsible.

Please accept, Ms. Smale, the assurances of my highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression