

Open Briefing to Member States – 2 August 2018

Thank you for giving me the floor.

Mr. Chair, honorable delegates, ladies and gentlemen, it is my honour to introduce myself to you today in my capacity as Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee. My name is Daniel Kipfer, and I was appointed to this role by the Secretary-General on 24 May, in close consultation with the Committee. After finishing my duties with the Swiss judiciary, I took up the role as Ombudsperson two weeks ago.

As you might be aware, the position of the Ombudsperson was vacant for almost a year, following the appointment of my predecessor, Ms. Catherine Marchi-Uhel, to a different position. As I have just taken up my duties and have yet to form my opinion on certain issues raised by my predecessors, I will reserve my views on challenges to the implementation of my mandate for future open briefings. I will therefore be very brief and limit my intervention today to the work of the Office of the Ombudsperson during the absence of an Ombudsperson and the pending cases.

When my predecessor left the Office on 7 August 2017, she delegated a range of tasks to the staff members of the Office, in consultation with the Committee. She also presented the comprehensive reports to the Committee in two cases after she had left her position. The Office therefore remained operational and continued to implement the mandate and undertake all tasks the Office was able to do without an Ombudsperson in place. However, one thing the Office was not in a position to do, was to formally accept delisting requests. Therefore, any cases received after the departure of my predecessor could only be informally accepted by the Office, and requests for information to Member States could only be requested on a voluntary basis. The start of formal time lines in such cases were pending the formal acceptance by a new Ombudsperson.

Currently, there are three cases pending, which brings the total number of cases the Office of the Ombudsperson has been seized with to 81, three more cases since my predecessor spoke last at an open briefing to Member States. The first case was received while my predecessor was still in office, while the other two were received during the absence of an Ombudsperson. I would like to highlight here that by mere coincidence – some might say luck – the Office did not receive more delisting requests while no Ombudsperson

was in office. Statistically speaking, there could have been at least five more cases received during the respective timeframe. This was not the case, though, and of the three cases pending, the first is in the information gathering phase, the second just entered the formal information gathering phase yesterday, and on the third I am currently in the process of verifying whether it fulfils all the criteria to be accepted. The prolonged absence of an Ombudsperson has led to delays in these cases, in particular in the first one, which has remained in the information gathering period for over a year. It is therefore my intention to bring in particular this case to a close as soon as possible and practicable, while also progressing as swiftly as possible on the other cases.

To give you a perspective on the proportion of delistings versus retentions, I would like to note that since the establishment of the Office of the Ombudsperson, 74 delisting requests have been fully completed through the Ombudsperson. Of those, 57 requests were granted, which resulted in the delisting of 52 individuals and 29 entities. This means that almost 85 per cent of all individuals and entities having submitted delisting requests to the Office of the Ombudsperson have ultimately been delisted.

I would like to conclude my intervention by expressing my gratitude for the trust placed in me by the Secretary-General and the ISIL (Da'esh) and Al-Qaida Sanctions Committee. It is a great honour to exercise this important function, and I will be committed to exercising my mandate in the requisite independent and impartial manner, to the best of my abilities. I would also like to express my appreciation for my predecessors, who have done tremendous work shaping the role and working methods of the Office. I am also thankful that the United Nations have equipped the Office with competent and motivated staff, who have kept the Office afloat during the absence of an Ombudsperson.

I am looking forward to a fruitful cooperation with Committee members and other Member States. I am well aware that my role is more quasi-judicial than judicial, and that I am operating in a political framework that is not always easy to navigate. The more I am reliant on your cooperation, ladies and gentlemen, as in comparison to my previous role as a judge I do not have the power to subpoena. Despite these challenges, I hope that I will be making a meaningful contribution to fairness and due process in the sanctions context.

Thank you for your attention.