

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a letter dated 18 June 2015 from the Representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, Netherlands, Norway, Sweden and Switzerland to the United Nations addressed to the President of the Security Council, and its enclosure.

This letter and its enclosure will be issued as a document of the Security Council under the symbol S/2015/459.

18 June 2015

H.E. Mr. Ramlan Bin Ibrahim  
President of the Security Council  
for the month of June 2015

Security Council Secretariat  
United Nations Headquarters  
New York, N.Y. 10017

New York, 18 June 2015

Mister President,

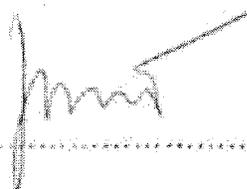
We, the undersigned representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland (the informal group of Like-Minded States on targeted sanctions) have been strongly engaged in the issues of Security Council sanctions and due process. We would like to express our concern regarding the short-term risk of a gap in the occupation of the Office of the Ombudsperson in the Al-Qaida sanctions regime. We furthermore call for the improvement of the institutional independence of the Office. We look forward to continuing and deepening the dialogue on these important matters with all members of the Security Council.

Our group requested to speak based on article 37 of the Provisional Rules of Procedure at the briefing of the subsidiary bodies of the Security Council on 16 June 2015. However, this request was not granted, contrary to previous occasions. We would thus be grateful if you could have this letter and the attached paper containing our group's statement circulated as an official document of the Security Council.

Please accept, Mister President, the assurances of our highest consideration.



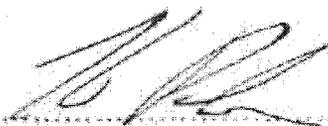
H.E. Ambassador Martin Sajdik  
Permanent Representative of Austria  
to the United Nations



H.E. Ambassador Bénédicte Frankinet  
Permanent Representative of Belgium  
to the United Nations



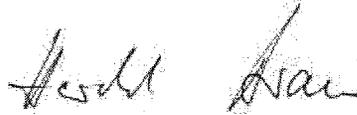
H.E. Ambassador Juan Carlos Mendoza-  
García  
Permanent Representative of Costa Rica  
to the United Nations



H.E. Ambassador Ib Petersen  
Permanent Representative of Denmark  
to the United Nations



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H.E. Ambassador Kai Sauer  
Permanent Representative of Finland  
to the United Nations



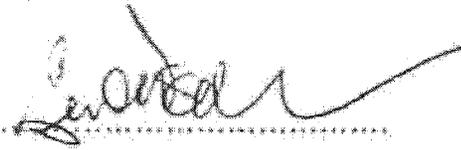
.....  
H.E. Ambassador Harald Braun  
Permanent Representative of Germany  
to the United Nations



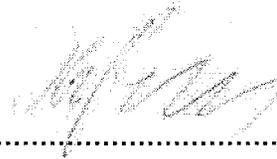
.....  
H.E. Ambassador Christian Wenaweser  
Permanent Representative of  
Liechtenstein to the United Nations



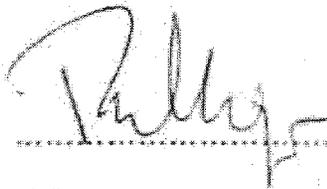
.....  
H.E. Mr. Peter van der Vliet  
Chargé d'Affairs, Deputy Permanent  
Representative of the Kingdom of the  
Netherlands to the United Nations



.....  
H.E. Ambassador Geir O. Pedersen  
Permanent Representative of Norway  
to the United Nations



.....  
H.E. Ambassador Olof Skoog  
Permanent Representative of Sweden  
to the United Nations



.....  
H.E. Ambassador Paul Seger  
Permanent Representative of Switzerland to  
the United Nations

Enclosure



Permanent Mission  
of Germany  
to the United Nations  
New York

## **Statement**

**by**

**Ambassador Heiko Thoms  
Deputy Permanent Representative of Germany  
to the United Nations**

**on behalf of the  
informal group of Like-Minded States on targeted  
sanctions**

**in the Subsidiary Bodies Briefing**

**16 June 2015**

Statement by Ambassador Thoms in the Subsidiary Bodies Briefing on 16 June 2015

Thank you, Mr. President,

I have the honour to speak on behalf of the informal group of Like-Minded States on targeted sanctions, which comprises Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

The group of Like-Minded States is grateful for this opportunity to contribute to the discussion today. Our focus on the effectiveness and due process guarantees in the UN sanctions regimes is widely known. For the sake of a brief intervention, I would like to re-invite the Security Council and Member States to consider the proposals and ideas which we submitted in writing on 17 April 2014 in document S/2014/286.

In today's statement, I want to focus on the short- and medium-term challenges regarding the transition in the Office of the Ombudsperson. To us it is indisputable, that such a transition has to be accomplished in an orderly and timely fashion that neither leaves the office a single day unoccupied nor may render an unfinished delisting case vulnerable to claims of a lack of due process.

Nevertheless, today, less than four weeks from the end of the contract of the incumbent Ombudsperson this aspiration may be difficult to accomplish. We therefore call for the swift completion of the recruitment and appointment process to ensure that there will be no "gap" between the terms of the incumbent and the new Ombudsperson.

Resolution 1904 (2009) not only specifies that "the Secretary-General, in close consultation with the Committee, appoints" the Ombudsperson. But also that the Ombudsperson is to be "an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights, counter-terrorism and sanctions". We therefore are looking forward to the appointment of a new Ombudsperson who will have the qualifications, skills, experience and international standing necessary for this high office.

We also conclude from the resolution that - in case the successor cannot assume the office in a timely fashion - the Secretary General would see to a suitable arrangement that precludes any "gap" in the office. While bearing in mind the "5-year-contract-limit for consultants", under these exceptional circumstances this would mean in our view that the incumbent should be requested to stay in the office until the hand-over to the successor is duly completed.

Mr. President,

The upcoming transition presents also an opportunity to address some of the limitations inherent in the current contractual and administrative arrangements. The status and privileges of the position should fully reflect the independence required to perform the tasks of the Ombudsperson effectively. Furthermore, the applicable

administrative arrangements in place for budgeting, staffing, staff management and resource utilization at the Ombudsperson's Office lack the critical features of autonomy. In fact, structurally no Office of the Ombudsperson has been created despite the decision in Security Council resolution 1904 (2009).

Necessary modifications in these arrangements are overdue and ideally should be addressed in the course of the ongoing recruitment processes.

Mister/Madam President,

The leadership, dedication and professionalism with which Ms. Kimberly Prost has fulfilled her tasks set the bar high for her successor. He or she should be guaranteed the institutional independence to perform these duties effectively and to the highest standards of integrity that we expect and that petitioners are entitled to. The Like-Minded group stands ready to engage in a continued dialogue to ensure that the regime complies with fundamental due process guarantees and human rights norms.

Thank you.