Access to classified records from the Office of the High Commissioner for Human Rights

1. Contact details

Any requests for access to classified records must be submitted in written form, such as letter or email to:

Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations
1211 Geneva 10
Switzerland
Email: archives@ohchr.org

When requests are submitted through the United Nations Office in Geneva, they can be submitted via email to: recordsmanagement-unog@un.org

2. Principles

Openness and transparency

The overall approach to classifying information entrusted to or originating from the United Nations is based on the understanding that its work should, to the extent possible, be open and transparent, subject to confidentiality obligations set out in Secretary-General's bulletin ST/SGB/2007/6.

Confidential information (as defined in the Secretary-General's bulletin ST/SGB/2007/6) includes the following:

(a) Documents created by the United Nations, received from or sent to third parties, under an expectation of confidentiality;

(b) Documents whose disclosure is likely to endanger the safety or security of any individual, violate his or her rights or invade his or her privacy;

(c) Documents whose disclosure is likely to endanger the security of Member States or prejudice the security or proper conduct of any operation or activity of the United Nations, including any of its peacekeeping operations;

(d) Documents covered by legal privilege or related to internal investigations;

(e) Internal inter-office or intra-office documents, including draft documents, if disclosure would undermine the Organization's free and independent decision-making process;

(f) Documents containing commercial information, if disclosure would harm either the financial interests of the United Nations or those of other parties involved;

(g) Other kinds of information, which because of their content or the circumstances of their creation or communication must be deemed confidential.

The right of access to information

The right to information under international law has its roots in article 19 of the Universal Declaration of Human Rights and in article 19 of the International Covenant on Civil and Political Rights (see A/72/350). The Human Rights Committee stressed that article 19 (2) of the Covenant "embraces a right of access to information held by public bodies" and that "[s]uch information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production" (CCPR/C/GC/34, para. 18).

Do-no-harm principle

In all circumstances and at all times, access to current and archival records will be granted in accordance with the "do no harm" principle, which governs all aspects of OHCHR work and entails an obligation not to jeopardize the life, physical and psychological safety, freedom and well-being of victims of violations, witnesses, and other cooperating persons and members of their families. In deciding about access to current and archival records, OHCHR will assess the potential risks and make every effort to avoid causing harm.

The right to know the truth

The United Nations Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (2005) reaffirms the right of individuals to know the truth about violations of human rights and humanitarian law in order to foster accountability and ensure non-recurrence. The Updated Set of Principles emphasizes the vital role that archives play through preservation of memory in giving effect to the right to know the truth and holding persons accountable for human rights violations. It further provides that access to archives shall be facilitated, both to victims and, as necessary, to persons implicated who request it for their defence. The Updated Set of Principles stresses that the application of this principle must be implemented in full respect of applicable privacy concerns, particularly as regards confidentiality concerns of victims and other witnesses. Similarly, while stating that access to archives should also be facilitated in the interests of historical research, this should be subject to reasonable restrictions aimed at safeguarding the privacy and security of victims and other individuals.

Protection of victims, witnesses, sources and their families or whistle blowers

Protection of safety or security of any individual and his/her rights and privacy is one of the elements which may render information contained in a document sensitive. Protection of victims, witnesses, sources and their families is a key principle in OHCHR's work. Any risk of threats, reprisals, unlawful or arbitrary interference or attacks on their privacy, security and reputation must be duly taken into account when assessing access requests. Furthermore, protection against retaliation applies to staff members (regardless of the type of appointment or its duration), interns or United Nations volunteers pursuant to ST/SGB/2017/2 on "protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations".

3. Access modalities

Upon receipt of an access request and after an evaluation of the sensitivity of the information, OHCHR may:

(a) **Provide full access without limitation**, in which case photocopying or electronic copies are allowed. If full access to classified records is allowed, they should be proposed for declassification.

(b) **Provide limited access** whereby access to some records is only provided in part or in redacted form, and (1) photocopying, electronic copies and citations are allowed or (2) no photocopying, electronic copying or citations is allowed.

(c) **Deny access**. In this case, reasons should be provided. Subject to a review as indicated below, the records remain classified and unless certain parameters of the guidelines change, subsequent requests for access will also be denied.

4. Review of denial of access

Where a decision to deny access has been made, which the requestor believes is inconsistent with the above-mentioned principles, the requester is entitled to a review of that decision. The requester may within 60 days make a request for review in writing to the Legal Policy Office at: archives-review@ohchr.org
The request for review should provide the following information:

(a) Date of initial request for access,
(b) Documents initially requested,
(c) Purpose of the request,
(d) Date of decision denying access and reasons given for negative decision, and
(e) Basis on which the requestor believes the decision was in error.

Upon receipt of the request for review, the Legal Policy Office will examine the initial decision and the reasons given to deny access, and provide its considered response within 60 days.