

**Public Statement on ILOAT Judgement in the case of Dr Francesco Zambon v. WHO
(case no. 5000) by the Whistleblowing International Network, Government
Accountability Project, Transparency International, Transparency International Italy,
Globleaks and Whistleblower Aid**

As organisations committed to protecting whistleblowers and ensuring accountability in international institutions, we -- the Whistleblowing International Network, Government Accountability Project, Transparency International, Transparency International Italy, Globleaks, and Whistleblower Aid -- express our deep concern and disappointment with the International Labour Organization Administrative Tribunal's (ILOAT) ruling in *Zambon v. WHO* (Judgment No. 5000¹).

The Tribunal's decision on 6 February 2025 dismissing Dr. Francesco Zambon's claims of retaliation after his efforts to report inappropriate conduct regarding WHO's handling of the COVID-19 report reflects a regressive interpretation of whistleblower protections and a disregard for critical international standards. This decision sets a troubling precedent for whistleblower protection across the United Nations common system and risks sending a chilling signal to those who seek to report wrongdoing and protect the public interest.

Case Background

In 2020, Dr. Zambon became a whistleblower during the COVID-19 pandemic, after raising concerns about a potential conflict of interest within the WHO and the suppression of critical public health information. He alleged that WHO withdrew a report he authored, which revealed that Italy's pandemic preparedness plan had not been updated since 2006, contributing to a chaotic early response to the crisis.

Dr. Zambon reported being pressured by Mr G.², who at that time held the position of WHO Assistant Director-General (ADG), to alter the report to falsely state the plan had been updated in 2016. Dr. Zambon refused to change the date, asserting that the plan had never been updated since 2006. The report was published online and was withdrawn less than 24 hours later. Since then, Dr Zambon reported professional retaliation, including demotion and isolation.

The ILOAT ruling followed two internal WHO proceedings that also failed to recognize Dr. Zambon as a whistleblower, despite supportive findings from WHO's own Global Board of Appeal (GBA) which deemed him most likely entitled to whistleblower protection. This final judgement raises serious questions about the fairness, transparency and credibility of internal justice mechanisms within the UN justice system.

¹ See International Labour Organization Administrative Tribunal, Judgement No. 5000, Z. v. WHO, https://www.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=5000&p_language_code=EN.

² Id., page 2.

We are particularly alarmed by the following aspects of the ILOAT's judgment:

- **Failure to Consider Amicus Curiae Brief:** We welcome the Tribunal's acceptance of the amicus curiae brief submitted by our organisations — an important step that acknowledged the value of globally recognized principles and best practices in whistleblower protection. However, we note with concern, that the ILOAT dismissed the amicus brief's arguments about the WHO's whistleblower framework and the GBA's independence because both arguments were not first raised by the complainant.

The ILOAT's procedural dismissal of our amicus curiae brief undermines the very purpose of amicus participation. Our brief presented legal and ethical standards vital to the fair adjudication of whistleblower retaliation claims. We question the ILOAT's dismissal on several grounds:

(1) its overly restrictive interpretation of amicus briefs' purpose contradicts their traditional role of providing specialized expertise that may not be within the complainant's knowledge or offering perspectives beyond what the parties might raise providing valuable context for systemic issues among other things;

(2) the artificial separation between systemic whistleblower framework issues and individual complaints ignores their intrinsic connection;

(3) the Tribunal abdicated its responsibility to ensure effective remedies, which may require examining structural problems underlying individual cases;

(4) this approach inconsistently applies UN administrative law principles that emphasize justice over procedural evasion;

(5) it reinforces power imbalances between individual complainants and international organisations, undermining procedural fairness; and

(6) the Tribunal should have reasonably interpreted its own rules to view the brief as complementary context rather than an enlargement of scope. A more flexible and contextual approach would have better served justice and whistleblower protection in international organisations. Such an approach would not have violated the rights of either party, because the Tribunal shared our brief with them and afforded them the opportunity to make submissions on the brief.

- **Misinterpretation of Whistleblower Standards:** ILOAT's conclusion that Dr. Zambon had a "personal interest" in his report and therefore was not eligible for protection reflects a misreading of whistleblower policy. The retaliatory threats reported by Dr. Zambon, including alleged pressure to falsify research and defamation, were clearly linked to his refusal to engage in misconduct, not personnel disputes.

- **Dismissal of Retaliation Evidence:** The ILOAT found no evidence of retaliation and dismissed the threat of dismissal as irrelevant because it occurred prior to the report's publication. This reasoning is fundamentally flawed: whistleblower protections are intended to shield individuals from threats and retaliation that discourage reporting of wrongdoing, regardless of when such threat occurs. Moreover, the Tribunal failed to recognize anticipatory threats and defamatory acts as forms of retaliation, despite Dr. Zambon's allegations regarding the then ADG's attempts to discredit Dr. Zambon, including alleged threats made to Italian authorities and the press during his official tenure.
- **Failure to Acknowledge Defamation as Institutional Retaliation and Provide a Neutral, Transparent, and Fair Judgement:** The Tribunal also concluded that allegedly defamatory statements made by the ADG were made in a personal capacity and not attributable to WHO, yet it offered no explanation or evidence to support this finding. Given the ADG's leadership position and the context in which the statements were made, they should have been recognized as institutional retaliation. Furthermore, ILOAT did not reproduce or even summarize the public statements made by the ADG that Dr. Zambon alleged were harmful. This omission undermines both the transparency of its decision and Dr. Zambon's ability to challenge those characterizations. We do note, however, that the ILOAT supported Dr. Zambon on the limited ground that the WHO should have publicly disassociated itself from the allegedly defamatory statements made by the ADG, even though it ruled those statements were made in his personal capacity, and thus awarded Dr. Zambon 15,000 Swiss Francs in moral damages. This was the ILOAT's sole recognition of wrongdoing by WHO and it was not framed as retaliation or breach of whistleblower protections, but merely a failure of public response.
- **Erosion of Internal Appeal Protections:** The judgment's dismissal of the WHO GBA's reasoned recommendation — to recognize Zambon's entitlement to whistleblower protection and WHO's failure in its duty of care, and to award Zambon moral damages and legal fees for his appeal — may deter future internal bodies from making fair findings in whistleblower cases. Such an outcome fundamentally undermines the credibility of internal review bodies amounting to a useless, time and resource-wasting, exercise.

We are deeply concerned not only with the substance of the decision, but also about the fairness and transparency of the Tribunal's process:

- The judgment lacked sufficient detail and failed to adequately explain the reasoning behind its conclusions - a shortcoming that undermines public accountability and prevents the parties involved from fully understanding and responding to the decision.
- Under current ILOAT rules, judgments can only be reviewed on extremely narrow factual grounds. Legal errors, misinterpretations, or omissions in reasoning cannot be challenged. With only one successful review out of more than 160 applications³, this

³ See <https://www.unattorney.com/2014/05/02/are-iloat-judgments-final/> page 4.

mechanism is clearly inadequate for correcting mistakes or ensuring justice — particularly concerning, given that the ILOAT functions as a court of first instance with no avenue for appeal. Even though the ILOAT considers itself an appellate court and gives significant deference to the findings and conclusions on the merits of the internal appeal bodies, the internal bodies lack due process and are structurally flawed.

Whistleblowers play a vital role in safeguarding institutional integrity. Therefore, it is of utmost importance to acknowledge the dangerous precedent set by this judgment and to reaffirm the principle that individuals who speak out against wrongdoing, particularly within global public health institutions, must be protected—not punished.

We call on the World Health Organisation, the United Nations, and the international community to take concrete, immediate steps to strengthen whistleblower protections and ensure justice for those who expose wrongdoing in the public interest.

We reaffirm our call for international organisations to align whistleblower frameworks with best practices and human rights norms. It is time for WHO and ILOAT to ensure that whistleblower protections are real, meaningful, and enforceable.

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