

RE: Complaint of misconduct and abuse of authority

REILLY Emma

Mon 04/11/2019 11:42

To: SWANSON Ben [REDACTED] BURTON Meaghan [REDACTED]

Cc: OIOS-FRONT-OFFICE [REDACTED] OIOS-ASG [REDACTED]

Sensitivity Confidential

Dear Ben,

I'm writing once again to appeal that OIOS open an investigation into the endangerment of the lives of human rights defenders by OHCHR. This decision should, in my view, be taken based on the evidence of endangerment of the lives of individuals by senior OHCHR staff and not (false) speculation as to the satisfaction it may offer me. My focus remains, as it always has, in trying to stop OHCHR endangering the very people we are mandated to protect, and ensuring accountability of those who decided to put this policy of active endangerment in place. Given that the UN refuses to provide me with any information whatsoever on the harassment panel established under ST/SGB/2008/5 following the first judgement in my cases, I don't think it's reasonable to delegate investigation to a panel with a specific mandate of investigating the former High Commissioner for abuse of authority relating to OHCHR's false and defamatory press release.

On Friday, OHCHR once again simply lied, publicly denying any names were ever handed over, and explicitly noting that handing over names would be dangerous:

<http://webtv.un.org/media/watch/coly-seck-president-of-the-human-rights-council-press-conference-1-november-2019/6099799473001/?term=>

It's about 20 minutes in, the most relevant parts as follows, from the OHCHR spokesperson:

"Let me just clarify very clearly hope to put this mis-, this distortion to rest. Under no circumstances does the Office of the High Commissioner divulge names of human rights defenders who come to the Council. This is not a practice, we are very vigilant like the president just announced. We echo that that very firm stance. You know, civil society, the voice of civil society to really complete the work of the council they are vital actors in the council. We do our utmost to preserve their, their security and any threats against them we take very seriously. **And we would never, ever dream of actually divulging names** so we can perhaps talk more about this afterwards. But this is something that needs to be put to rest once and for all."

OHCHR's legal position before the Tribunal was very different:

"115. After having made her case to three different and independent Ethics Offices which included the submission of numerous documents, the Applicant tries again to demonstrate that her reports which referred to a practice of OHCHR of confirming the participation of named individuals to sessions of the Human Rights Council with the Permanent Mission of China constitute protected activity under the 2005 retaliation policy. All Ethics Offices, after having diligently and professionally conducted their reviews, concluded that the information sharing did not constitute a protected activity under the retaliation policy."

I could not agree more that OHCHR should have done something about this (even meeting with me once in almost seven years, for example), but you cannot use their inaction as an excuse for OIOS to take no measures to investigate and, hopefully, stop a practice that actively endangers the lives and safety of people we are mandated to protect. While the sex abuse scandals are incredibly serious, nobody seriously believes it is UN policy to rape children. It is, however, an actual UN policy to hand names to China, and only to China. I maintain my position that OIOS should have investigated this following my first report way back in 2013, but compounding that failure now, when there is so much evidence of the danger to individuals the UN is mandated to protect, seems incomprehensible. Victims of this policy deserve justice just as much as victims of sex abuse, why is a distinction being drawn? The fact that the cover-up has been in place for so long does not, to me, seem like a reason to continue it.

Very best,

Emma

Office of
the United
Nations High
Commissioner
for Human
Rights

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Emma Reilly

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From: SWANSON Ben <swanson1@un.org>
Sent: 09 October 2019 21:06
To: REILLY Emma <ereilly@ohchr.org>; BURTON Meaghan <burtonm@un.org>
Subject: RE: Complaint of misconduct and abuse of authority
Sensitivity: Confidential

Dear Emma

Thank you very much, I had a good break and yes I'm swamped!

As I suspected would be the case, the mandate of "fact-finding panel" did not include investigation of the policy.

This complaint will be addressed by the Fact Finding Panel that has been formed to investigate your complaints.

OIOS' position is that, notwithstanding your serious allegations concerning the possible endangering of the lives of human rights activists and/or their families, the current position, in which you find yourself with OHCHR and the other way around, in which OHCHR find themselves with you, is one that should have been resolved by a strong and proactive management response provided by OHCHR some time ago.

Any investigation by OIOS would not provide any satisfaction, solution or succor to any party. I have been firmly of the opinion and remain of the opinion that OHCHR management are responsible for resolving the issues between you, a view I have repeatedly expressed.

Insofar as the matter concerning the Tribunal is concerned, that is not dead and buried as there are other moving parts which I can't discuss.

This is a reference to the removal of the judge, who had himself requested investigation



The issue regarding the ASG/OHCHR has been investigated by CIRS and I understand that they will be contacting you regarding their findings.

This is a reference to the former Deputy High Commissioner for Human Rights publicly claiming to hold two postgraduate degrees when she holds none. The UN quietly updated its website and she faced no consequences.

I wish you all the very best.

Ben

Ben Swanson | Director | Investigations Division | Office of Internal Oversight Services | United Nations Headquarters New York | Office  | 

From: REILLY Emma <ereilly@ohchr.org>
Sent: Tuesday, 08 October, 2019 6:39 AM
To: Ben Swanson ; Meaghan Burton 
Subject: FW: Complaint of misconduct and abuse of authority
Importance: High
Sensitivity: Confidential

Dear Ben,

I hope you had a good break.

I know you are swamped, but wanted to check whether OIOS would be investigating this? I think – and Member States I have approached about it agree – that it is an incredibly serious issue for OHCHR to actively endanger human rights activists on the instructions of a single Member State.

As you may be aware, I am now victim of a forcible transfer from a regular budget post to one that is either XB or GTA, against all jurisprudence on the issue. The excuse is that it is necessary to protect Mr. Tistounet (D-1) from retaliation by me (P-3). I have applied for protection against retaliation, as this is on the orders of Kate Gilmore, but of course, now that the Ethics Office actually does have a conflict in my case, they are claiming not to (I'll be sure to tell the judge, it is at least kind of them to undermine their own legal argument). I expect the bogus investigation to start at any moment – senior OHCHR managers genuinely see the Kompass case as a win, because he resigned.

Very best,
Emma

Office of the United Nations High Commissioner for Human Rights

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Emma Reilly

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From: REILLY Emma

Sent: 30 September 2019 21:59

To: BACHELET Michelle 

Cc: SWANSON Ben ; SGCENTRAL ; GILMOUR Andrew

; POLLARD Catherine ; VIOTTI Maria luiza 

Subject: Complaint of misconduct and abuse of authority

Importance: High

Sensitivity: Confidential

Dear High Commissioner,

Please find attached a complaint of misconduct, abuse of authority and harassment against Mr. Eric Tistounet, relating to the secret practice of handing names of human rights defenders to the delegation of China, without their knowledge or consent, and the six and a half of years of retaliation to which I have been subjected for reporting it.

Kindly acknowledge receipt.

I look forward to hearing from you.

Very best,

Emma Reilly