

Verbatim notes of telephone call between Deputy High Commissioner for Human Rights, Nada al Nashif (NAN), and Emma Reilly (ER), 18 June 2020

NAN: I am speaking to you as I said in the exchange Emma, confidentially and personally, at the specific request of, and as authorized by the High Commissioner, by Ms Bachelet, and the Under Secretary General for Management, Strategy, Policy and Compliance, Ms Pollard.

ER: Yeah

NAN: And I'd like first of all to address the outcome of the investigation panel, in respect of your complaint. And it's two points here for me: first that the investigation panel has concluded that the allegations made by you against the former High Commissioner, Mr Al-Hussein, and Eric Tistounet were not substantiated...

ER: Just a correction: that's not what the panel said.

NAN: If you allow me to just finish please, there are two points OK? So the investigation panel concluded that the allegations against both were not substantiated, and second that the 2017 press release was not found by the investigation panel to have defamed you, and that there was no retaliation against you. So that's the first two points. Alright?

ER: They're incorrect, but continue.

NAN: Just let me say, I have not seen the investigation report and so I can't discuss it. This is what I have been told to say, and we don't have an independent view myself and I cannot engage in any debate on the findings. That's what I have been told. The objective is not really to enter into them but just to restate them directly from the perspective of...

ER: As I said it's not a restatement, it's not even a restatement of the written document that I was given, the finding was there was insufficient evidence, the panel had actually actively destroyed evidence, refused to speak to the witnesses that I provided, and refused to ask for the further evidence, so the finding is there is insufficient evidence, is not that there was no retaliation, it is not that it was not defamatory

**The panel destroyed all tape recordings of interviews.**

NAN: As I said, I I have not read the report, I am not privy to the findings of the report, that's obviously for you to follow up, as and when you see appropriate. The second message please, which is important also, is I would like to address the various steps that you've taken with media outlets

ER: Hmm hmm

NAN: notably the posts, the broadcast, the articles on Amazon.fr, on New Tang Dynasty Television, the Gravitas program on World Is One News, and The Daily Express.

ER: Hmm hmm

NAN: Between the 13<sup>th</sup> of May of this year, and the 8<sup>th</sup> of June, you have posted, engaged with journalists, and provided interviews where you alleged that OHCHR release names to China resulting in the torture and death of activists.

**This is an incredibly important admission. The UN Human Rights Office still believes it is not bound by rules set by member states, but can unilaterally decide to secretly hand names of human rights advocates to any government that wants to intimidate them and their families to prevent them speaking out.**

ER: Yes.

NAN: These claims are false, the facts are set out

ER: They are not

NAN: ... in the 2017 press release. Specifically, the practice was as follows during the specific time periods. Prior to 2006, the names of those accredited to participate in the Human Rights Commission sessions were published one week prior to the commencement of the session. Upon transition to the Human Rights Council, some member states requested confirmation that certain individuals named were accredited, in the context of allegations that those named individuals caused a security risk. Names were confirmed when there was considered to be no additional security risk to the activist themselves, and this process is detailed in the 2017 press release. After 2015, no names have been confirmed to member states. Since the confirmation of names between 2006 and 2015 was made on this limited basis, the transition to not confirming names is minimal, and finally at all times, the decision as to whether or not to confirm names of well-known activists shortly before the Human Rights Council sessions was and would remain a matter within the discretion of the Human Rights Council Branch of OHCHR. OK?

ER: Well, there are number of falsehoods in that. Would you like me to detail them?

NAN: Sure, but again I am... I am not able to discuss any of these things, as I said, we have not been...

ER: Well, why are we having this meeting if I may? If you're unable to, if you're just going to read something without any knowledge of the actual facts and not allow me to correct the facts why are we having this meeting?

NAN: Please allow me. We called this meeting because I am delivering a specific request which I am coming to, from your current employer, the Office of the High Commissioner of Human Rights, and from the USG for Management. That's what I'm tasked to do. And these points were given to me because I have not been following, of course, the extensive inquiry, we just need to clarify our position on the matter.

ER: Well,

NAN: I represent the institution at this stage, that's all I'm doing

ER: Does Rolando Gomez represent the institution when he gave a completely different version to the press on 1st November 2019, did Eric Tistounet represent the institution...

NAN: I have no idea

ER: ...when he gave a completely different version to a public meeting in 2017?

NAN: Emma I am recalling a state of events, a chronology of events, which has been presented to me, you know I just arrived...

ER: Which is false.

NAN: ...in this office, which is why I'm doing it. But you can take those issues up with whomever you need to take them up.

ER: But I have been. You fired the judge

NAN: I am aware. And that's your right. And I'm not talking about that now. I am just telling you where we are

ER: If you're to base a request upon a presentation of facts that is false, then do you not see that there might be a problem with that?

NAN: I am not at liberty to take your point of view.

ER: I am not asking you to take my point of view.

NAN: No, but...

ER: But I am asking you to take the written witness statements of the people whose names were handed over for example.

NAN: And I am not in the investigation, I have no part in the investigation, that was exactly the point why I am delivering this message, because you know very well that I have had no contact with the people, their issues, the process. And all of my time here is exactly less than four months at the moment. So please allow me just to finish the message, because that was the point of the call and I know that we, you know...

ER: Could I ask that you put the message in writing, please? Because you are basically giving a very false presentation of events, I think it would be much better if it was in writing, so that I can go point by point

NAN: I will continue to deliver orally, and then we will see what we can do at the end. Regarding the interview with the panel, and in your interview with the investigation panel, you revealed that you are engaged with external parties. It starts in section 4 of the Secretary General's Bulletin concerning protection against retaliation, and comments made by the former USG, Ms Jan Beagle, that in certain circumstances whistleblowers may communicate externally. This does not apply to you, as the panel has confirmed you have not been granted whistleblower status by the Ethics Office.

ER: That is, that is also untrue, I was found to be a whistleblower on five separate counts.

NAN: This is what the USG of management has confirmed to us, you may take that up obviously as, again, you have the right to, and as you wish to see fit. In terms of staff regulations, which is the next point, you are therefore bound by your obligations as an international civil servant. Staff regulations 1.2.1, staff rule 1.2.t, you are not authorized to make comments to any external entity about these issues. Should you do so, you will be in breach of your obligations as a UN staff member. And I understand that you have been informed by the Under Secretary General for the department of management, strategy, quality and compliance, specifically of these obligations. Despite this reminder from the USG, you have since posted a tweet, on 16<sup>th</sup> June, criticizing the organization and the Secretary General on this very same issue. So the issue is that we are here, I am here, on behalf of the organization, to remind you of your obligations as a staff member. In line with these obligations, I am requesting you to cease and desist in raising these matters publicly, and to remove this most recent tweet and all other tweets that do not reflect the organization's position.

ER: I remind you that under Staff Regulation 1.2.b , there is an obligation of honesty and truthfulness on the part of all UN staff members. The UN has repeatedly lied about this practice, surely it is possible for you to see that a press release stating that names are handed over and public statements on the part of Eric Tistounet, and on the part of Rolando Gomez, that names were never handed over, are mutually exclusive. There is an obligation of honesty and truthfulness and I have an obligation to report misconduct. It is misconduct to lie about me, it is misconduct to lie about my reports. I have an obligation as a staff member as well to report those lies. I have requested that there be a correction, I have requested an investigation of the statement of Mr Rolando Gomez stating that at no point were any names handed over. You also mentioned during your presentation that after 2015 no names have been confirmed to member states. I just want to remind you that that's the opposite of your position in court, and I would ask that that'd be transmitted to the UNDT as the new official position, because if this practice did indeed stop in 2015, the only reason it could have stopped was my reports, which therefore would in fact make me a whistleblower in this court as well.

NAN: Emma, I said before and I repeat again, and that's why I said this wouldn't be a very long call, I cannot enter into an argument as to whether you see these points, these steps justified or otherwise appropriate. The purpose now is for me to restate the position of management in light of the investigation panel's findings and the conclusion drawn by the organization's senior management in this light. Regarding the future, again, I know you are following up as you see fit, as far as we are concerned you remain a staff member of OHCHR and as a staff member of OHCHR you are bound by the rules that I just pointed to.

ER: I am also bound by all of the staff rules and regulations, including the honesty and truthfulness and the duty to report wrongdoing

NAN: I have been clear, we err we really believe that we have done the best that we can in following a process that has been extensive, that has been transparent, that has taken a lot of time and effort, because we are also interested in confirming what we believe to be the truth. Err but...

ER: In that case I would encourage you to investigate the practice itself.

NAN: ...to bring this message to you. You have [REDACTED] and I have [REDACTED] we will certainly convey the outcome, the result of this brief exchange to the USGs, both to make sure that we are confirming that this discussion happened, OK?

ER: Can I please ask that you put the entirety of what you said, you were clearly reading, can I ask that you put that in writing because there were a vast number of factual inaccuracies

NAN: Ah. I will check and see whether I am at liberty, I think whatever the inaccuracies were this is a conversation, that's why I said we really wanted it to be personal and confidential. So let me get back to you on that, if that if possible at all I will do it, OK? In the meantime the instruction stands, and we are asking you to please stop raising these matters publicly and to remove the last tweet... OK?

ER: May I ask whether there is any intention to ever conduct any of the investigations that I have asked for, including, notably, into the statement of Rolando Gomez that no names were ever handed over?

NAN: Emma I am not involved in this case, I have never been, that's precisely why I am the one that is speaking to you today, I carry the authority of the USG of management, and I carry the authority and the voice of the High Commissioner herself, this is within my jurisdiction as the Deputy High Commissioner, so all I am doing is I am delivering the message, and hoping that we can move on with your full compliance and support. Alright? And I know that we are cutting into all kinds of time, so I want to say thank you for the time, this is really all we have. And I am sorry it's a bit late, but I had to leave the Human Rights Council to which I must return.

ER: I reiterate my prior request that you put this in writing because there are vast number of factual inaccuracies in what you just said to me, I think that when you are asking me to take actions based on lies then it is something of an issue.