

5 March 2021

Dear Secretary-General,

Extraordinarily, the day after I submitted my complaint of misconduct and abuse of authority against Mr. Stéphane Dujarric for deliberately lying to the press about me and my reports, he did so again. I therefore submit this further complaint of misconduct and abuse of authority, which supplements and does not replace the complaint of 3 March.

On this occasion, the relevant exchange is as follows:

Journalist (Célie de Lavarène): Stéphane, a woman named Emma Reilly, who works for the Office of the United Nations High Commissioner for Human Rights (OHCHR) and is a human rights lawyer, has repeatedly alleged that the human rights office in Geneva shared the name of Chinese opponents with the Government... China's Government, and she said that this is the only exception that the UN has made. Is that true?

Stéphane Dujarric: No. We don't agree with her description of our policies. Contrary to her claims, at no time has any activist been placed at risk by the human rights office's practices of responding to inquiries from Member States requesting for confirmation of the names of activists accredited to attend the Human Rights Council sessions. Since the start of the Human Rights Council in 2006, the Office of the High Commissioner for Human Rights stopped providing lists of those accredited to attend. Instead, in response to specific inquiries from Member States regarding names of individuals, the Office confirmed the names of well-known people for whom confirmation of their names presented no additional risk, given that they were already in the public domain. From 2015, given the limited nature of the practice, the Office ceased providing confirmation to Member States that individuals were accredited to attend sessions.

It is of note that this response, while still untrue, directly contradicts Mr. Dujarric's previous statement of 26 February that OHCHR "never" handed any names to the Chinese government.

The latest statement combines elements of OHCHR's false and defamatory press release of 2 February 2017, and the statement of the Deputy High Commissioner for Human Rights, Ms Nada al Nashif, to me of 18 June 2020.

In court, having declined to cross-examine the activists who provided witness testimony as to the falsity of the press release, your own lawyers admitted that it was false. Mr. Dujarric was aware of this fact, as I informed him of it by email of 1 December 2020 following past defamation. I have previously provided you with the relevant recording of the court hearing. In particular, Mr. Dolkun Isa contradicted the lie that information he and his colleagues would attend the session was in the public domain, confirming "our NGO did not release the names of individuals who would be attending the 2013 Human Rights Council ahead of the event... At no point... were we informed by OHCHR that the Chinese Government had been informed that we would be attending the Council session." He provided a link to the press release that the UN falsely claimed put his name in the public domain, despite the press release containing no names whatsoever.<sup>1</sup> I initially transmitted Mr. Isa's witness statement to Mr. Dujarric on 5 November 2019, following the lies of his colleague Mr. Gomez, and in fact re-transmitted it on 3 March 2021, the day before this latest lie. Mr. Dujarric was therefore fully aware of the falsity of his statement at the time he made it. Furthermore, as he had been directly sent both this and another press release of the World Uyghur Congress on 25 November 2020 by Mr. Rupert Colville, he was fully aware that the name of Mr. Dolkun Isa appeared in neither.

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<sup>1</sup> Press release available at: <https://www.uyghurcongress.org/en/conference-announcement-chinas-new-leadership-challenges-for-human-rights-democracy-and-freedom-in-east-turkestan-tibet-and-inner-mongolia-in-geneva-11-13-march-2013/>

Mr. Dujarric claims that OHCHR providing names in advance was a practice common to all member states, when in fact the evidence shows it was an exceptional practice that applied only to the Chinese government. A similar request from the Turkish government was refused, in line with the rule of the Human Rights Council that requires any requests to know the accreditation status of any individual to be made in plenary or to the expanded Bureau, and not in secret emails exchanged with the Secretariat (See reference in Annex 1). I requested in court that the UN disclose any documentation supporting its contention that any other member state was provided advance information on whether named human rights defenders would attend sessions of the Human Rights Council, or any public document announcing such a policy. The UN Administration was unable to do so.

I remind you that the actual OHCHR argument was and remains that the list of persons applying for accreditation to the Human Rights Council is somehow public weeks in advance of the session, despite never being published anywhere. This reasoning was first advanced in an email from the Chief of the Human Rights Council Branch dated 11 February 2013, in which he stated:

The Chinese delegation will send us the usual note concerning those individuals who have been or will be accredited to the session. To do this they need to get a confirmation of the presence of one or more of the listed individuals during HRC12. Since the list of participants to a UN public meeting is by definition public there is not much we can do to resist their inquiry. The best we can do is delay by few days (until 25 February) the confirmation of those present in March but this will amount to nothing and will exacerbate the Chinese mistrust against us. (Email included as Annex 2)

The spokesperson is aware of the existence and content of this email, as he has on several occasions been asked to provide comments on it by journalists. The spokesperson is also aware that the UN continued to claim that the list of persons applying for accreditation is public in court in June 2019, where my cross-examination on this issue was as follows:

UN lawyer: Is it correct to say the list of accredited persons is supposed to be a public one?  
Emma Reilly: No, that's not correct.  
UN lawyer: That's not correct?  
Emma Reilly: The list is never published, no.  
UN lawyer: The list is never published, ok. So, you are denying all the responses that were given to you by the High Commissioner and the senior management?  
Emma Reilly: I'm saying that you can look at the report of the Human Rights Council and you will see that there is no list of names attached.  
UN lawyer: OK  
Emma Reilly: It's not that I'm denying a response, it's that there is no published list of human.. of specific individuals who attend the session. As I mentioned before, when they are on video, if they choose to take the floor during the session, their name is listed there, and that is considered to be the summary record of the session. There is no document where it lists which specific individuals have attended the session.  
UN lawyer: OK, so, ... so there is no public list of public meetings, who attends the public meeting?  
Emma Reilly: No.  
UN lawyer: So how do they get into the building?  
Emma Reilly: There's the accreditation process...  
UN lawyer (interrupting): Yes, so I think there is a public document.  
Emma Reilly: ... which is a private document, it's not a published document. It's not a public document.  
UN lawyer: OK.

A claim in an ongoing court case, before a Tribunal where the UN is required to tell the truth, that the list of participants to the Human Rights Council is somehow public weeks in advance, is inconsistent with the spokesperson's public claim that this practice stopped in 2015. There was no change to the status of the list of persons applying for accreditation. The spokesperson is further aware of the press release issued by OHCHR on 2 February 2017, which, while making

deliberately misleading claims of protective measures, nonetheless admitted, in the present tense, that this policy continued on that date.

Mr. Dujarric knows that he cannot state “at no time has any activist been placed at risk” by this policy. He is fully aware that the activists were never informed that their names were handed over, and thus unable to make the link with reprisals. He has read the witness statement of Mr. Isa detailing the risk to which he and his family members were exposed, and it is deeply inappropriate for Mr. Dujarric to effectively label a human rights activist harmed by a secret UN policy a liar. Mr. Dujarric is fully aware that no investigation whatsoever has ever been conducted into the policy of handing names to China, and that the evidence of harm was not countered by the UN Administration before the Tribunal. He is further aware that several of the activists whose names were transmitted to the Chinese government by OHCHR, including notably Mr. Isa, in fact suffered reprisals for cooperation with UN human rights mechanisms that are detailed in your own annual reports on such reprisals. Neither Mr. Dujarric nor anyone else can claim that there is no causal link without the investigation that both you and your predecessor have so consistently refused to order.

Mr. Dujarric repeats the lie of Ms al Nashif that only names of “well-known activists” were handed over. I transmitted to you the name of a student that was handed over, along with the tragic information that he died in a concentration camp following his return to China. We will never know if he would have made other plans if OHCHR had informed him that his name had been so transmitted. I have also noted the names of junior staff of NGOs that have been transmitted. Your spokesperson was therefore fully aware that this was a lie.

Mr. Dujarric claims there was some assessment of risk to the human rights defenders. Once again, he is aware that no such assessment was carried out. Again, I asked for disclosure of any such assessment in court, and the UN Administration was unable to provide any. This is because the security assessment referred to in the OHCHR press release was in fact an assessment of the security of diplomats *from* the human rights defenders. This is, once again, clear in the email of the Chief of the Human Rights Council Branch of 11 February 2013, in which he states “we all know that security will eventually authorize the NGOs participants to attend the session.”

As I noted in my letter of 3 March, the UN Charter expressly provides that “The paramount consideration in the employment of the staff... shall be the necessity of securing the highest standards of efficiency, competence, and integrity...”<sup>2</sup> This is reflected in Staff Regulation 1.2(b), which requires that “Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.” Mr. Dujarric, in deliberately lying about me and my reports to the press, for the second time in a week, breached this standard and committed misconduct, per ST/AI/2017/1.

I request that you publicly correct this latest, deliberate lie by a UN spokesperson. I note that, in this latest case, the lies were told in response to a question that directly named me. Could you kindly confirm if you consider defamation of his colleagues to be in the exercise of Mr. Dujarric’s functions? If not, I formally request that you lift his immunity so that I may sue him for defamation before the New York courts, where the UN Administration cannot remove a judge without notice.

I remind you that my reports of this policy have, since July 2020, been determined to be protected whistleblower activities, and therefore that these lies constitute retaliation against a recognised whistleblower, which you have repeatedly, publicly claimed you will not tolerate. I ask you now to live up to your public statements.

I note that your own lawyers repeatedly and expressly stated in court that everyone in UN senior management, up to and including you, was fully aware of my reports of misconduct and did nothing. Your lawyers argued that the entire UN senior management therefore concurred that handing names to the Chinese delegation without the knowledge or consent of human rights defenders is fine, and that I was unreasonable to continue to report it. That remains your legal

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<sup>2</sup> UN Charter Article 101(3).

position, on the record. If your position is that there is nothing wrong with the policy, why do your spokespeople lie about it so consistently?

Thank you for the confirmation, received today, that what may be the quickest and most corrupt UN investigation in history will soon determine that whistleblowing is prohibited and not protected in the UN. As you are clearly determined to fire me for telling the truth, I look forward to your response as to whether you will take any action whatsoever against your own spokespersons for repeatedly lying to the press about this policy and my reports.

If you in fact authorized your spokesperson to lie on your behalf, I request that you recuse yourself from considering the present report.

Sincerely,

A handwritten signature in cursive script that reads "Reilly". To the left of the name is a horizontal line with a small arrowhead pointing to the left, resembling a stylized flourish or a signature element.

Emma Reilly

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