

3 March 2021

Dear Secretary-General,

I am writing to ask that you immediately place under investigation your spokesperson, Mr. Stéphane Dujarric, for deliberately lying to the press as part of a broader cover-up of the policy of the UN Human Rights Office of providing the Chinese delegation with advance information on precisely which dissidents plan to interact with UN human rights mechanisms. I have explained in previous communications how, in legal terms, this constitutes complicity in international crimes, including torture, arbitrary detention, and now even genocide.<sup>1</sup>

On 26 February 2021, Mr. Dujarric had the following exchange with the journalist Celhia de Lavarène:

Question: I read in The Epoch Times that leaked email... what I want to know is, did the UN give the names of China's dissidents, as written in that article?

Spokesman: To where?

Question: To the Chinese. Leaked emails confirm UN gave names of dissidents to CCP.

Spokesman: No. That is not true.

Question: Never?

Spokesman: No.<sup>2</sup>

Mr. Dujarric is fully aware that he lied. His colleague, Mr. Rolando Gomez, told the same lie on 1 November 2019, when he stated in response to a question from Mr. Ben Evansky:

Under no circumstances the Office of the High Commissioner divulge names of human rights defenders coming to the Council. Um, this is not a practice. So we are very vigilant, Like the president just announced. We echo that that very firm stance. Um, you know, civil society, the voice of civil society they really complete the work of the Council, they're vital actors in the Council. We do our utmost to preserve their, um, their security. Any threats against them we take very seriously and we would never, ever dream of actually divulging names.<sup>3</sup>

In response to that lie, I submitted a complaint of misconduct and abuse of authority against Mr. Rolando Gomez on 4 November 2019, to which neither you nor the High Commissioner for Human Rights has responded. I also wrote directly to Mr. Dujarric on 5 November 2019, copying Mr. Gomez and Mr. Farhan Haq, your Deputy Spokesperson, alerting him to this outright lie and requesting its correction. I attached to that communication both an email in which the names of Mr. Dolkun Isa and Ms He Geng were handed to the Chinese delegation without their knowledge or consent,<sup>4</sup> and a witness statement of Mr. Dolkun Isa, testifying both to the falsity of OHCHR's previous communications in this regard and the danger in which he and his family members are placed when the Chinese government has advance notice of his plans. There can therefore be no doubt whatsoever that Mr. Dujarric was fully aware that he was lying.

Mr. Dujarric was also aware of the UN's court position, which I quoted in that email:

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

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<sup>1</sup> See, for example, the detailed legal argument in my letter to you of 31 October 2018, which remains without response.

<sup>2</sup> Transcript available at: <https://www.un.org/press/en/2021/db210226.doc.htm>

<sup>3</sup> Video available at: <https://www.foxnews.com/world/un-human-rights-office-china-dissidents>

<sup>4</sup> Email from NGO Liaison Officer to Mr. Chen Can, handing over the names of Mr. Dolkun Isa and Ms He Geng, 7 September 2012.

diligently and professionally conducted their reviews, concluded that the information sharing did not constitute a protected activity under the retaliation policy.<sup>5</sup>

Mr. Dujarric was thus aware that there is no argument on the facts in court. The UN Human Rights Office has a policy of secretly providing the Chinese delegation with advance information on who plans to engage with human rights mechanisms. The only argument is whether my reporting that policy, which the dissidents testified placed them and their family members in danger, was a reasonable action.

The UN Charter, which should guide your management of the UN Administration, 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>6</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 to the press, 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 both cases, the lies were told in response to questions that directly referenced my reports, effectively defaming me as a liar when both Mr. Dujarric and Mr. Gomez can be in no doubt of the truth of my reports. These lies therefore constitute abuse of authority against me under ST/SGB/2019/8. 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 further 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 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?

I attach my complaint of misconduct and abuse of authority regarding the lie told on 1 November 2019 by Mr. Rolando Gomez, spokesperson for the Human Rights Council. This remains without response.

I would appreciate it if you could respond to my multiple requests to know whether I remain under investigation for telling the truth about a policy that amounts to complicity in genocide without express “authorization,” and look forward to your response as to whether you will take action 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 black ink that reads "Reilly". To the left of the signature is a horizontal line with an arrow pointing to the right, indicating the signature line.

Emma Reilly

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<sup>5</sup> Case UNDT/GVA/2018/099, Respondent’s reply, paragraph 115.

<sup>6</sup> UN Charter Article 101(3).