

# Re: Personal Attention

Emma Reilly [REDACTED]

Tue 01/12/2020 04:14

To: POLLARD Catherine [REDACTED]

Cc: REILLY Emma [REDACTED] AL-NASHIF Nada [REDACTED] SWANSON Ben [REDACTED] BACHELET Michelle [REDACTED] LOPEZ Martha helena [REDACTED] OERTLY Paul [REDACTED] SANCHEZ Rick [REDACTED] ARMSTRONG Elia [REDACTED] AG [REDACTED] SGCENTRAL <sgcentral@un.org>; DUJARRIC Stephane [REDACTED]

Dear Ms Pollard,

You again misrepresent the decision of the Appeals Tribunal. I would ask that you and your spokespeople immediately cease and desist from repeating this false claim publicly, in a clear effort to defame me.

I appealed an interim order informing me of the reassignment of my case to a new judge. The Tribunal determined that this was NOT RECEIVABLE on the basis that the new judge did not "clearly exceed" her authority in accepting the case when presented with the fait accompli of removal of Judge Downing. A judgement that a case cannot be considered on its merits is not, as your spokespersons insist on falsely asserting, a determination on the merits. Ask any lawyer, or even law student. This is a very, very basic point on which such consistent false statements by an organisation allegedly based in law are concerning to say the least.

The facts around the removal of the judge forms part of my CURRENT appeal before the Tribunal, with Judge Downing himself providing evidence that he was indeed removed from my cases without notice. He will testify that this constitutes removal of a judge by a party to a case, contrary to the UN's own Basic Principles on the Independence of the Judiciary. It is rather extraordinary for a "justice" system to be so corrupted in an individual case that a judge previously assigned to hear the case appears as a witness of fact on behalf of a party to the case. I cannot find a single example of this occurring before. I would suggest that you immediately stop spreading deliberate misrepresentations of the actual findings in my cases. Do let me know if you need the honourable judge's contact details, I am sure he would be happy to confirm the accuracy of my public statements. Perhaps you could also reconsider your decision not to even investigate the head of OAJ deliberately misleading the General Assembly regarding the judge's removal? He also requested investigation of that, and provided evidence to OIOS including, I believe, emails from diplomats who were misled. Such serious misconduct should surely be of concern to senior managers? Unless, of course, she acted on instructions of those same managers when misleading the GA.

There is one, and only one, final judgement in my cases - the finding that the SG unilaterally decided not to apply the rules on abuse of authority in order to try to avoid investigation of the false and defamatory press release. That is the ONLY final decision. You and UN spokespersons should stop deliberately making misleading and defamatory statements in this regard. Though it does go to your credibility (along with those 13 contradictory statements about the policy of handing names to China, and the fact that the dissidents whose names were handed over in March 2013 can confirm the utter falsity of the press release).

Furthermore, you again change your story on the findings of the panel in your email below. You stated in your formal letter that the panel found "insufficient evidence." This is very different from a finding that my complaints were "unsubstantiated." Why the changing narrative if not yet another effort to defame me? I would note once again that you abused the investigation to conduct a fishing investigation into me - there is no reason for a panel allegedly investigating a 2017 press release to focus so single-mindedly on my contact with the press in 2019. The panel did provide me with the tapes of my own interview. Similarly, it is no surprise that a panel that deliberately destroyed evidence during the course of the investigation felt it had insufficient evidence at its end. I look forward to calling you as a witness in that court case, regarding this clear misconduct by investigators under your direct supervision following your failure to recuse yourself.

The UN's own lawyer admitted in court, on tape, that the press release was misleading. The panel expressly informed me they never looked at the issue of handing names to China. Your actual legal position is that the list of participants is somehow public weeks in advance of Council sessions, and thus the request from China cannot be resisted. Surely you can see how utterly inconsistent that is with any claim this policy of providing names to China changed? If the latest public position of the UN is true (and all evidence available points to its falsity - China is just exceptionally good at guessing who is coming?), then why do you actively argue in court that this is ongoing? The status of the list of participants at the Human Rights Council did not change. The only question is whether the UN is lying before the Tribunal, or in its latest of 13 contradictory, public versions of events. Which story do you currently claim is true?

So, now that those are cleared up, what exactly are you accusing me of saying that is false or misleading? Do you think it is appropriate for a USG to actively threaten a P-3 who has been recognised as a whistleblower and subjected to almost eight years of unrelenting retaliation without any factual basis?

Regards,  
Emma Reilly

Sent from my mobile, sorry for the brevity

On 1 Dec 2020, at 02:21, Catherine Pollard [REDACTED] wrote:

Dear Ms. Reilly,

With respect to your query concerning your communication of falsehoods and misrepresentations, these include but are not limited to, for instance, your allegation that a judge of the UN Dispute Tribunal dealing with one of your cases was removed.

As you are aware, this matter has been finally determined by the UN Appeals Tribunal which found that the term of the judge had legally expired upon appointment by the UN General Assembly of new judges to the UN Dispute Tribunal.

In addition, you have been informed, by way of letter dated 10 June 2020 and a meeting with the Deputy High Commissioner for Human Rights on 18 June 2020 of the outcome of the investigation into your complaints against the former High Commissioner for Human Rights and Mr. Tistounet. Your complaints against the former High Commissioner and Mr. Tistounet were not substantiated.

Kind regards,  
Catherine Pollard

Sent from my iPhone

On Nov 12, 2020, at 6:37 PM, REILLY Emma [REDACTED] wrote:

Dear Ms Pollard,

I note your failure to respond. I can only therefore conclude that you in fact are fully aware that I have told no falsehood and made no misrepresentation. It is unfortunate that you once again decided to knowingly abuse your authority with the sole intention of intimidating me into ignoring my obligation as a UN staff member to report complicity in international crimes externally where every internal system has failed.

I reiterate my request to the SG to lift your immunity regarding this deliberate defamation.

Regards,  
Emma Reilly