

Secretary-General Antonio Guterres
The United Nations
New York, NY 10027
United States

6 October 2022

Dear Mr. Secretary-General,

We hereby file the attached Complaint against Mr. Eric Tistounet, chief of the United Nations Human Rights Council staff, for his systematic harassment, censorship and discrimination against our ECOSOC-accredited non-governmental organization, over a period of at least 15 years, in violation of the United Nations Charter and the International Covenant of Civil and Political Rights, as well as of UN staff rules, procedures and practices.

We do not make this complaint easily. But the escalating assault by Mr. Tistounet on our basic rights to participate, for example by his manipulation of speaker's lists to remove UN Watch from every Interactive Dialogue during the recent 50th Session—accompanied by his office's Kafkaesque non-responses to our repeated, patient and polite inquiries and appeals—have left us no choice. The system in Geneva refuses to give us any justice. You are our only hope.

The Complaint is grounded on compelling evidence of Mr. Tistounet's misconduct to target UN Watch, including:

- New testimony by his former colleague, Ms. Emma Reilly, a UN human rights officer, lawyer and Cambridge University graduate, detailing how Mr. Tistounet systematically ordered his staff at the UNHRC secretariat to violate UN rules in order to surreptitiously cancel or demote the legitimate participation of UN Watch in Human Rights Council debates, and how he obsessively denigrated and demonized UN Watch, creating a culture of abuse, harassment and discrimination against UN Watch personnel in our place of work inside the Council.
- Leaked emails from concerned colleagues of Mr. Tistounet showing how he instructed his UNHRC staff to go to an Internet café outside the UN to secretly post material about a 2007 incident where I was briefly arrested in the U.S. in a case of mistaken identity, in order to try to publicly humiliate me; and instructed his staff to violate their own UN procedures to comply with any false Interpol arrest warrant that might be filed against me, in order, he hoped, to block my entry to UN premises in Geneva and thereby prevent me from testifying before the Human Rights Council plenary.

- Lists of speakers from the 47th and 50th UNHRC sessions demonstrating how Mr. Tistounet clearly tampered with the results generated by the computerized registration system in order to prevent UN Watch from speaking.

Excellency, for the reasons detailed in the Complaint, we respectfully urge you to launch an independent and external investigation; to immediately suspend Mr. Tistounet from his functions for the duration of the investigation; and to take immediate remedial action to ensure that UN Watch may once again exercise its right to speak at the UN Human Rights Council on an equal basis with all other NGOs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hillel C. Neuer', with a stylized flourish at the end.

Hillel C. Neuer
Executive Director

TO THE UNITED NATIONS SECRETARY GENERAL

**FORMAL COMPLAINT AGAINST MR. ERIC TISTOUNET
CHIEF OF UN HUMAN RIGHTS COUNCIL BRANCH, OHCHR
FOR ABUSE OF AUTHORITY, HARASSMENT AND MISCONDUCT**

Submitted to: Secretary General António Guterres

Date: 6 October 2022

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INTRODUCTION

1. United Nations Watch (“UN Watch”) is a Swiss non-governmental human rights organization accredited at the United Nations in Special Consultative Status with the Economic and Social Council, pursuant to Article 71 of the United Nations Charter. It is a recognized stakeholder at the UN Human Rights Council (“UNHRC”) and a regular participant in its proceedings, intervening on a wide range of human rights themes and country situations. UN Watch reports, briefings and analyses on the Council are widely read by diplomats, academics and journalists, and its speeches in defense of the principles of universal human rights, democracy and accountability have been seen on the Internet by millions of concerned citizens around the world.¹

2. UN Watch was founded in 1993 by civil rights leader Morris B. Abram, following his term as U.S. Ambassador to the United Nations in Europe. As member of a UN human rights committee in 1964, he helped draft the Convention on the Elimination of Racial Discrimination. Secretary-General Kofi Anan, in his letter to Ambassador Abram of 30 January 1997, wrote: “I deeply appreciate the valuable work performed by UN Watch. I believe that informed and independent evaluation of the United Nations’ activities will prove a vital source as we seek to adapt the organization to the needs of a changing world.”

3. UN Watch is the most active NGO at the United Nations in bringing dissidents and family members of political prisoners to testify before the Human Rights Council. These have included Vladimir Kara-Murza from Russia, Yang Jianli from China, Denise Ho and Tania Chan from Hong Kong, Jacqueline Kasha from Uganda, Rosa Maria Paya from Cuba, Ensaf Haidar from Saudi Arabia, and dozens more from Belarus, Eritrea, Iran, Libya,

¹ See generally UN Watch website, www.unwatch.org.

Pakistan, Syria, Venezuela, Zimbabwe and elsewhere. In many cases, repressive regimes at the Council have attempted to silence our speakers and prevent them from entering UN premises, and they use their power and influence to pressure the UN secretariat in this regard.

4. For three decades UN Watch has been a leader at the United Nations in combating antisemitism,² initiating Holocaust commemoration at the United Nations European Headquarters,³ inviting Nobel Peace Prize laureate Elie Wiesel to respond to the Holocaust denial of Mahmoud Ahmadinejad at the UN's Durban II Conference,⁴ and authoring definitive reports examining the United Nations' record on antisemitism.⁵

COMPLAINT

5. UN Watch is being targeted, censored and harassed by the head of the UN Human Rights Council staff. By this petition to the Secretary General, UN Watch hereby makes a formal complaint of unsatisfactory conduct under ST/AI/2017/1, and of abuse of authority and harassment under ST/SGB/2019/8, against Mr. Eric Tistounet, D-1, Chief of the Human Rights Council Branch at the Office of the UN High Commissioner for Human Rights ("OHCHR").

6. While the presidency of the Human Rights Council is a rotating position held by a different ambassador each year, Mr. Tistounet has continuously functioned as head of

² See UN Watch's work to combat antisemitism at <https://unwatch.org/category/antisemitism/>.

³ On January 27, 2006, UN Watch played a key role in organizing the First Annual UN International Day of Commemoration in Memory of the Victims of the Holocaust, Palais des Nations, UN European Headquarters. See testimony by Mehmet Ulkumen, Chief of Protocol, UN Office at Geneva at <https://www.youtube.com/watch?v=RTMoa0zgLAY>, and by Benjamin Orenstein, Holocaust Survivor and President, Amicale des déportés d'Auschwitz-Birkenau des camps de Haute-Silésie et des Militants du Souvenir, at https://www.youtube.com/watch?v=CY-z4l_658g.

⁴ See testimony of Elie Wiesel, at <https://youtu.be/03GCudAx5Uo>.

⁵ See "The United Nations and Antisemitism, 2004-2007 Report Card," UN Watch, available at <https://unwatch.org/the-united-nations-and-anti-semitism-2/>; and "The United Nations and Antisemitism, 2008-2017 Report Card," UN Watch, <https://unwatch.org/wp-content/uploads/2018/07/The-United-Nations-and-Antisemitism-2008-2017-Digital.pdf>. The latter report was presented at a cross-party event at the Knesset in Jerusalem chaired by Yair Lapid, the current Prime Minister of Israel, with the participation of Isaac Herzog, the current President of Israel.

the secretariat of the Council since its creation in 2006. Whereas the President is the one who holds the gavel, deciding who can speak and ruling on legislative matters, beforehand Mr. Tistounet can often be seen on the podium whispering into the ear of the President, or drafting a script and handing it to the President. Indeed, Mr. Tistounet is recognized by member states and non-governmental organizations as holding singular power behind the scenes at the world's highest human rights body. In Mr. Tistounet's own words, he has "lead the Human Rights Council."⁶

7. The evidence set forth below—including leaked internal emails and new testimony by a UN whistle-blower who worked for Mr. Tistounet—demonstrates that for over fifteen years Mr. Tistounet has with immunity and impunity abused his unchecked power to systematically censor, discriminate against and defame UN Watch, violating rules set by United Nations member states, in order to illegally restrict our participation in the UN Human Rights Council. The specific grounds of the complaint are laid out below, and supporting documentation is provided through exhibits cited herein.⁷ We believe that an independent investigation with access to Mr. Tistounet's email communications and those of the Human Rights Council Branch more generally will reveal further supporting evidence.

8. We address this complaint to and seek redress from the Secretary General in New York because of a conflict of interest by the leadership of OHCHR in Geneva. Repeated complaints detailing many of the abuses described in this complaint, such as Mr. Tistounet's refusal to publish our written submissions and his manipulation of lists of speakers to remove and silence our organization, were submitted by UN Watch over the past decade and a half to successive High Commissioners, yet no action was taken.⁸ Instead, they allowed him to write

⁶ See <https://www.linkedin.com/in/etistounet/details/experience/>.

⁷ All of the exhibits in this Complaint, as well as additional documents such as internal emails that show illegal actions, will gradually be released by UN Watch at this dedicated webpage: www.unwatch.org/erictistounet/

⁸ See, e.g., UN Watch complaints previously sent to the UNHRC President and High Commissioner regarding Mr. Tistounet and his staff tampering with speakers' slots in the [47th](#) and [50th](#) sessions of the UNHRC.

the replies. In addition, the current designated responsible official under ST/AI/2017/1 and ST/SGB/2019/8, Ms. Nada al-Nashif, Acting High Commissioner for Human Rights, has already pre-judged one aspect of this complaint.⁹

9. Given the seriousness of the misconduct reported here, and the strong likelihood of destruction of evidence, we request that the Secretary General, in accordance with staff rule 10.4 and section 11 of ST/AI/2017/1, immediately suspend Mr. Tistounet from his functions for the duration of the investigation, and take immediate remedial action to ensure that UN Watch may once again exercise its full rights to speak at the UN Human Rights Council on an equal basis with all other NGOs.

1. Removal of UN Watch From Lists of Speakers for 50th Session of Human Rights Council, and Manipulation of Lists in Previous Sessions

10. While UN Watch has been generally aware of discrimination by Mr. Tistounet against our NGO for several years, we are reporting it at this stage because his escalating abuse of authority against UN Watch has now reached the level of preventing our participation in the UN Human Rights Council altogether, and on account of newly-obtained evidence including testimony by a UN whistle-blower who worked for years with Mr. Tistounet, and copies of his internal emails that were sent to us.

11. For example, in June 2021, ahead of the 47th Session of the Human Rights Council, UN Watch applied to speak for 31 Interactive Dialogues (ID), which are debates with experts after they present their reports. Under normal circumstances, UN Watch ought to have received approximately 10 to 15 speaking slots. Astoundingly, however, we only

⁹ In June 2020, in a legally recorded telephone call, Ms. al-Nashif sought to intimidate a UN whistle-blower who had reported misconduct by Mr. Tistounet. Ms. al-Nashif stated repeatedly that she knew none of the facts of Mr. Tistounet's actions, nor the rules of the UN Human Rights Council, but nonetheless read out the extraordinary conclusion that, contrary to the rules of the UNHRC as set by member states, "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." Transcript available at <https://unintegrity.org/wp-content/uploads/2021/05/Transcript-of-call-w-DHC.pdf>.

received one.¹⁰ By contrast, International Service for Human Rights received five slots (out of only eight requested); Amnesty International received six slots (out of 14 requested); and the International Commission of Jurists received eight slots (out of 17 requested). In other words, for these other groups, the ratio of speaking slots received to those requested ranged from 43% to 62%. For UN Watch, it was 3%. The numbers speak for themselves.

12. Accordingly, on 7 July 2021, UN Watch sent a letter to then UNHRC President Nazhat Shameem Khan, emphasizing that we had registered promptly, and asking for an explanation as to the glaring disparity.¹¹ The UNHRC's reply on 26 July 2021, in a letter by Mr. Tistounet, refused to provide any such clarification. Instead, he insisted that the list of speakers was "automatically generated by the system, based on the requested priority, time of registration and the number of requests received." Mr. Tistounet did not contest UN Watch's assertion that it had registered promptly, and he failed to provide any explanation whatsoever for the disparate treatment.¹²

13. Shockingly, a year later, the situation got even worse. In June 2022, UN Watch applied as normal to speak in all Interactive Dialogues held for the 50th session of the Human Rights Council. This time, out of 36 ID slots requested, *we did not appear on a single list of speakers*. We requested 36, and received zero. Instead, our participation was restricted to interventions only on a small number of UPR reports, preventing us from speaking on any thematic issue, or with any UN expert about their reports. By contrast, in this same 50th Session, NGOs deemed "friendly" by Mr. Tistounet were allowed to speak.¹³ The International Commission of Jurists and the International Service for Human Rights each

¹⁰ [Ex. 1](#), showing 31 speakers lists for the 47th session. Only the first 10 NGOs on the list for each interactive dialogue are permitted to speak. Inexplicably, UN Watch only received one ID speaking slot in this session.

¹¹ [Ex. 2](#).

¹² [Ex. 4](#).

¹³ On Mr. Tistounet's concept of NGOs "friendly" to him and his office, who in turn benefit from his privileged treatment, see Witness Statement by Emma Reilly, para. 6, at [Ex. 7](#).

received eight slots, Amnesty International and Human Rights Watch each received nine, and CIVICUS received 10. UN Watch received 0.¹⁴

14. Notably, while Mr. Tistounet manipulated the lists of speakers to deny UN Watch a speaking slot in any of the 36 Interactive Dialogues for which it duly registered, he instead gave a number of these limited slots to Chinese state-sponsored “NGOs,” regime front groups which used the opportunity to extol the human rights virtues of Beijing, sharing with the world how the draconian National Security Law in Hong Kong caused “freedom of speech in religious and academic areas” to be “more fully guaranteed.”¹⁵

15. Accordingly, on June 8, 2022, UN Watch wrote to High Commissioner for Human Rights Michelle Bachelet, asking if there were any “legitimate explanation for the glaring disparate treatment” during the 50th Session, “which is denying United Nations Watch the right to speak under any Interactive Dialogue in this current session.”¹⁶ The OHCHR reply, dated July 1, 2022 and apparently drafted by Mr. Tistounet, failed to provide any explanation for the impossible result, pointing instead to other, unrelated sessions when UN Watch was able to speak, both in its own name and when its representative took the floor on behalf of another organization. And in what can only be characterized as gratuitous mocking, given their knowledge that UN Watch was among the very first to register, the OHCHR in this letter presumably written by Mr. Tistounet added that “*it is of considerable importance to register as quickly as possible when the lists of speakers are opened,*” and “*as usual, the secretariat stands ready to advise you appropriately.*” (emphasis added)

16. In fact, Mr. Tistounet and his colleagues are well aware that UN Watch receiving 0 out of 36 requested slots is, under the computerized system, an impossible result.

¹⁴ [Ex. 5.](#)

¹⁵ See <https://unwatch.org/unhrc-denies-speaking-slots-to-un-watch-instead-gives-them-to-chinese-regime-front-groups/>.

¹⁶ [Ex. 6.](#)

We are aware that Ms. Emma Reilly, formerly a Human Rights Officer at OHCHR, led development of the online sign-up system in 2013, and that no subsequent changes have been made to the system. We therefore approached Ms. Reilly and asked her to verify whether it is possible that the computerized sign-up system could have produced such a result.

17. Ms. Reilly has provided UN Watch with a sworn witness statement.¹⁷ In paragraphs 32-37 of her statement, she details the impossibility of the result, by reference to the parameters of the computer algorithm and other lists of speakers for the 50th session that were apparently not subject to illegal tampering by the UN Secretariat.¹⁸

18. Ms. Reilly has indicated that she can also name the UN staff members who programmed the online sign-up system as possible witnesses, but the code itself can definitively prove the impossibility of this result. Accordingly, we request that OHCHR immediately either transparently publish or directly provide UN Watch with a copy of the code so that it can be independently verified.

2. UNHRC Secretary Eric Tistounet Repeatedly Gave Illegal Instructions to Manipulate Lists of Speakers to Remove or Demote UN Watch in Prior Sessions

19. Ms. Reilly, a UN whistle-blower, has indicated that numerous email exchanges exist among her, Mr. Tistounet and other OHCHR staff working on NGO liaison, relating to repeated, illegal instructions from Mr. Tistounet to manipulate lists of speakers to remove UN Watch, or give us less visibility, and an investigation could retrieve them. Ms. Reilly can no longer access her UN email account, but has provided us with one contemporaneous email sent by her to Mr. Tistounet opposing his instruction to move UN

¹⁷ [Ex. 7.](#)

¹⁸ The lists to which Ms. Reilly refers in her statement can be found in [Ex. 8.](#)

Watch to the end of a list of speakers rather than applying the rules of NGO participation on an equal basis.¹⁹

20. The UN Charter in Article 101(3) requires that international civil servants demonstrate the highest standards of efficiency, competence, and integrity. The Standards of Conduct of the International Civil Service elaborate upon this obligation at paragraph 5:

“The concept of integrity enshrined in the Charter of the United Nations embraces all aspects of an international civil servant’s behaviour, including such qualities as *honesty, truthfulness, impartiality and incorruptibility*. These qualities are as basic as those of competence and efficiency, also enshrined in the Charter.” (emphasis added)

21. Mr. Tistounet’s action of manipulating lists of speakers to deny UN Watch the right to speak on an equal basis with all other NGOs violates this provision, as it demonstrates partiality and bias against UN Watch.

22. ST/AI/2017/1, at para. 3.1, defines unsatisfactory conduct by a UN staff member as follows:

“Unsatisfactory conduct is any conduct where a staff member fails to comply with the staff member’s obligations under the Charter of the United Nations, the Staff Regulations and Rules of the United Nations or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant. Unsatisfactory conduct includes conduct of sufficient gravity that rises to the level of misconduct.”

23. Under this definition, Mr. Tistounet’s failure to comply with his UN Charter obligation of impartiality constitutes, at minimum, unsatisfactory conduct. We believe it in fact reaches the level of misconduct for which disciplinary measures, as defined in para. 3.5 of ST/AI/2017/1, may—and in our view should—be imposed. It forms part of a pattern of open and well-documented discrimination against UN Watch and its director dating back at least 15 years (para. 3.5(d)), contrary to the obligation of impartiality which forms part of

¹⁹ [Ex. 9.](#)

Article 1 of the Staff Regulations (para. 3.5(a)), amounting to acts that discredit the United Nations (para. 3.5(h)).

24. The function of the Human Rights Council Branch, per para. 27 of the Standards of Conduct of the International Civil Service, is “to assist legislative bodies in their work and to carry out their decisions.” Mr. Tistounet does not enjoy any legal authority to unilaterally decide when and if to apply the rules and regulations set by the member states of the Human Rights Council. The participation of NGOs in the Council is governed, *inter alia*, by Rule 7(a) of the Rules of Procedure of the Human Rights Council, which provides:

“The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, *while ensuring the most effective contribution of these entities.*”²⁰ (emphasis added)

25. The wrongful and deliberate removal of UN Watch from lists of speakers, or manipulation of the objectively established lists to ensure less visibility is given to the position of UN Watch compared to other NGOs that signed up later, clearly violates this provision, as it prevents UN Watch from making any contribution, much less an effective one. In violating the rules of the Council, Mr. Tistounet violated his professional obligation to carry out decisions of the Council and substituted his perceived personal interest for the rules set by member states, thus abusing his authority. ST/SGB/2019/8 para. 1.8 defines abuse of authority as the “improper use of a position of influence, power or authority against another person.” Mr. Tistounet’s actions, which were illegal under both Human Rights Council and

²⁰ Human Rights Council Resolution 5/1, section VII.

UN rules, were directed against UN Watch as such, its director, and the other individual representatives who had planned and prepared to take the floor.

3. Eric Tistounet Handed Names of Our Human Rights Dissidents to China

26. Eric Tistounet put in place a policy at OHCHR whereby, ahead of UNHRC sessions, they regularly handed over to the Chinese government the names of dissidents who were registered to speak in the Council. At least two individuals whose names were transmitted to the Chinese delegation were dissidents accredited to speak by UN Watch: Ms. Rebiya Kadeer, Uyghur human rights activist, and Dr. Yang Jianli, former political prisoner in China.²¹ The Secretariat at no point informed UN Watch that the names of its accredited speakers—human rights dissidents—would be transmitted to the Chinese delegation.

27. This policy was counter to the explicit rules of the Human Rights Council, which provide that any request from a member state to know the accreditation status of an individual must be made and, if decided by member states, answered in plenary or the extended Bureau and not in secret email exchanges with the UN Secretariat.²² In providing such information to the Chinese delegation, and only the Chinese delegation, Mr. Tistounet acted in breach at minimum of UN staff regulation 1.2(i), which provides, *inter alia*, that UN

²¹ On March 15, 2011, Dr. Yang Jianli, who is also a member of UN Watch’s Advisory Board, testified in the Human Rights Council on behalf of UN Watch: <https://unwatch.org/china-interrupts-un-testimony-of-ex-political-prisoner-usa-defends-yang-jianli/>.

²² Neither the Human Rights Council nor the General Assembly decided on any change to the practice observed by the Commission on Human Rights regarding provision of information on individuals accredited by NGOs. The relevant practice of the Commission therefore continues to apply, per rule 7(a) of the rules of procedure of the Human Rights Council. That practice was detailed in the summary of practices of the Commission prepared by the Secretariat during negotiations of the Human Rights Council, and is as follows:

“Whenever any Government participating in the work of the Commission requests the secretariat to verify or confirm the accreditation of any particular NGO representative(s), immediate action is taken in this regard and *the results of the verification are publicly reported by the secretariat to the plenary of the Commission or brought to the attention of the Expanded Bureau of the Commission.*”²² (emphasis added)

(Main rules and practices followed by the Commission on Human Rights in the organization of its work and the conduct of business (Note by the Secretariat, doc. E/CN.4/2001/CRP.1), in *Compilation of recent documents in relation to the enhancement of the working methods of the Commission on Human Rights (1999 – 2005)* <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CompilationDocuments1999-2005.pdf>, p.28, para 42).

staff members “shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public...”

28. The policy of handing names to China raises legitimate concerns that Mr. Tistounet may also have accepted instructions from China, in breach of Article 100(1) of the UN Charter which provides:

“In the performance of their duties the Secretary-General and *the staff shall not seek or receive instructions from any government or from any other authority external to the Organization*. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.” (emphasis added)

29. This principle is reflected in Staff regulation 1.2 (d) and paragraph 8 of the Standards of Conduct of the International Civil Service. UN Watch notes with concern that, despite Ms. Reilly reporting this policy since February 2013, the UN Administration has refused all of her requests for investigation, and no inquiry whatsoever has even been conducted to determine why the policy was implemented or whether it continues. Indeed, Ms Reilly was dismissed explicitly for her efforts to change this “policy of the Secretary-General,” which strongly indicates that her efforts failed and the policy remains in place.²³

4. Eric Tistounet Personally Intervenes in All Written Statements by UN Watch

30. As revealed by his former employee, Mr. Tistounet has a standing instruction to his staff that written statements from UN Watch, uniquely among NGOs, be transmitted directly to him upon receipt.²⁴

31. There is no legitimate reason for such an instruction. The only possible motivation is to apply a different standard to UN Watch statements than that which applies to

²³ [Ex. 10](#).

²⁴ Statement of Emma Reilly, par. 15 at [Ex. 7](#).

all other NGO statements. Indeed, in recent years, this double standard has escalated such that Mr. Tistoune's office now routinely and summarily rejects UN Watch written submissions on a range of matters concerning human rights and the United Nations.²⁵

5. Systematic Deletion of UN Watch Written Statements Without Cause or Due Process

32. As we wrote to the UN on 8 July 2020, in that preceding year, Mr. Tistoune's secretariat forcibly disappeared at least 13 UN Watch submission, for unexplained reasons. These included such UN Watch statements as: [New UNHRC Member Libya is in Non-Compliance with Resolution 60/251 Obligations](#); [Oppression: New UNHRC Member Venezuela is in Non-Compliance with Resolution 60/251 Obligations](#); [Time to Reassess The Universal Periodic Review](#); and [China Violates Human Rights Council Rules in Attempt to Silence Legitimate Criticism of its Anti-Muslim Racism](#).²⁶ Trying to ascertain from Mr. Tistoune's office why UN Watch submissions disappear without any notice, and why they are not published promptly and ahead of the sessions like other submissions, has been an experience akin to Kafka's Joseph K. trying to understand why he is on trial.

33. As an example, we present the following experience concerning UN Watch submissions for the 41st Session of the UNHRC, held in June and July of 2019. Without any notice or explanation, Mr. Tistoune declined to publish four written statements submitted by UN Watch for that session. Weeks into the session, on July 5, 2019, UN Watch emailed the UNHRC's NGO department to ask why the statements were not published. There was no reply from the UN for the entire session. The result was that for the relevant debates, delegates never saw the UN Watch submissions that were meant to have been circulated to

²⁵ [Ex. 11.](#)

²⁶ [Ex. 11.](#)

them and placed on the document list for each debate. UN Watch was denied its right to contribute to these debates.

34. Only after UN Watch persisted by telephone and otherwise, did Mr. Tistounet’s office finally reply—after the session was over, and it was already too late—to say that written statements need to be “relevant to the work of the Human Rights Council” and that “statements containing personal attacks against individuals are not in order.”

35. The official guidelines for NGO written statements, as contained in OHCHR’s Practical Guide for NGO Participants, provide:

The written statement is issued, *unedited*, in the language(s) as received (English, French or Spanish) from the submitting NGO. *NGOs assume full responsibility for the content of their statements, which should fully uphold UN standards and avoid abusive language.*²⁷ (emphasis added)

36. This provision is clearly intended to uphold the human right to freedom of speech of NGOs, which should be able to criticize government or UN policies and actions without such criticism being attributed to the UN itself.

37. None of the four rejected statements of the 41st session contained abusive language or in any way violated UN standards. Nonetheless, Mr. Tistounet, in a public meeting on 4 September 2019, falsely accused UN Watch of defamation, stating that the UN has the right to “intervene” to prevent written submissions which include “personal attacks,” and that in doing so the UN is “not censoring anybody.”²⁸

38. In fact, the four rejected written statements did not defame any individual, but rather consisted of: (a) a statement factually describing an incident at the UNHRC’s 40th

²⁷ https://ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf

²⁸ In a meeting on 4 September 2019 with the President of the Human Rights Council in Geneva, Mr. Tistounet stated that the UN has the right to “intervene” to prevent written submissions which include “personal attacks,” and that in doing so the UN is “not censoring anybody. Audio: <https://www.dropbox.com/s/btmmk9hfrg55e1j/President%20%26%20Secretariat%20Response%209-4.m4a?dl=0>, at 5:38-6:54.

Session in March 2019 whereby the Chinese delegation interrupted a UN Watch statement on the treatment of Uyghurs, causing UNHRC President Coly Seck to admonish UN Watch “to stick to the agenda item,” followed by an appeal for senior UN officials to denounce efforts at censorship;²⁹ (b) a statement appealing for review of the appointment of the then Special Rapporteur on Palestine, which included no “personal attacks,” but rather extensively cited specific, public statements and events calling into question the independence of the Special Rapporteur;³⁰ and (c) two statements relating to Palestinian violations of the rights of the child, one with a specific focus on education which included criticism of antisemitism in UNRWA schools, and both of which included extensive citations to support their factual statements.³¹

39. As our name suggests, UN Watch is a NGO for which ensuring the transparency and effectiveness of the UN is part of our mandate. The UN Administration cannot arbitrarily abuse the rules of procedure of the Human Rights Council to insulate itself from criticism.

40. It is not without irony that Mr. Tistounet’s false accusation of defamation against UN Watch is itself defamatory. He knowingly and falsely accused UN Watch of

²⁹ <https://unwatch.org/wp-content/uploads/2012/01/HRC-41-Written-Statement-China-violates-HRC-Rules.pdf>

³⁰ See <https://unwatch.org/wp-content/uploads/2012/01/HRC-41-Written-Statement-Call-to-review-appointment-of-Michael-Lynk.pdf>. This statement did not, as falsely implied by Mr. Tistounet, include “personal attacks” against him or any other individual, but raised legitimate concerns about Mr. Lynk’s independence that are essentially identical to those raised by the Canadian government, which position is cited in the statement. Should the UN Administration take the position that anything in UN Watch’s statement questioning Mr. Lynk’s independence constitutes a “personal attack,” we request full particulars of the precise sentences in which such attacks are alleged, as well as to know which rule relating to NGO participation permits the UN Secretariat to ban publication of statements without notice or recourse, given the stated legal position that UN Watch alone is responsible for the content of our statements.

³¹ See <https://unwatch.org/wp-content/uploads/2012/01/HRC-41-Written-Statement-Palestinian-violations-of-CRC-General.pdf> and <https://unwatch.org/wp-content/uploads/2012/01/HRC-41-Written-Statement-Palestinian-violations-of-CRC-education.pdf>. The two statements are relevant to the work of the Council. Where persons are named, their precise, public words are cited. It does not constitute a “personal attack” to cite someone’s own speech. Mr. Tistounet’s deletion of our statement critical of UNWRA once again raises the possibility of selective abuse of the rules to prevent any criticism of the UN.

personally insulting individuals. He did so in a public forum, and therefore the intention to disseminate the false statement is clear. As he had taken the decision not to permit publication of the statements, and advised the President of the Human Rights Council in this regard, he was fully aware that no delegation was then in a position to check the veracity of his public statement, which he knew to be false.

41. ST/SGB/2019/8 includes in the definition of harassment “unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person, when such conduct interferes with work or creates an intimidating, hostile or offensive work environment” (para. 1.3). Deliberate transmission of false information to national governments, OHCHR staff members, human rights experts and NGOs was maliciously calculated to cause UN Watch offence and humiliation. We seek public correction of this defamatory public statement in a forum at least as public as that in which it was made. It is not acceptable for the UN Secretariat to publicly defame a NGO and seek to tarnish our reputation among member states, experts and other NGOs.

42. In several previous cases where OHCHR claimed a statement did not comply with UN standards, UN Watch was offered a right to amend the statement, for example changing the word “regime” to “government.” Ms. Reilly indicates in paragraph 31 of her witness statement that such is the standard policy. No such right was offered to UN Watch regarding the statements submitted to the 41st Session. Neither was UN Watch informed that they would not be published as normal; rather we discovered this, and the refusal to publish was confirmed only following our enquiries.

43. The complaint system relies on the Administration acting in good faith, which it has repeatedly failed to do regarding UN Watch’s legitimate, documented complaints of discrimination by Mr. Tistounet and staff of the Human Rights Council Branch acting under his supervision. This is the opposite of accountability; it is impunity.

44. UN Watch recognizes that that our complaint concerning the written statements of the 41st session was submitted without explicit reference to ST/SGB/2019/8, which entered into force one month later but applied retroactively to existing, unanswered complaints, and to behaviour meeting the definitions of harassment and abuse of authority that pre-dated its adoption. However, even the UN's much-criticized internal tribunals have repeatedly found that senior UN managers must be presumed to be aware of the rules of the Organization, and therefore of the requirement to respond to complaints received and regularly update the complainant contained in ST/SGB/2019/8. This must be even more the case where the official who fails to respond to the complaint is the Secretary-General himself.

45. Following his success in deleting UN Watch's written statements from the record of the 41st session, Mr. Tistounet has continued his apparent, exceptional policy of non-publication, similarly deleting written statements that breached no UN rule or convention from the 43rd, 44th, 48th and 51st sessions of the UNHRC. We are aware of no other non-governmental organization at the United Nations being subjected to such gross and systematic censorship. By contrast, written statements are routinely allowed by Mr. Tistounet to be published.³²

46. In summary, the four written statements were in no way "defamatory" and should immediately be published, circulated to all delegations via a note verbale, and entered into the official documents for the 41st Session. The same should apply for all other written statements by UN Watch to other session that have been rejected without basis.

³² For example, Mr. Tistounet had no objection to allowing UN publication of an antisemitic text that, in a modern adaptation of the medieval blood libel, falsely accused Israeli doctors of a racist conspiracy to steal Palestinian organs. See <http://undocs.org/A/HRC/13/NGO/23>, and analysis at <https://unwatch.org/letter-to-un-high-commissioner-of-human-rights-navi-pillay/>.

6. Eric Tistounet’s Censorship of UN Watch Violates ICCPR Freedom of Expression Guarantee

47. By deleting UN Watch statements and removing UN Watch from lists of speakers, as detailed above, Mr. Tistounet violated our basic human right to freedom of expression, enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). The ICCPR forms part of the core UN values under Article 1 of the Staff Regulations, and therefore this violation also constitutes misconduct per para. 3.5(a) of ST/AI/2017/1. The Code of Conduct for OHCHR staff similarly requires Mr. Tistounet to respect and promote all human rights.

48. The Code of Conduct for OHCHR staff similarly requires Mr. Tistounet to respect and promote all human rights (para. 1) and not to discriminate in the exercise of his professional duties (paras. 2 and 5).

7. Systematic Harassment, Discrimination and Incitement to Harassment, Discrimination and Violence Against UN Watch and Its Director

49. In her witness statement, Ms. Reilly exhaustively details exceptions to almost every rule and procedure for NGO participation in the Human Rights Council directed against UN Watch by Mr. Tistounet. Ms. Reilly has indicated that she can provide the names of witnesses and persons whose email accounts contain proof of such instructions to investigators.

50. ST/SGB/2019/8 defines harassment as “any unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person, when such conduct interferes with work or creates an intimidating, hostile or offensive work environment” (para. 1.3). The UN Human Rights Council is the work environment not only of staff of the UN Administration itself, but also of diplomats, NGO representatives and others. It is part of the regular work environment of UN Watch, its director and its staff. Exceptions to rules designed to ensure the fair and equal participation of all NGOs have as

their unique purpose interference with the work of UN Watch, and therefore automatically constitute harassment under this definition.

51. Mr. Tistounet has engaged, encouraged and instructed his staff to engage, in what may only be termed a campaign of harassment against UN Watch and its director since at least 2007, which has, in addition to interfering with our work, created an intimidating, hostile and offensive work environment for UN Watch staff on UN premises. ST/SGB/2019/8 notes that this form of harassment “may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another” (para. 1.4).

52. UN Watch has come into possession of part of a shocking internal email exchange among Eric Tistounet, his colleagues and subordinates at OHCHR, and senior UN officials in New York, dated 6-9 November 2007, which more than demonstrates that the escalating pattern of harassment and incitement to harassment of UN Watch is both deliberate and approved at the highest levels of the Organization.³³

53. The extraordinarily unprofessional and revealing email exchange begins with a UN official in New York forwarding an email, subject line “Incredible but true” to a range of senior UN officials including then Assistant Secretary-General for Policy Coordination and Strategic Planning, Mr. Robert Orr; Communications Director and Chief Speechwriter for the Secretary-General Mr. Michael R. Meyer; senior policy adviser Mr. Michael Pan; OHCHR New York office director Mr. Craig Mokhiber; and a relatively junior (P-4) Human Rights Officer who previously worked under Mr. Tistounet’s supervision in Geneva, Ms. Ann Syauta. The email contained the text of a newspaper article describing a case of mistaken identity in which the director of UN Watch was mistaken by staff in a restaurant for

³³ See Eric Tistounet’s emails instructing his staff how to illegally violate their procedures to enable any future false Interpol arrest warrant against Hillel Neuer, and how they should defame him anonymously using an internet café, at [Ex. 12](#).

a murderer on the loose and very briefly wrongfully detained, on Friday, November 2, 2007.³⁴

54. Ms. Syauta forwarded the email to the entire team in Geneva supporting the work of the Human Rights Council. As a rule, the UN human rights office is a strong critic of U.S. police actions. In this case, however, their reaction was the complete opposite. The tone of their email exchanges regarding the report of a wrongful arrest of a human rights activist, who was described to police as “olive-skinned,” was positively gleeful. Mr. Tistounet, apparently immediately upon arrival in the office at 9:42 am on Wednesday, November 7, 2007, responded “You made my day.”

7.1 Tistounet Instructs Staff to Violate Procedure to Comply With Any False Interpol Arrest Warrant Against Hillel Neuer

55. Five minutes later, at 9:47am, Mr. Tistounet forwarded the email about Mr. Neuer’s wrongful arrest to the Chief of the Civil Society Section, Ms. June Ray, and the NGO liaison Ms. Laura Dolci-Kanaan, keeping Mr. Mokhiber and his entire department and supervisors (hrcteam@ohchr.org) in copy, and writing the following:

“Forgot to mention: Should the individual below be subjected to an Interpol arrest warrant (so called ‘red notices’), do not hesitate to let us know. I have the feeling that *in this specific circumstance* we may ponder about the validity of these Interpol tools in a less dogmatic manner. It may be the case that *together with the civil society unit we may forget to raise our usual objection to the Security Unit* when they will exclude him from the list of those authorized to enter our premises... Cheers, eric” (emphasis added).

56. This email is unambiguous. Mr. Tistounet excitedly imagined and hoped for an Interpol arrest warrant against a human rights activist, of the kind that repressive regimes regularly use to target dissidents and to prevent them from entering the UN to testify. Mr. Tistounet’s email demonstrates his deliberate intention to prevent UN Watch from

³⁴ The town sent a full apology to Mr. Neuer, saying, “You were an innocent victim caught up in the events of that day.” See <https://unwatch.org/needham-apologizes-to-hillel-neuer-an-innocent-victim-caught-up-in-the-events-of-that-day/>.

participating in the UN Human Rights Council on an equal basis with all NGOs, and his willingness to rely on pretexts and excuses he knows to be false to do so. He explicitly encourages his colleagues in the UN Civil Society Section to join him in such efforts.

57. It is worth emphasizing that Mr. Tistounet and his colleagues knew from the article in the email forwarded to them that Mr. Neuer was the victim of *wrongful* police action. The article reports from the start that the incident was a case of mistaken identity, noting that Neuer “was cleared of all wrongdoing” on Monday, November 5th, in what was a case of “mistaken arrest.” In other words, despite the thinly-veiled cover in his diplomatically-coded language — “*in this specific circumstance we may ponder about the validity of these Interpol tools in a less dogmatic manner*” and “*we may forget to raise our usual objection to the Security Unit*” — Mr. Tistounet was knowingly instructing his subordinates to be complicit in what would be a malicious Interpol arrest, and to violate the UN’s own procedures.

58. The tone of the email exchanges, in which every individual is universally derogatory about UN Watch and its director, strongly suggests that this is not the first such exchange; it would be strange indeed for a Director in OHCHR to copy so many people, including those directly responsible for the equal application of the rules on NGO participation, proposing the deliberate exclusion of UN Watch had he not already created a clear understanding that UN Watch could be discriminated against and harassed by UN staff with absolute impunity, and indeed that such was encouraged. Ms. Reilly’s sworn witness statement indicates that this culture has continued unabated over the intervening 15 years and, indeed, has escalated to the point where false excuses are in fact now used to exclude UN Watch.

59. Staff working under Mr. Tistounet rose to his bait, apparently seeking the approval of their boss by indicating their agreement with his position that UN Watch should

be harassed and discriminated against, and that the rules on participation of NGOs in the UN Human Rights Council should not apply. Ms Dolci-Kanaan, then responsible for NGO liaison within his team, responded within seven minutes that she would be “totally oblivious” — meaning, that she would not apply standard UN procedures for NGO participation to UN Watch should its director be subject to a false Interpol notice.

60. Thus, the Director of the Human Rights Council Branch and the NGO liaison within that Branch both openly stated to all of their colleagues that UN Watch should not be subject to the same rules as every other NGO seeking to participate in the Council. This cannot be dismissed as a mere hypothetical, but indicates a serious and continuing pattern of harassment prohibited under paras. 1.3 and 1.4 of ST/SGB/2019/8.

61. Throughout the week, the celebration of Mr. Neuer’s wrongful arrest by Mr. Tistounet and his team continued. On Thursday, November 8, Ms. Syauta happily transmitted another email to her colleagues in the entire UN Human Rights Council secretariat, comprised of some 50 staffers, an image of the UN Watch director being violently handcuffed by police in the case of mistaken identity, with her added remark, “I hope that picture of him being arrested comes through.”

62. Seeing the image of the wrongful arrest of a human rights activist, Mr. Tistounet responded to his entire UNHRC team, on Friday, November 9th at 8:21 am, with the words, “It is a wonder come true.”

7.2 Tistounet Instructs Staff to Go To Internet Café to Anonymously Post YouTube Videos of Wrongful Arrest of Hillel Neuer

63. The rest of his email leaves no doubt that Mr. Tistounet was fully aware that the communications and his actions vis-à-vis UN Watch more generally were in breach of UN rules. He enquired of the entire staff working under his supervision and his direct supervisor about how to engage in surreptitious acts:

“Question is: how to put it on youtube without leaving a trace. It would be nice if someone (obviously from outside the UN, and as was suggested recently from an internet café for instance) could place it discreetly next to his videos concerning the Council...”

64. The misconduct and intent here could not be clearer. Mr. Tistounet effectively instructed staff working under his supervision to engage in dirty tricks, to breach clear UN rules prohibiting discrimination against and harassment of NGOs, and to take active measures to ensure they would not be identifiable as UN staff when they did so, in order to attempt to publicly humiliate and embarrass the UN Watch director by ensuring the photograph of his arrest in a case of mistaken identity was widely publicized without the context of the mistake on the part of the police.

65. This clearly and unambiguously breaches para. 1.4 of ST/SGB/2019/8. It represents an obvious abuse of Mr. Tistounet’s authority under para. 1.8 of that instrument, and misconduct subject to disciplinary sanctions under ST/AI/2017/1, as it breaches the provision in Article 1 of the staff rules that UN staff “shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them” (Staff Regulation 1.2).

66. According to information received by UN Watch, Mr. Tistounet’s reference to the “recent suggestion” that UN staff deliberately defame UN Watch online from an internet café to avoid being traced was a reference to a suggestion made during the weekly staff meetings of the Human Rights Council Branch, which suggestion was approved by Mr. Tistounet. It seems likely that staff present may recall such an extraordinary exchange, and they should be interviewed as witnesses under oath in the course of the investigation.

67. Mr. Tistounet has every right to personally agree or disagree with positions taken by UN Watch. He has every right to find our criticism of the UN Human Rights Council, and its domination by authoritarian regimes, uncomfortable. His job would indeed be easier if nobody ever raised such issues. As a UN staff member and Director of the Human

Rights Council Secretariat, however, he has an obligation of neutrality which he has repeatedly breached. Instead, he has engaged in a single-minded campaign of harassment and discrimination against UN Watch and of Ms Reilly, who is apparently the only staff member under his supervision to object to the targeting and refuse to obey his illegal instructions. UN staff members have a positive obligation to report misconduct by other staff under staff rule 1.2(c). We are unaware of any staff member copied on the shocking email exchanges who did so.

7.3 Tistounet Subordinate Emails Entire UNHRC Secretariat Her Wish for UN Security to Violently Throw Hillel Neuer Against Wall and Handcuff Him to Prevent His Participation in UNHRC

68. Two days after their initial exchange about how to be illegally complicit in Mr. Tistounet's fantasy of an Interpol arrest against Mr. Neuer in order to block his entry to the UN, staff working under Mr. Tistounet once again rose to his bait, apparently seeking the approval of their boss by indicating their agreement with his position that UN Watch should be harassed, defamed and discriminated against. Ms Dolci-Kanaan, too, elaborated further. In response to Ms. Syauta transmitting to the entire UN Human Rights Council Secretariat the image of the UN Watch director being violently handcuffed by police in a case of mistaken identity, she wrote, "I wish Gaby could do the same at the threshold of Room XVII....."

69. This remark bears clarification: The UN Human Rights Officer responsible for NGO liaison wrote to the entirety of the UN Secretariat of the Human Rights Council that she would like the responsible officer of UN Security to violently throw the UN Watch director against the wall and handcuff him to prevent his participation at the UN Human Rights Council. This deeply unprofessional and offensive remark shows the level of normalized vitriol directed at UN Watch under Mr. Tistounet's supervision and, indeed, at his encouragement.

70. Article 11 of the Code of Conduct for OHCHR staff provides that staff shall “refrain from endangering, by way of their words or action during or after their service with the OHCHR, the safety and privacy of the people with whom they come into contact...” It is of note that none of those in copy objected to the invasion of the privacy of the Director of UN Watch, nor to this statement that amounts to incitement to violence against him.

8. Public Defamation of UN Watch in 2017 OHCHR Press Release

71. In view of the impunity he has enjoyed for openly and widely defaming UN Watch to all staff under his supervision, his supervisors, and UN staff in Geneva and New York more generally, it is perhaps unsurprising that Mr. Tistounet progressed to public defamation of UN Watch in an official OHCHR press release issued on 2 February 2017.³⁵

72. Neither Mr. Tistounet nor any other UN staff member at any point reached out to UN Watch to let us know of the intention to name our organization and accuse us of an “outright lie” in an official communication of OHCHR, which was published online and directly transmitted by email to all independent human rights experts, national human rights institutions, UN staff worldwide, and persons who have at any point signed up for any OHCHR email list. This represents a total of more than 2 million people.

73. By the time the press release was issued, UN Watch had in fact deleted the tweet it references, which had been based on annotations made by Mr. Peter Gallo, formerly of the UN’s Office of Internal Oversight Services (OIOS), to documents released by Inner City Press that speculated that the name of Ms. Cao Shunli may have been transmitted. While OHCHR has subsequently gone to some lengths to try to reduce the scandal to whether or not one name was transmitted on one occasion, the UN Watch position is that no name should ever have been transmitted at any point, and a full and transparent investigation should be

³⁵ [Ex. 13.](#)

conducted, as this exceptional policy for the benefit of the Chinese government violates the rules of the UN Human Rights Council and clearly endangers human rights activists and their families, including at least two activists accredited by UN Watch. UN Watch stands by its request to know, with precision and—given the conflicting versions of events of OHCHR—with proof, what the current OHCHR policy is and what action will be taken to redress the harm.

74. It is extraordinary for OHCHR to openly accuse an NGO of an “outright lie” in a widely disseminated press release. This is not typical of the diplomatic language generally used by OHCHR in reference even to the worst dictators and human rights abusers.

75. Ms. Reilly indicates in her witness statement that she is in possession of video testimony that Mr. Tistounet and two staff under his supervision, namely the Human Rights Council spokesperson and the current NGO liaison officer for the Human Rights Council, were the primary authors of the press release.

76. Mr. Tistounet apparently disregarded written advice from the then Assistant Secretary-General for Human Rights, Mr. Andrew Gilmour, to modify his use of language in regard to UN Watch. It is telling, however, that Mr. Gilmour nonetheless recommended a “gloves off” approach to an established NGO that played no role in the scandal itself, but merely commented upon information in the public domain. No other NGO with no prior knowledge of the scandal was so singled out.³⁶

77. Whatever the personal views of the Assistant Secretary-General for Human Rights on the then President of the United States of America, it is difficult to envision a circumstance in which it would be appropriate for him, from his official work email during working hours, to refer to the President of the UN’s largest donor and a permanent member of the Security Council as a “Fanta-faced fascist,” as he does, ironically, in his email

³⁶ [Ex. 14.](#)

proposing toning down the language used about UN Watch. Along with the internal 2007 emails gleefully celebrating the wrongful arrest of a human rights activist, this raises serious questions as to the general conduct of OHCHR staff behind closed doors and the culture within that office and the UN Secretariat more generally. Of two sets of internal emails seen by UN Watch, it is notable that both involve open mockery—one of a wrongfully arrested human rights activist, and the other of the office of US President.

9. Need for Genuinely Independent, External Investigation

78. UN Watch cannot be expected to have any faith in a system of investigation in which officials involved in many of the incidents listed above will hand-pick UN staff members with limited training to examine this matter, and in doing so necessarily prejudice any future, genuinely independent investigation. The independence of OIOS in this affair is also seriously in doubt.³⁷

79. Accordingly, UN Watch proposes that the Secretary General and UN Watch mutually agree on the selection of an independent expert or entity to conduct the investigation. Said expert or entity should have full and unimpeded access to all UN email exchanges and information concerning NGO liaison generally, and UN Watch and its director in particular.³⁸

³⁷ The UN Ethics Office has already established, as the responsible entity, that OIOS has a conflict of interest vis-à-vis Ms. Reilly, who reported a Director in that office for refusing to investigate certain misconduct by UN staff, but instead merely asking staff accused of wrongdoing to state under oath that they are not guilty. ([Ex. 3](#)) As Ms Reilly will be an important supporting witness regarding Mr. Tistoune's instructions and conduct concerning UN Watch for the period 2012-2013, as well as the computer algorithm used to establish lists of speakers, UN Watch considers that this conflict of interest must also apply to the present complaint. Ms. Reilly has indicated that she is concerned about reprisals OHCHR may take against witnesses beyond those named in this complaint.

³⁸ On July 12, 2019, the NGO Liaison office told a UN Watch staffer that there were "legal questions" regarding five written statements, which were "currently being reviewed by the legal office in New York." An independent investigation should also have access to any advice sought from the Office of Legal Affairs in 2019.

CONCLUSION

80. Wherefore, for the reasons stated above, UN Watch respectfully urges the Secretary General, in accordance with staff rule 10.4 and section 11 of ST/AI/2017/1, to launch a genuinely independent and external investigation; to immediately suspend Mr. Tistounet from his functions for the duration of the investigation; and to take immediate remedial action to ensure that UN Watch may once again exercise its right to speak at the UN Human Rights Council on an equal basis with all other NGOs.

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Respectfully submitted,

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