

## **Witness Statement: Emma Reilly**

1. My name is Emma Rebecca Reilly. From 5 January 2012 to 10 November 2021, I worked as a Human Rights Officer in the Office of the UN High Commissioner for Human Rights (OHCHR). I was employed from the outset on a renewable, fixed-term contract within the Human Rights Council Branch. I in fact worked in that Branch from 5 January 2012 to 30 September 2013, following which I worked elsewhere in OHCHR. From January-September 2013, I was responsible for liaison with non-governmental organisations (NGOs) within the Human Rights Council Branch.
2. This witness statement is a faithful account of my interactions with Mr. Eric Tistounet, Chief of the Human Rights Council Branch, regarding the non-governmental organisation United Nations Watch (UN Watch). It is the truth, the whole truth, and nothing but the truth.
3. The Human Rights Council Branch held regular, weekly team meetings. It was at the second or third of these meetings that I attended, in late January or early February 2012, that I first became aware of Mr. Tistounet's very negative attitude towards UN Watch. In response to a summary by Ms Elena Kountouri-Tapiero, who was then NGO focal point, of plans for NGO liaison relating to the forthcoming Human Rights Council session, Mr. Tistounet made a statement along the lines of "We don't want to be too kind to UN Watch." This surprised me, as Ms Kountouri-Tapiero had not mentioned any NGOs, but was referring in general to problems with lists of speakers and other bureaucratic issues. I never heard Mr. Tistounet single out any other NGO by name during these meetings, but at least once a month he would refer to UN Watch or its director, Mr. Hillel Neuer, entirely in negative terms. He would also refer negatively to UN Watch in email communications, at times copied to his entire staff and supervisors via the HRCTeam or HRCB email lists.
4. Shortly after I joined the Branch, it was decided that staff would rotate roles. I volunteered to be NGO liaison. I shadowed Ms Kountouri-Tapiero for the June and September sessions of the Human Rights Council in 2012, and took over primary responsibility for the role from January 2013. It was decided that some functions previously handled by the Civil Society Section would also be reassigned to me, notably establishing lists of NGO speakers.
5. The list of NGO speakers had previously been generated by having NGOs sign up via surveymonkey. This caused me great concern, as several NGO activists who spoke mainly about abuses in China had reported to me in the June and September 2012 sessions that they and their family members still in China had suffered reprisals shortly after signing up. I erroneously believed that the Chinese government had been accessing the insecure, non-UN website (I later discovered a policy was in place of handing names of these dissidents to the Chinese government, and was eventually dismissed for my internal and - when those failed - external reports of this dangerous policy). As almost my first act in my new role, I therefore proposed working with the IT department to create a new, secure sign-up system and automate generation of lists of speakers.
6. As a first step to designing the sign-up system, I proposed holding both in-person and remote consultations with NGOs. I specifically proposed a list of international NGOs with offices in Geneva to discuss proposals and beta-test the system, and included UN Watch on the list. In a meeting held in his office to discuss the proposal, Mr. Tistounet demanded that I not include UN Watch in the consultations, claiming that they would "try to make trouble for us." I pointed out that the NGO community universally disapproved of the surveymonkey sign-up system then in place, with good reason, and that exclusion went against the principle of equal treatment of

NGOs, but to no avail. UN Watch were therefore not involved in the discussions about the precise algorithm adopted, which remains in place. My proposal for remote consultations of NGOs not based in Geneva was also rejected in favour of limiting consultations to what Mr. Tistounet termed “friendly” NGOs.

7. I proposed at the launch of the online sign-up system that lists of speakers be published online for NGOs to consult, and updated on a daily basis, in part to prevent NGOs having to make the journey to the Palais des Nations to confirm in person their continued intention to speak, when this formality could easily have been completed online. Mr. Tistounet refused this suggestion, explicitly on the basis that it would prevent him from manipulating the lists. He once again referred only to UN Watch as an NGO that he would move down a list to prevent them from taking the floor. I once again pointed out that it was against the rules of the Human Rights Council and internal UN rules to discriminate against a particular NGO. Mr. Tistounet responded that UN Watch was an “Israeli GONGO” and implied that such discrimination was therefore, in his eyes, legitimate.
8. Mr. Tistounet refused my suggestion to publish all of the lists of speakers in the folder accessible to NGOs in Room XX (where the Human Rights Council is held) at the beginning of each session for the same reason. He insisted that lists be published only for a few days’ worth of debates at a time, despite this meaning that NGO representatives had to repeatedly come to the Council on days they may not wish to speak in order to confirm their presence. It is one of the conventions of NGO participation that they are required to provide the name of the speaker next to their place on the list at latest 24 hours before speaking, or they lose their slot.
9. On several occasions during the sessions of the Human Rights Council held in 2013, Mr. Tistounet came to my office to consult the NGO lists of speakers. On every such occasion, he was verifying the presence or absence of UN Watch on the list. He repeatedly instructed me to move UN Watch further down the list for interactive dialogues and panel discussions, such that they would fall below the maximum number of NGO participants and lose the opportunity to speak. I consistently opposed such instructions. Initially, I based my refusal on the right to freedom of speech, pointing out that a human right is only as strong as its application to people with whom we may disagree. I soon realised that Mr. Tistounet did not care about such arguments, so instead switched to a strategy of arguing that he may be found out and suffer personal consequences should a formal complaint result. I pointed out that, while they had not been involved in the consultations, UN Watch were aware of how the lists of speakers were established. They would therefore notice if, in every previous debate, they had spoken before one of the major international NGOs (I remember that I gave the example of Human Rights Watch, because UN Watch had been publicly critical of some of the positions taken by that organisation), and suddenly appeared on a list after that NGO. This often led to Mr. Tistounet suggesting moving any major NGOs down the list as well so that UN Watch would be less likely to notice the manipulation.
10. I sought the advice of Ms Lidiya Grigoreiva, then of the OHCHR Civil Society Section, who had previously been responsible for establishing lists of speakers, as well as my immediate predecessor in the NGO liaison role, Ms Elena Kountouri-Tapiero, and her predecessor, Ms Laura Dolci Kanaan. All three responded that they had always simply obeyed the instruction to move UN Watch down lists. I asked if they did this for any other NGO, and they all stated that Mr. Tistounet had never made the request regarding any other NGO. All three expressed negative views of UN Watch during these discussions.
11. I also sought the advice of my direct supervisor, Ms Kathryn Hinkle-Babul, who I knew to be a personal friend of Mr. Tistounet in addition to being supervised by him. She indicated that Mr.

Tistounet valued personal loyalty above all else, and that he could be “vindictive” against staff he perceived as disobedient or likely to report him. She referred to Mr. Tistounet’s ongoing internal feuds with Mr. Christophe Peschoux (then head of UPR) and Mr. Giuliano Comba (then in the Human Rights Council Branch), noting that Mr. Tistounet was actively seeking to negatively impact their careers because they dared disagree with him on a point of policy. She stated that Mr. Tistounet interpreted every disagreement on policy as a personal attack and indicated that he had already begun making negative comments about my objections in conversations with her. She, too, advised that I simply breach the rules of the Human Rights Council and obey the illegal instruction from Mr. Tistounet to avoid incurring his wrath.

12. I was unable to agree with the universal advice received from my colleagues, and continued to oppose Mr. Tistounet’s instructions. I reported them internally to OIOS in March 2013, but received no response, and the matter was not investigated. I stated to Mr. Tistounet that if he wanted to manipulate the lists, he would have to download them from the system and do so himself, because I would not discriminate against any NGO. Mr. Tistounet on several occasions instructed Ms Grigoreiva to manipulate the lists, and she did so or instructed the interns working under her supervision to do so. Unfortunately, my earlier objection that UN Watch would notice their relative position vis-à-vis Human Rights Watch, Amnesty International or other large, well-known NGOs led to these NGOs also being moved down or, on occasion, off lists.
13. In addition to manipulating the lists, Mr. Tistounet employed other tactics to try to prevent UN Watch from taking the floor. NGOs, like member state speakers, are encouraged to submit copies of their statements in advance to aid translation. This is not a requirement, and some states and NGOs never submit statements in advance. Mr. Tistounet would frequently dispatch staff to “remind” UN Watch of a “requirement” to submit their statement. No other NGO was subject to such reminders. On at least two occasions, Mr. Tistounet instructed me to remove UN Watch from the list as I was on my way to the podium of the Human Rights Council, where I advised the Secretary and President on all NGO issues. On both occasions, I mentioned the instruction to the Secretary, Mr. Goro Onojima, and reiterated the rules. Along with Mr. Onojima, we ensured that the President received the true list and called on UN Watch.
14. When Mr. Tistounet himself was on the podium or a lower-level (P-4) staff member was substituting for Mr. Onojima as Secretary, Mr. Tistounet’s instructions to delete UN Watch from lists were generally obeyed. Indeed, on occasion other staff would take it upon themselves to deliberately disobey the rules of the Human Rights Council regarding NGO speaking time and cut off a list just before UN Watch was due to speak. Ms Hui Lu very frequently did this during panel discussions, for which she was responsible. She would also independently manipulate NGO lists of speakers in advance, removing UN Watch from lists.
15. Mr. Tistounet had a standing instruction that when a statement was received in advance from UN Watch, it was to be given directly to him either in his office or on the podium, and placed on the desk of his office if he could not be immediately located. This instruction did not exist for any other NGO.
16. Mr. Tistounet would openly criticise and defame UN Watch in front of staff working under his supervision, to his superiors, and to external experts. Where UN Watch appeared on a list for an interactive dialogue with a Special Rapporteur, if Mr. Tistounet was on the podium, he would expressly “warn” the Special Rapporteur that UN Watch were “troublemakers.” He would frequently advise the Special Rapporteur to simply ignore UN Watch questions when preparing their responses, often stating that UN Watch just wanted the publicity.

17. Mr. Tistounet also extended his targeting of UN Watch to his personal friend Mr. Jean Ziegler, who has held a number of independent expert roles in the UN and whose appointments have often been criticised by UN Watch. Uniquely among mandate holders, Mr. Ziegler would frequently come to the NGO liaison office and request to see lists of speakers to verify whether UN Watch would take the floor. He would also request advance copies of UN Watch speeches, which we were instructed to provide. No other NGO was targeted in this manner, and no other mandate holder was accorded this favour.
18. One of my roles was to write standard language for the President to use in case of points of order during NGO speeches, or in case an NGO breached the rules, for example engaging in personal insults. The language I drafted is still in use for this purpose. Mr. Tistounet would frequently and inappropriately advise the President to use such language when UN Watch took the floor and spoke entirely of policy issues. On occasion, when a UN Watch speech was received in advance, Mr. Tistounet would request that I draft new language for the President to give a false impression that the speeches broke the rules. In fact, I am unaware of any UN Watch statement that did not strictly comply with the rules.
19. When points of order are made during speeches by an NGO, the NGO liaison and Secretary are responsible for pressing a button on the podium to pause the NGO speaking time and ensure that, if their speech does not break any rules, they are able to finish it. Mr. Tistounet issued a standing instruction that the button was not to be pressed during UN Watch speeches, but instead that their speaking time should be deemed to continue during the point of order. This instruction applied only to UN Watch. I personally disobeyed it, but it was followed by my colleagues. I am aware of only one other NGO speech deliberately cut short in this manner, in that case at the request to Mr. Tistounet of the Chinese delegation, as the speech related to allegations of forced organ harvesting.
20. Between the March and June 2013 sessions of the Human Rights Council, when an update of the NGO guide on participation in the Council was being prepared by the Civil Society Section, I proposed to Mr. Tistounet that we add a section on participation clarifying the rules that relate to NGO and other speeches in the Human Rights Council. He refused this suggestion, and again specifically raised the example of UN Watch in his refusal. It was clear from his statement that he was fully aware that his advice to successive Presidents to reprimand UN Watch for disobeying rules was false, and that no rule was in fact being broken.
21. Mr. Tistounet made clear on a number of occasions that his ultimate aim was to exclude Mr. Neuer and UN Watch more generally from UN premises, but that such would be difficult because of "the Israelis and the Americans," which delegations he expected to support the right of UN Watch to participate. The most striking example of this came when a member of another NGO threatened an intern under my supervision. I verified the incident by speaking to three witnesses and tried to contact my superiors, but was unable to reach any of them. I therefore took the decision to have the threatening individual removed by UN Security, and to confiscate his badge until the next morning. I was surprised when Mr. Tistounet unilaterally decided, without any due process, that the removal of the badge would be permanent. He expressly stated that this would set a useful precedent and if ever Mr. Neuer shouted at an intern, his badge could be similarly removed. I pointed out that it was unjust to punish one individual without due process in order to adversely affect another, and that the plan was unlikely to succeed, as Mr. Neuer and the other UN Watch staff in my experience always comported themselves courteously and professionally.
22. I think it is important to note an impression that I garnered from my interactions with Mr. Tistounet, and more generally in interactions with senior OHCHR staff. In my view, there is a

serious problem of anti-Semitism at the senior levels of OHCHR. In his discussions of Mr. Neuer and UN Watch, Mr. Tistounet would frequently use anti-Semitic tropes that they were somehow manipulating and controlling certain member states or other NGOs behind the scenes. It seemed he would actively seek to trace any problem in the Human Rights Council back to UN Watch's supposed machinations, at one point terming Mr. Neuer the "puppet master" of the US delegation when they delivered a speech in which they opposed the existence of Item 7 on the agenda of the Human Rights Council. Mr. Tistounet regularly expressed his personal support for Item 7 on the Human Rights Council agenda, which addresses the "Human rights situation in Palestine and other occupied Arab territories," while every other country situation in the world is addressed under Item 4. This struck me as inappropriate, as the role of the Secretariat is to support the work of the Council and not to express personal views on issues that are known to be controversial to all staff under one's supervision.

23. The general problem of anti-Semitism was demonstrated in a video interview with Mr. Rupert Colville, spokesperson for successive High Commissioners. In an interview supposed to be about my external reports of the OHCHR policy of passing names of dissidents to the Chinese delegation, Mr. Colville brought up the case of Ms Miranda Brown, who reported the sexual abuse of children by French peacekeepers and the targeting of her then boss, who had initially blown the whistle on the abuse. He immediately noted that Ms Brown was Jewish, claimed that she was working with the Israeli delegation and "states friendly with Israel" to undermine OHCHR, claimed that I was somehow under her "thrall," and entirely falsely stated that Ms Brown had implied her treatment was due to her Jewish heritage.

#### OHCHR press release

24. I did not have direct contact with Mr. Tistounet regarding the press release issued by OHCHR on 2 February 2017. Despite a written claim by OHCHR that Mr. Tistounet was uninvolved in the drafting of this press release, in order to prevent him being held guilty of defaming me in it, email communications ordered released to me by the UN Dispute Tribunal and video interviews of staff released to me as part of the investigation into my external reports of the OHCHR policy of secretly handing names of dissidents planning to attend sessions of the Human Rights Council or treaty bodies to the Chinese government clearly show that the first draft of the press release was prepared by Mr. Tistounet, Mr. Rolando Gomez and Ms Kurveena Pyneeady before being circulated to the highest levels of management of OHCHR.
25. The press release includes the following statement regarding UN Watch: "We deplore the efforts by organizations such as UN Watch to take the spurious allegations by GAP a step further. UN Watch tweeted: "Top @UNHumanRights official informed #China of dissident planning to testify @UN. She was detained & died in prison." This is an outright lie and a deliberate defamation."
26. I feel that it is important to note that OHCHR and OIOS repeatedly refused my suggestions to investigate whether or not Ms Cao's name was among those transmitted to the Chinese delegation in advance of the UPR in 2013. The UN has similarly refused to investigate one case where the name of a dissident was transmitted, he was not informed, and he later died in detention when he returned to China. OHCHR cannot therefore publicly state that the information is a lie, as they have taken no measures whatsoever to determine the truth.
27. The language used, which was drafted by Mr. Tistounet is very, very strong and not typical of the measured, diplomatic tone more normally present in press releases issued in the name of OHCHR. It is of note that the press release was issued with this language despite written

objections by the second-highest official in OHCHR, Mr. Andrew Gilmour, then Assistant Secretary-General for Human Rights. In an email sent to the communications staff and Mr. Tistounet, Mr. Gilmour stated the following:

“one suggestion from me, ‘this is an outright lie’ leaps off the page. It is too bald, too simply undignified (more worthy of a tweet from the Fanta-faced fascist - to borrow a memorable phrase from some pictures of placards Rupert circulated this week) for OHCHR to use in an official statement. I know we need to take the gloves off, but this is one notch too low I think.”

28. Despite this clear instruction to modify the tone of the press release from a senior official (albeit not one in his direct reporting line), Mr. Tistounet issued the accusation of an “outright lie” against UN Watch in the name of OHCHR.

#### Deletion of UN Watch written statements

29. NGOs have the right to issue written statements to be registered as official documents of sessions of the Human Rights Council. These are distributed to the Member States under the appropriate agenda item. Mr. Tistounet always requested copies of UN Watch statements as soon as they were received, weeks before the sessions. This request was not made for any other NGO. Mr. Tistounet would regularly suggest to Ms Lidiya Grigoreiva of the Civil Society Section that she insist on changes to UN Watch statements, often without any basis in UN rules, when Mr. Tistounet felt that the statements criticised his actions. I do not know to what extent Ms Grigoreiva insisted on such changes, and was not copied on relevant exchanges.
30. While I was not involved in the discussions, I am aware that Mr. Tistounet ignored the rules of the Human Rights Council regarding UN Watch, and unilaterally prohibited registration and distribution of four written statements submitted by UN Watch to the 41st session of the Human Rights Council, allegedly on the basis that they were defamatory, despite them containing no reference to any individual. The statements merely documented efforts by the Chinese delegation to silence NGOs, and criticised the OHCHR policy of handing names of dissidents to the Chinese delegation. I included this in my complaint of abuse of authority against Mr. Tistounet submitted in September 2019, but the UN declined to investigate.
31. Every other NGO was offered the opportunity to correct any statement not compliant with UN rules, but this offer would appear not to have been made to UN Watch.

#### Evidence of manipulation of lists for the 50th session of the Human Rights Council

32. UN Watch approached me shortly after the 50th session of the Human Rights Council to verify the correctness of the establishment of lists of speakers for the 50th session at which, despite signing up for all interactive dialogues, UN Watch did not receive a single speaking slot.
33. The algorithm adopted following the consultations with Geneva-based NGOs varies according to type of debate at the Human Rights Council. For interactive dialogues and panel discussions, where spots are limited, NGOs are invited to give an order of priority to ensure that a maximum number of NGOs may speak on their priority issues. All NGOs identifying the debate as their first choice speak in order of sign-up, then all NGOs identifying the debate as second choice in order of sign-up, etc. For adoption of UPR outcomes, there was consensus among the NGOs during consultations that they did not want the priority system to apply, so it is in strict order of sign-up. As every NGO that signs up may speak during general debates,

those are also in order of sign-up. This algorithm has at no point been changed since I developed it with the IT department in 2013.

34. For the 50th session of the Human Rights Council, there were no general debates. The only lists of speakers that (should) reflect pure order of sign-up for that session are therefore those relating to UPR, where UN Watch did speak on occasion.
35. The UPR lists are internally consistent, with no changes whatsoever to the order of NGOs across different countries. This indicates that the algorithm was used to generate these lists without manipulation. The lists for Iceland, Moldova and Haiti clearly show that UN Watch signed up after Amnesty International, but before Ingénieurs du Monde.
36. The list for the interactive dialogue with the Commission of Inquiry on the Occupied Palestinian Territories has very obviously been manipulated. UN Watch have provided me with their sign-up confirmation sheet showing that this was their first choice of debate. The algorithm would place all NGOs electing that debate as their first choice of interactive dialogue in order of sign-up. If Amnesty International and Ingénieurs du Monde both also elected it as their first choice of debate, the order in which the NGOs appeared on UPR lists would be preserved, i.e. UN Watch would appear on the list of speakers before Ingénieurs du Monde, and after Amnesty International. On the published list, Ingénieurs du Monde appear in the ninth slot, but UN Watch is absent. This result is impossible, and comparison with the UPR lists makes it obvious that UN Watch has been deleted. The manipulation of the list is further confirmed by the fact that Amnesty International, which always appeared directly before UN Watch on the UPR lists, and therefore also before Ingénieurs du Monde, appears in the last slot. I can only speculate that Mr. Tistounet remembered my advice from 2013 that UN Watch would remember its relative position on lists vis-à-vis the large, international NGOs and detect his manipulation. Placing Amnesty International in the final slot would allow OHCHR staff to claim that UN Watch unfortunately just missed out by not signing up quickly enough, when the reality is clear that their name was deleted.
37. I have made a number of formal reports and requests for investigation of the above acts of misconduct. The UN in all cases declined to investigate.

I confirm once again that this statement is a faithful account of my interactions with Mr. Tistounet relating to the NGO UN Watch, and that it is the truth, the whole truth and nothing but the truth.

Paris, 19 September 2022

 Reilly