A Third Whistleblower Unsuccessfully Seeks Protection from Retaliation At UN/OHCHR

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Bea Edwards

Government Accountability Project

https://www.whistleblower.org/blog/014301-third-whistleblower-unsuccessfully-seeks-protection-retaliation-unohchr

The Government Accountability Project (GAP) has learned of a third whistleblower from the Office of the High Commissioner for Human Rights ([OHCHR](http://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx)) of the United Nations in Geneva.  In addition to [Anders Kompass](https://www.whistleblower.org/blog/011019-anders-kompass-cleared-un-official-who-reported-child-sexual-abuse-peacekeepers-speaks) and [Miranda Brown](https://www.whistleblower.org/sites/default/files/Letter%20to%20High%20Commissioner%20for%20Human%20Rights%204%20May%202016.pdf), a Human Rights Officer with the Human Rights Council reported in March 2013, to the then-High Commissioner that a senior staff member, Eric Tistounet, had given the Chinese government the names of Chinese human rights defenders planning to attend a session of the Council in Geneva. Emma Reilly, the whistleblower, believed provision of this information would endanger Chinese human rights defenders by giving the government the information needed to stop the dissidents from appearing.

No other government was given the identities of their dissident nationals prior to the sessions.

In fact, in September 2013, six months after Ms. Reilly’s first report, a Chinese human rights defender, [Cao Shunli](https://www.theguardian.com/world/2014/mar/14/china-activist-cao-shunli-dies-human-rights), was disappeared from the Beijing airport on her way to attend a Council session in Geneva. She subsequently died in detention.

Nonetheless, Ms. Reilly’s 2013 report does not appear to have received a response from the Office of the High Commissioner.  On the contrary.  Each year, the practice of supplying the Chinese government with the names of dissident nationals scheduled to participate in sessions of the Human Rights Council continued, and Ms. Reilly continued to report it.  In July 2015, Ms. Reilly reported it directly to the current High Commissioner, Zeid Ra’ad Al Hussein. He apparently took no action. In March 2016, she reported it to the current Deputy High Commissioner, Kate Gilmore, but she appears to have taken no action, either.

The practice only came to an end after Ms. Reilly reported it externally to the Irish government, and the Irish ambassador intervened in 2016.

Meanwhile, for Ms. Reilly, life became increasingly difficult at the High Commissioner’s Office. Retaliation largely took the form of harassment, exclusion and abuse of authority.  It became clear that Mr. Tistounet had been informed of Ms. Reilly’s report about his cooperation with the Chinese government. Finally, in July 2016, as her situation worsened, Ms. Reilly sought protection from the Ethics Office in New York.  The Ethics Office determined that Ms. Reilly’s objection to Mr. Tistounet’s naming of Chinese dissidents about to travel to Geneva was not a whistleblower disclosure and therefore what had happened to Ms. Reilly as a result of voicing her objection could not be retaliation.

In her complaint to Ethics, she reported two other infractions of which Mr. Tistounet was allegedly guilty.  The Ethics Office determined that her report of these two infractions entitled her to protection from retaliation, but that no retaliation had occurred.

Ms. Reilly protested the Ethics Office determination, citing errors of fact and regulation in its report, and her complaint was reopened.  For 201 days, she has now been waiting for a decision about whether she should be protected from reprisal.

This case has disturbing parallels with the [Anders Kompass](https://www.theguardian.com/world/2015/apr/29/un-aid-worker-suspended-leaking-report-child-abuse-french-troops-car) case, and shows the extent to which this High Commissioner’s motivation with respect to the protection of human rights is inconsistent.  Zeid Ra’ad al Hussein, the High Commissioner, requested that Mr. Kompass be investigated for giving the names of human rights abuse victims to the French government for the purpose of protecting them.  In Zeid’s view, apparently, this is misconduct.  However, when Mr. Tistounet, another staff member, gave the names of dissidents to a government, potentially exposing them to abuse, Zeid did not react.

This seems upside down to GAP, and we continue watching developments in this case.