

Written evidence submitted by Emma Reilly (MUL0006)

Instrumentalisation of the United Nations by the People's Republic of China (PRC)

Author details and executive summary

1. I am a UK citizen and international human rights lawyer. I was employed by the Office of the High Commissioner for Human Rights (OHCHR) from January 2012 – November 2021. Despite formal recognition as a legitimate whistleblower being subjected to retaliation in July 2020, I was dismissed from my position uniquely and specifically for blowing the whistle on exceptional and dangerous “favours” being rendered by OHCHR to the Chinese government. These favours fall into a broader effort of the Chinese government to instrumentalise the UN to serve its national interests.
2. While some of Beijing’s efforts to reshape the rules-based international order are public or known to diplomats of other countries, a larger proportion of such efforts happen behind closed doors. As there is no transparency within the UN Secretariat, member states essentially rely on internal whistleblowers to discover such efforts. The UN’s Joint Inspection Unit has confirmed that internal UN whistleblowers are responsible for uncovering more fraud, corruption and misconduct than all other methods combined.¹ Despite this, my experience since I first reported misconduct in 2013 demonstrates that the U.K. government does not take seriously adverse influence on the UN by autocratic régimes brought to its attention by whistleblowers, and does not have clear protocols for action either to address the corruption or to ensure the whistleblower is protected. The submission includes recommendations in this regard.

Beijing’s UN ambitions

3. It is widely recognised that Beijing aims to reshape the rules-based international order to reflect its own priorities, and to de-prioritize the rule of law, democracy and human rights. This is evident in its relatively successful efforts to remove or reduce human rights components in peacekeeping missions, and to re-frame both the peacekeeping and development agendas, such that the UN’s role is increasingly one of brokering “minilateral” partnerships among member states, which partnerships may entirely exclude the traditional UN focus on socio-political development, sustainability, rule of law, democracy or human rights.² Many elements of this

¹ UN Joint Inspection Unit, *Fraud prevention, detection and response in United Nations system organizations*, 2016, UN Doc. JIU/REP/2016/4.

² See, for example, Max-Otto Baumann and Sebastian Haug, [How China Is Reshaping UN Development Work and the Implications](#), Pass Blue, July 19, 2023; Lwanga Egbewatt Arrey, [China’s Push for Normative Change in](#)

strategy are reflected in the current zero draft of the Pact for the Future, due to be adopted in September, and which will determine the UN's strategic direction beyond 2024.³

4. To achieve its aims, Beijing acts to influence or silence three main constituencies: member states, the UN Secretariat or relevant UN agencies and programmes, and non-governmental organisations (NGOs). I will consider each in turn.

Member States

5. Beijing increasingly exerts political influence, notably through development assistance, to influence votes and positions of other member states. This is not *per se* unusual in the UN context, but Beijing is increasingly rallying the G-77 and other unilateral groups that include a large proportion of Belt and Road Initiative countries to support its calls for specific UN reforms, to vote down budget allocations to OHCHR or human rights components of peacekeeping missions, to vote against establishment or extension of specific mandates, or to shut down discussions, for example, the proposed debate in the Human Rights Council on the situation in Xinjiang following the OHCHR report on the subject. This influence is also used to stifle criticism where debate does occur, for example by securing higher rates of member state sign-up to statements praising Beijing's actions in Xinjiang as necessary counter-terrorism measures than are secured by the U.K. and its allies for statements denouncing the genocide against the Uyghur population. Beijing also supports the establishment of supposed human rights mandates more properly understood as aiming to undermine measures taken by democracies against authoritarian régimes, such as the Special Rapporteur on the negative impact of unilateral coercive measures on human rights.⁴ The proliferation of such mandates proportionally reduces available time to address genuine human rights issues.

Bribery

6. PRC diplomats and proxies go far beyond normal political pressure and lobbying to ensure Beijing's priorities are fully reflected in international agendas. For example, during the two-year negotiation of the Sustainable Development Goals (2013-2015), Beijing paid bribes to the two successive Presidents of the General Assembly who ultimately oversaw the process and had significant influence over the final texts put to the Assembly. While convictions against the proxies who paid the monies were

[UN Peacekeeping](#), Institute for Security & Development Policy, May 28, 2023.

³ The zero draft is available here: https://www.un.org/sites/un2.un.org/files/sotf-co-facilitators-zero-draft_pact-for-the-future.pdf

⁴ While legitimate human rights questions are of course raised by unilateral sanctions (the author organised the [mandated workshop on the issue of unilateral coercive measures in 2014](#)), the mandate is generally used for the purpose of criticising sanctions taken by democracies against authoritarian régimes on human rights grounds. Other mandates that began as essentially undermining human rights have been improved by ensuring qualified candidates who consider the genuine human rights issues rather than taking a particular political position in support of autocracies in fact stand for the posts and are recommended, at which point lobbying in their favour can take place.

secured in U.S. courts,⁵ the content of the final Goals and indicators closely aligns with Beijing's approach to development, essentially devoid of civil and political rights and freedoms.⁶ It is of note that bribery of one official started years before he in fact stood for President of the General Assembly, with the PRC funding his campaign.⁷ While an internal UN investigation found serious lapses by UN staff, no action was taken against them, no reforms were made to prevent repetition, and rules were in fact relaxed in subsequent years.⁸

Secret conditionalities on UN funding

7. UN funding lacks transparency, with publication only of dollar amounts and not of any additional conditionalities. Member states are informed only whether published UN budgetary needs in a specific area have been met. The PRC makes significant donations to UN-administered development support for small island developing states (SIDS) and least developed countries (LDCs), but imposes a secret conditionality across UN agencies that the monies so provided may not be spent in states with diplomatic relations with Taiwan.⁹ Applications from these states for monies from funds that are advertised as open to all SIDS and LDCs are therefore refused by the UN itself in cases where the PRC is a significant donor. Essentially, the PRC instrumentalises the UN to increase pressure on SIDS and LDCs, which account for a majority of states that still have formal diplomatic relations with Taiwan, to transfer their allegiance to the PRC.

UN Secretariat

Unique funding structure to ensure Beijing's policy positions become UN policy

8. It is common for UN member states to earmark voluntary contributions to reflect their national or development priorities. However, the PRC takes this a step further, setting up bespoke funding mechanisms to "blue-wash" its own development aid and ensure that the UN Secretary-General does not criticise the PRC. Beijing annually gives USD 20 million to the "Peace and Development Trust Fund,"¹⁰ a unique funding mechanism purportedly governed jointly by the PRC and the UN, but in fact governed

⁵ See U.S. Justice Department announcements, for example, <https://www.justice.gov/usao-sdny/pr/former-head-foundation-sentenced-20-months-prison-bribing-then-ambassador-and-president>; <https://www.justice.gov/usao-sdny/pr/patrick-ho-former-head-organization-backed-chinese-energy-conglomerate-sentenced-3>.

⁶ Some of this failure is attributable to OHCHR itself, which expressly opposed a specific goal on human rights despite support for such a goal from a number of democracies. The author was responsible for OHCHR negotiations relating to Goal 16, and all indicators, in the final six months of negotiation of the SDGs.

⁷ A timeline of some of the bribery is included in Sydney Morning Herald, *Beijing's secret plot to infiltrate UN used Australian insider*, November 11, 2018.

⁸ The OIOS report is not publicly available, but may be requested by member states. See, for example, Reuters, *Exclusive: U.N. audit identifies serious lapses linked to alleged bribery*, April 4, 2016. For details of relaxing of UN rules, see whistleblower disclosure at paragraphs 37-39.

⁹ See Exhibits 4 and 6 to whistleblower disclosure for examples relating to a trust fund administered by the Office of the High Commissioner for Human Rights.

¹⁰ Information on the Peace and Development Trust Fund is available here: <https://www.un.org/en/unpdf>

wholly by the PRC as the UN staffer on the board, the Under-Secretary-General for Economic and Social Affairs, is directly selected by the PRC (see paragraph 30 below). The USD 20 million is divided into two equal tranches. One tranche is explicitly to promote the Belt and Road Initiative, thereby “blue-washing” PRC development aid already earmarked for the purpose. This ensures the UN cannot join criticism of the Belt and Road as a debt trap. The second annual tranche of USD 10 million is essentially a slush fund for the UN Secretary-General’s pet projects. It is of note that since taking office the Secretary-General has never issued any criticism whatsoever of the PRC’s human rights record, and has consistently and unreservedly praised its record on development, climate change, the Belt and Road Initiative and other issues.¹¹

Increasing numbers of Chinese Communist Party loyalists among UN senior staff

9. In recent years, the PRC has successfully campaigned for its nationals to lead or obtain very senior management posts in a significant number of UN departments, funds, programmes and agencies.
10. The UN has a total of 15 specialised agencies. From a high point of four in 2020-2021, following recent election cycles, one UN specialised agency (the Food and Agriculture Organization, FAO) is currently headed by a Chinese national proposed by the PRC. However, Chinese deputies whose candidacies were supported by the PRC are present in a further nine of the fifteen agencies.¹² No other member state has such a strong presence across the most senior management of almost every UN agency. While democracies including the U.K. have recently voted and lobbied against election of further PRC-nominated candidates as heads of agencies, the appointments of their deputies – generally directly by the Secretary-General in consultation with the head of agency – has not attracted equal attention. In practice, deputies are responsible for day-to-day management, and often have more time and leeway to propose and implement long-term changes to methods of operation than heads of agencies, who largely function as figureheads.¹³
11. In addition to holding an increasing number of prestigious head and deputy head of agency positions, the PRC targets lesser-known departments relevant to its aim of reshaping the rules-based international order. By tradition rather than rule, the five permanent members of the Security Council - including the U.K. - reserve the head of certain departments, agencies and programmes for their own nationals. The selected candidates are formally appointed by the Secretary-General. The post of Under-Secretary-General for Economic and Social Affairs is now reserved for a Chinese national, selected by the PRC. One former holder of the post was interviewed on

¹¹ A searchable database of statements and comments of the Secretary-General is available here:

<https://www.un.org/sg/en/latest/sg/statement>

¹² The nine agencies are the UN Industrial Development Organization (UNIDO); International Civil Aviation Organization (ICAO); World Bank; International Fund for Agricultural Development (IFAD); International Monetary Fund (IMF); World Intellectual Property Organization (WIPO); International Maritime Organization; United Nations Educational, Scientific and Cultural Organization (UNESCO); and World Health Organization (WHO).

¹³ Baumann and Haug note the establishment of long-term PRC-DESA and PRC-FAO partnerships, *supra* note 2.

Chinese state television shortly after his retirement, and openly admitted acting in the PRC's national interests, including unlawfully excluding from UN premises NGO representatives who planned to criticise the PRC.¹⁴ Other former Chinese heads of UN agencies have been publicly criticised for failure to act on the PRC or its proxies unlawfully accessing confidential information, but the UN has never taken any action against any of the multiple staff members credibly accused of acting on instructions from the PRC, in violation of their explicit obligation of independence under the UN Charter.¹⁵

Influencing UN staff to breach UN rules

12. Working within the Secretariat, I observed that a larger proportion of staff doing special favours for the PRC are nationals of other member states. In early 2013, I discovered and reported that the Chief of the Human Rights Council Branch in OHCHR, a French national, was secretly providing the PRC with advance information on which human rights activists planned to attend the Human Rights Council. Such information was formally refused to other member states, and I had been involved in discussions refusing to provide it to Türkiye for the previous session of the Human Rights Council held in September 2012. I later discovered the exception for the PRC had been in place at least since the Human Rights Council was established in 2006. This explicitly breaches the rules of the Human Rights Council as set by member states.¹⁶ Nonetheless, the UN continues to defend the policy in ongoing court actions, relying on positions taken by UN Ethics Officers that (1) UN staff who deliberately breach rules set by member states to please the PRC do not commit misconduct, only breaches of internal staff rules count;¹⁷ (2) because every senior manager was aware of the policy and did nothing, the policy must be lawful;¹⁸ (3) the human rights principle of “do no harm” and legal requirements of confidentiality and independence of the international civil service may be ignored in favour of a better political relationship with the PRC;¹⁹ and (4) because it was found permissible for a previous whistleblower to disclose the names of child victims of rape by French peacekeepers to the French government to enable investigation of serious crimes, it is within the entire discretion of the Chief of the Human Rights Council Branch to disclose in advance the names of human rights defenders planning to attend the Human Rights Council to the PRC to enable targeting of their families.²⁰ UN Ethics

¹⁴ A video of a China Central Television (“CCTV”) interview with Wu Hongbo can be viewed at <https://www.facebook.com/uyghurcongress/videos/cctv-interview-with-wu-hongbo/649658305496919/> (last accessed on February 20, 2024). Article 100(1) of the UN Charter 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.”

¹⁵ For example, the PRC-nominated former head of ICAO was accused of failing to act on a cyberattack by the PRC. See CBC News, [Montreal-based UN aviation agency tried to cover up 2016 cyberattack, documents show](#), Feb 27, 2019.

¹⁶ See paragraph 13 of whistleblower disclosure for a full articulation of the relevant rules.

¹⁷ This is the position of the current Director of the UN Ethics Office, communicated in a legally recorded telephone call in October 2016.

¹⁸ Report of UNFPA Ethics Officer, April 10, 2017.

¹⁹ Report of Unicef Ethics Officer, February 27, 2018.

²⁰ Report of UN Ethics Office, October 7, 2016; UN submissions to UN Dispute Tribunal and Appeals Tribunal,

Officers and senior officials, including the current Deputy High Commissioner for Human Rights, could see no ethical distinction relating to the purpose for which the information was transmitted or would be used.

13. The policy is not limited to the Human Rights Council, but also applies at least to meetings of treaty bodies (some of which occur outside UN premises, a measure advertised as protective to NGOs) and Universal Periodic Review (UPR).²¹ Several victims of the policy provided witness testimony in my court cases about the danger of the policy and its impact on them and their families. The danger posed by the policy and truth of my reports has been confirmed by the UN's hand-picked judge, the only person ever to examine the written evidence.²² She concluded that, while my reports to member states including the U.K. were necessary to try to end a serious threat to the lives and safety of human rights activists, when the UN lied to member states to prevent them taking any action, the UN's absolute *lèse-majesté* rules prevented me from further whistleblowing, as staff members may under no circumstances criticise a policy of the Secretary-General, even when that policy amounts to complicity in an ongoing genocide and crimes against humanity. I did not appeal the judgment, as this is a correct statement of UN rules, which permit the complicity in genocide itself provided it is approved by senior officials, but not the accurate reporting of it.

14. While the UN's consistent policy as applied and its consistent court position has been that names of activists are in all cases transmitted to the PRC upon request, the position of the Chief of the Human Rights Council Branch in his 2019 witness statement and of the current Deputy High Commissioner for Human Rights expressed to me in June 2020 is that UN staff have absolute and unqualified discretion to transmit names. This regardless of the explicit rule set by member states that all requests for such information must be made publicly. In his sworn witness testimony, the Chief of the Human Rights Council Branch explicitly stated that, if an individual applying to attend the Human Rights Council had previously testified before the U.S. Congress or other parliament about PRC human rights abuses, he considered that it was entirely appropriate to inform the Chinese delegation of their plans to attend the Human Rights Council, without any delay, without their knowledge or consent, and without informing the U.S. or any other delegation, as they had, in his view, essentially forfeited any right to protection by previously conducting advocacy against the PRC's human rights abuses.²³ It is of note that NGOs must have existed for several years to even begin the process of applying for ECOSOC status, and once this status is obtained, they can accredit only a limited number of persons to sessions of the Human Rights Council. It would therefore be exceptionally rare for an

2016-2024. This is the position explicitly espoused by the current Deputy High Commissioner for Human Rights in her instruction of June 18, 2020 that I should not make external reports of misconduct relating to the policy. I was dismissed explicitly and uniquely for disobeying that instruction.

²¹ See Exhibit 14 to whistleblower disclosure for an example relating to an expert treaty body.

²² See Judgment UNDT/2023/123 at paragraphs 102-109.

²³ Witness statement of Mr. Eric Tistounet, 5 December 2019, annex 4.0a to Investigation Report, response to question 31. The reference was to Ms. Geng He, a U.S. resident whose name was transmitted to the Chinese delegation in September 2012. Ms. Geng had testified to the Congressional Executive Commission on China in February 2012.

individual's first experience of human rights advocacy to be at the Human Rights Council, the apparent sole circumstance in which OHCHR will even consider not transmitting their name to the PRC upon request.

15. On at least five occasions since 2017, the PRC was accorded an exceptional favour to hold exhibitions on UN premises during discussion of its human rights record. Any exhibition during sessions of the Human Rights Council and Universal Periodic Review must be approved by OHCHR as well as by UNOG cultural affairs officers who evaluate its artistic merit. The long-standing OHCHR policy is that no country-specific exhibits are permitted. Despite this, the PRC has repeatedly received permission to hold exhibitions of propaganda photographs, including one entitled "Xinjiang is a wonderful land," on UN premises, directly outside the room where the Human Rights Council is held.²⁴

Using the UN Secretariat to stifle criticism by experts

16. While Special Procedures of the Human Rights Council are in principle independent, and accountable only to that body, the PRC regularly complains to the High Commissioner for Human Rights regarding their statements or conduct. One notable example relates to engagement with Taiwan. As Taiwan is unable to participate in the international human rights system, in February 2013, it invited a number of experts to the country to make recommendations for improving its human rights protection. Upon receiving the PRC's complaint, instead of emphasising the independence of Special Procedures, who have a worldwide mandate and regularly visit disputed territories, the High Commissioner stated they had acted in their personal rather than official capacity and had been reminded of General Assembly Resolution 2758, apparently accepting the PRC's interpretation of that resolution.²⁵
17. There are numerous further examples of Secretariat staff close to the PRC providing advice to mandate holders and UN officials that does not conform to UN rules, but rather to the PRC's goals. For example, following the disappearance of Ms. Cao Shunli at Beijing airport in September 2013 on her way to observe the UPR review of China, several OHCHR staff, including me, proposed that the Deputy High Commissioner privately raise her case with the Chinese ambassador at a scheduled reception only days after her disappearance. The Chief of the Human Rights Council Branch intervened in the email chain on the issue, claiming that as the International Service for Human Rights (an NGO) had raised the issue with the Presidency of the Human Rights Council as well as OHCHR itself, it would violate protocol for OHCHR to raise the matter. No such protocol exists, but his view won out and OHCHR as such never at any stage raised Ms. Cao's disappearance with Chinese authorities despite its clear mandate to protect human rights defenders engaging with UN mechanisms against

²⁴ The exhibits are discussed in Chinese government media press articles: http://www.xinhuanet.com/english/2020-03/03/c_138839165.htm, http://www.xinhuanet.com/english/2017-09/11/c_136601473_5.htm, <https://news.cgtn.com/news/3d3d514d30496a4d33457a6333566d54/index.html>, <https://www.globaltimes.cn/page/202209/1276293.shtml>.

²⁵ Letter from Ambassador Liu Zhenmin to High Commissioner for Human Rights dated March 1, 2013; reply from High Commissioner for Human Rights dated March 15, 2013.

reprisals. Only independent experts raised the case, generating the usual complaints to OHCHR from the Chinese delegation. In other cases, early, closed-door interventions by OHCHR had in fact been successful in securing the release of individuals.

Modifying content of UN reports

18. Beijing exerts significant pressure on both senior UN officials and working-level staff actually writing reports to modify their contents to remove any conclusions, recommendations or discussion perceived as negative. Reports of both the WHO and UNEP on the origins of covid were edited to reduce references to the possibility of a laboratory leak, and the UNEP report was first delayed and, when the main donor (Norway) inquired about the delay, published on an obscure website without indexing or formal announcement of release.²⁶ The outreach to the donor was in that case possible because the author was a consultant; in cases where political pressure is brought to bear and the author is a UN staff member, it is expressly prohibited for the staff member to inform other member states of the direct pressure from autocratic states, which is in my experience systematic.
19. The OHCHR report on the treatment of Uyghurs did not follow the long-established standard format for country reports (facts, government position, opposition/civil society position, legal analysis, recommendations), instead taking as its starting point an acceptance of the formal PRC government position that its actions form part of a counter-terror strategy and proceeding to analyse its compliance with international human rights obligations on that basis. The OHCHR report included significant edits from the Chinese government in the report itself, contrary to the standard process of permitting only purely factual corrections (for example errors of spelling or geography) and including any substantive comments as an annex. While internal OHCHR procedures require staff to work with the communications section to ensure the maximum impact of reports, the report was not released at a press conference or even formally presented to the Human Rights Council, but instead issued minutes before midnight as the former High Commissioner left office on 31 August 2022. This was to ensure that her successor (a personal friend of the Secretary-General rather than merely a political ally) would be able to avoid questions on the issue by pointing to the protocol of not repeating work carried out by a predecessor. It is of note that the summary of UN documentation prepared by OHCHR for the UPR review of China in January 2024 made no reference to its own report's finding that the PRC may be committing crimes against humanity in Xinjiang. This strongly indicates further pressure from the PRC; such summaries are in reality prepared in coordination with the relevant delegation to avoid any possible controversy.
20. In my experience of writing reports, any reference to examples in China was removed by senior managers during the approvals process, no matter how relevant. Examples from democracies were largely maintained. This was the case, for example, in the

²⁶ The lead authors of two UNEP reports on the origins of the covid pandemic penned a joint press article about their experience, Daily Mail, [There has been a suppression of the truth, secrecy and cover-ups on an Orwellian scale over the origin of Covid-19 in China](#), January 23, 2023.

2019 report of the High Commissioner to the Human Rights Council on counter-terrorism and human rights, which I wrote.²⁷ The report focused on impacts of terrorism on children, and initially included the example of separation of Uyghur children from their parents as part of the PRC's purported counter-terror strategy as an example, but this was removed by the High Commissioner's executive office. As I was by that point identified as a whistleblower on the special favours rendered to the Chinese delegation, the instruction was followed in subsequent days by an instruction to remove all other country examples from that specific report.

UN Secretariat's deception of other member states regarding favors for the PRC

21. Documents released to me during my court cases against the UN definitively prove the extent of the UN cover-up of its special favours for the PRC. While UN management deliberately withheld some documents covered by the court order, those in my possession could not be clearer that UN officials at all levels deliberately lied to member states, including the U.K. delegation, who enquired about the UN policy of handing names – including of U.K. citizens and residents – to the PRC without their knowledge or consent.

22. Witnesses recount queries made by member states, including the U.K., following my reports. They recount deliberately lying that a new accreditation system introduced in 2015 somehow prevented the Secretariat from accessing information on who had applied for accreditation to attend meetings of human rights mechanisms. The Chief of the Human Rights Council Branch is clear that the deception is deliberate: “whoever comes to meet me and asks me [about] confirmation of names, I simply tell them... that it is an electronic system and we do not have access to the system. In the context of this confidential discussion, please note that we do have access to all the information we want. But publicly, (*and this is why I asked you, whether my record would eventually become public as that would create a lot of difficulties for me*) what we say is that we do not have the names, that we do not know” (emphasis added).²⁸

23. The Chief of the Human Rights Council Branch's sworn, signed witness statement is dated 5 December 2019, but I obtained a copy only in the course of court proceedings in 2023. For more than 4 years, the most senior managers in the UN Secretariat, up to and including the Secretary-General, can have had no doubt that UN officials are deliberately lying to member states to cover up an obviously dangerous policy that the UN continues to claim in court is unproblematic, ongoing and public knowledge. My reports in 2019 were made to member states, including the U.K., whose citizens and residents' names were being transmitted to the PRC. I provided the member states with the names of their citizens who appeared on the PRC's lists, gleaned from internal documents on the OHCHR Registry, so that they

²⁷ The report is available here:

<https://documents.un.org/doc/undoc/gen/g19/004/07/pdf/g1900407.pdf?token=oftQjD6mRqYJSJWhJS&fe=true>.

²⁸ Witness statement of Mr. Eric Tistounet, 5 December 2019, annex 4.0a to Investigation Report, response to question 22.

could be warned that their names would be transmitted to the PRC the moment they applied for accreditation to meetings of UN human rights mechanisms. In response, UN officials openly lied to those member states, and defamed me in an effort to discredit my reports, which were supported by extensive written evidence. The UN's own Tribunal has confirmed that my reports of 2019 were entirely justified by the evidence of ongoing danger.²⁹

24. My reports led to some changes in the manner of transmission of names, in order to further conceal the policy. While prior to my objections, the direct transmission was by NGO liaison officers at professional level (the UN refers to these as "P-level staff"), at some point in 2016 this was reassigned to temporary, administrative staff ("G-level staff") hired on six- to eight-week contracts during sessions of the Human Rights Council. In 2013, I and other staff had refused to provide their contact details to the Chinese delegation precisely because they could be more easily pressured.³⁰ Internal emails show their contact details were subsequently directly provided to the Chinese delegation by OHCHR staff. This mechanism appears designed to provide reasonable deniability to NGO liaison officers directly questioned by member states or NGO representatives – *they* indeed do not transmit names, as this is now delegated to more junior colleagues on very short-term contracts which are never advertised or subject to any form of competitive recruitment, but are entirely within the gift of the Chief of the Human Rights Council Branch.

Encouraging self-censorship

25. While the above measures show the degree to which the PRC has infiltrated or influenced the UN Secretariat to obtain specific actions and specific breaches of UN rules, the sad reality is that the response of a majority of staff who see the special favours is inaction, due to a desire for an easy life and a knowledge that no UN whistleblower has ever retained their UN career since the establishment of the UN in 1946. Beijing's consistent demands for meetings and apologies following even the mildest criticism have served to ensure even relatively independent UN officials do not publicly criticise the PRC, or even raise human rights concerns privately, due to the workload that will inevitably be generated in terms of drafting responses to complaints, notes for the file, or talking points for senior officials summoned to meetings. While the former High Commissioner, Ms. Bachelet, was far from independent in her dealings with the PRC, the strong reaction to her single statement of criticism, a muted appeal that the Hong Kong national security law should comply with international law, ensured this was her only statement on China during her 4-year term.³¹ This is not unique to Beijing, but results in a perverse situation where democracies that permit dissent are much more regularly criticised by the UN's human rights and humanitarian agencies than autocratic régimes.

26. The self-censorship extends to the Secretary-General himself. I met with the Secretary-General, with a witness present, on 25 February 2020. He immediately

²⁹ See Judgment UNDT/2023/123 at paragraphs 102-109.

³⁰ Reference to refusal is made in an email from the Chief of the Civil Society Section, dated 1 March 2013.

³¹ See Exhibit 15 to whistleblower disclosure.

recognised that I was a legitimate whistleblower.³² However, he expressed that any resolution of my case would be “difficult,” expressly due to the fact the favours I reported were accorded to the PRC. The Secretary-General himself, acting through his Chef de Cabinet, had in fact ordered my promotion and compensation in April 2018.³³ The offer was apparently rescinded when I made clear that my primary concern was not merely to end the incessant retaliation against me for my reports, but that those reports had never been addressed, meaning the UN continued to deliberately endanger human rights activists and their families. While the UN’s most senior management was more than prepared to secretly spend significant taxpayer funds to secure my silence – a strategy that has successfully silenced previous whistleblowers - none was willing to investigate or take measures to end the policy of passing names to the PRC. To the best of my knowledge, that policy continues to this day.

Hiring practices

27. The regular process by which other member states ensure employment of their nationals within the UN Secretariat is to establish and fund a dedicated Junior Professional Officer (JPO) post. The PRC has a further, secret arrangement with at least the Office of the High Commissioner for Human Rights, apparently established under former High Commissioner Bertrand Ramcharan.³⁴ The PRC transmits the CVs of individuals it wishes OHCHR to hire, and these are then sent to human resources for action. It is not clear from documents in OHCHR’s internal registry whether all or simply some portion of the individuals are hired, but for the one instance where the eight CVs transmitted in a single year were uploaded with the letter in the Registry, all eight individuals had obtained UN employment or been transferred to OHCHR from another UN agency (most frequently the Department of Economic and Social Affairs, DESA) within the 3-year period between transmission of their CVs and verification of the staff database.

NGOs

NGO Committee³⁵

28. Beijing regularly abuses its position as a member of the NGO Committee, ensuring no NGO working on human rights in China can obtain ECOSOC status, which accords the right to accredit delegates and speak at UN fora in its own name. Other member states on the Committee also abuse their positions in this manner. The U.K. is currently a member of the Committee, and should consider further measures to reduce the influence of autocratic régimes against legitimate NGOs.

³² Witness statement of the other whistleblower available on request.

³³ Letter of the Chef de Cabinet to the High Commissioner for Human Rights, April 2, 2018.

³⁴ Letter from Ambassador of PRC to High Commissioner for Human Rights, July 19, 2004. This is the first trace of the apparent favor in the OHCHR Registry.

³⁵ The role and functions of the NGO Committee, which is supported by DESA, are described [here](#).

29. Less well known is the campaign of harassment by the PRC against NGOs that have ECOSOC status and accredit persons on Beijing's list of names. Leaders of those NGOs are regularly threatened by Chinese diplomats with removal of their ECOSOC status should they continue to accredit the individuals. At least one NGO that previously regularly accredited members of the Uyghur minority agreed to stop doing so in order to preserve its access and ability to speak on other issues.

Department of Economic and Social Affairs (DESA)

30. As noted above, the Under-Secretary-General for Economic and Social Affairs is now always a former Chinese diplomat. Until recently, it was the very former Ambassador of China to the UN in Geneva who insisted on receiving names of human rights activists planning to engage with UN human rights mechanisms in advance. DESA handles all NGO accreditation in New York. It must be presumed that the information is shared with the Chinese delegation. Indeed, this is why, when I took over NGO liaison for the Human Rights Council in early 2013 and designed a secure sign-up system to generate lists of speakers, I declined to use a tool then under development by DESA in favour of establishing a secure system directly managed within OHCHR (until 2013, OHCHR used surveymonkey for this purpose). At the time, I was unaware that the Chinese delegation was in fact receiving names directly from OHCHR itself rather than hacking the highly insecure existing database.

31. DESA is responsible for engaging with UN Security regarding NGO delegates, and essentially has an unchallengeable ability to exclude any participant at will. This ability is frequently abused to achieve the aims of the PRC. The former Under-Secretary-General boasted on Chinese state television that he excluded Mr. Dolkun Isa, a Uyghur activist whose plans have frequently been communicated to the Chinese delegation in Geneva by OHCHR, from UN premises, preventing him from participating in meetings on the rights of indigenous peoples.³⁶ While the U.S. delegation eventually managed to ensure Mr. Isa was accredited for the closing, the aim was by that point achieved.

Changes to requirements for entry to UN premises

32. The PRC has, within the last five years, obtained specific changes to entry requirements to UN premises to prevent NGO representatives critical of the PRC from engaging with UN bodies. Previously, any government-issued ID was sufficient. This expressly permitted entry by stateless persons, refugees, residents of disputed territories, etc., an important provision for an organisation that holds meetings on universal human rights. Now, in response to demands from the PRC that were never discussed with or approved by other member states, the UN Headquarters in New York does not permit entry with ID issued by a government that is not a member or observer state. Essentially, the provision applies narrowly to Taiwanese identity documents, which were previously considered valid. The UN Office in Geneva went a step further, now requiring a valid passport issued by a UN member or observer

³⁶ See footnote 10, above.

state. As many Chinese dissidents who have fled abroad have refugee status but not citizenship of other countries, often on principle, this prevents a large proportion of dissidents from engaging in person with the UN's humanitarian and human rights machinery in Geneva. For example, Dr. Yang Jianli, whose name was regularly communicated to the Chinese delegation when he applied to attend UN human rights meetings, holds US travel documents, but remains a Chinese citizen. He cannot renew his Chinese passport without risking further detention and torture. He had previously entered the UN in Geneva with his US-issued travel documents but was told this was no longer possible in 2020.³⁷ As was the case in New York, no discussion with other member states was conducted before acceding to Beijing's demands.

Intimidation of NGO delegates and false reports to UN Security

33. In cases where the PRC was provided with names of NGO delegates in advance by the UN Secretariat, the delegates have reported that their family members were visited by Chinese police, forced to phone them to tell them to stop their advocacy, arbitrarily arrested, placed under house arrest for the period of the meeting, disappeared, sentenced to long prison terms without cause, tortured, or, as regards Uyghurs, put in concentration camps. In some cases, their family members died in detention. In at least one case, a person named on the PRC's list, who attended only a side event, later returned to China and died in detention. Neither the delegates nor their countries of citizenship or residence were informed by the UN that their names would be or had been handed over, and the policy is not published anywhere. In some cases, NGO delegates changed their speaking plans as a result of the intimidation.
34. In several cases, NGO delegates whose names were provided in advance to Beijing reported that they had been irregularly stopped and questioned upon arrival at Geneva airport following a report by the PRC. In at least one case, the Chinese government issued an Interpol red notice against an NGO delegate.
35. In cases where individuals that the PRC does not wish to speak manage to enter the UN premises, they often report being followed by persons accredited by the Chinese delegation or, in more recent years, the increasing network of Chinese GONGOs (Government-owned non-governmental organizations), both in Palais des Nations and in Geneva itself. It was revealed in 2020 that the Swiss government had a long-standing agreement permitting Chinese security officers to operate on its territory.³⁸ NGO delegates are frequently photographed and filmed without their consent by Chinese delegates and GONGOs, but since I left the Human Rights Council Branch in late 2013, my successors have largely ignored the rule prohibiting such. The U.K. delegation frequently posts selfies to its social media accounts, rendering it more difficult for UN staff to enforce the rules against photography against delegations photographing others without their consent and with more malicious intent.

³⁷ South China Morning Post, [What to do when the UN human rights office may have violated human rights?](#), December 13, 2020.

³⁸ See <https://safeguarddefenders.com/en/blog/lies-and-spies-switzerland-s-secret-deal-chinese-police>.

36. As the Chinese delegation has advance information on which NGO has accredited particular individuals, they closely observe the list of speakers and often make a last-minute report to UN Security or conference services staff that the person they know to be accredited by that NGO poses an immediate security threat or has committed some breach of the rules and should be removed. In the sessions of the Human Rights Council for which I was responsible for NGO liaison, I intervened to prevent such action, but my proposals to develop clear protocols for NGO protection and in case of reprisals were ignored by the Chief of the Human Rights Council Branch.
37. Following my dismissal for my accurate whistleblowing, I was personally prevented from entering the UN in Geneva on purported security grounds to prevent me from speaking at the Human Rights Council about the exceptional and dangerous policy of handing names to the Chinese delegation, despite holding valid accreditation and having had unlimited access to the premises for ten years during my employment. As I was familiar with the rules, I was able to obtain the intervention of the Bureau of the Human Rights Council, passing through the Irish delegation as my second country of nationality and as the EU burden-sharer on human rights defenders, to reverse the unlawful and arbitrary decision within hours. I was also able to reverse two “accidental” deletions by UN staff of the NGO that had accredited me from the list of speakers. Very few NGO representatives would know the course of action to take in such circumstances to obtain reversal of arbitrary decisions, as there is no published appeals process.

Manipulation of lists of NGO speakers

38. Following every meeting where NGOs criticise the PRC, the Chinese delegation sends communications to the UN Secretariat accusing the NGO representatives of breaches of rules. The NGOs are never informed of the complaints. These communications increasingly include complaints that Chinese GONGOs did not appear at the top of the lists and so did not get to speak during the limited NGO speaking time. While I designed the sign-up system so that lists could be consulted online by NGOs, this feature was never released because the Chief of the Human Rights Council Branch wanted to continue to be able to manipulate the lists. He admits in his sworn witness statement that he manipulated the list NGOs who spoke at the adoption of the UPR report on China in 2018, although he conceals the direction of the manipulation; he in fact added Chinese GONGOs among legitimate NGOs.
39. This is part of a general pattern of the UN Secretariat unilaterally ignoring published rules on NGO speakers. Lists are regularly manipulated to avoid criticism of the PRC, on the basis that that would create extra work when the Chinese delegation inevitably complained. The right to freedom of speech is not a consideration in these discussions. Lists are also regularly manipulated to prevent criticism of the UN Secretariat itself, or, more recently, to prevent questions being posed about the policy of handing names of human rights activists to the PRC in advance.

Agreement of senior officials not to meet Uyghur, Tibetan and other human rights activists

40. OHCHR and the UN Secretariat more generally has an informal agreement with the PRC not to meet with Tibetan, Taiwanese, Uyghur or other NGOs that the PRC claims threaten its national security or territorial integrity. The PRC presents any such proposed meeting as a violation of the “one China” principle and therefore of its interpretation of GA Resolution 2758. Because they are required to show their superiors in Beijing that the agreement remains in place, Chinese diplomats regularly refer to it in written communications with OHCHR. It can be seen in operation most recently for the UPR of China, held on 23 January 2024, when the High Commissioner left Geneva for meetings in neighbouring Liechtenstein to avoid encountering the high number of NGO delegates who had travelled to Geneva for the UPR.
41. The PRC also systematically sends letters of complaint to Special Procedures mandate holders and UN staff who meet with individuals on its list. This tends to ensure that they meet with staff at a lower hierarchical level than would otherwise be the case, significantly limiting the potential impact of their advocacy.

Failures of accountability following reports to UN management and the U.K. government

Failure to investigate the policy of handing names to the PRC

42. There has never been any investigation whatsoever of the policy of handing names to the PRC. This has been confirmed by the UN’s own Tribunals.³⁹ While those Tribunals confirmed the policy is dangerous, they also reaffirmed that “mere illegality” of a UN policy does not permit a staff member to criticise the policy or force investigation.
43. The Chief of the Human Rights Council Branch initially denied that any names had been transmitted to the PRC, and deflected attention from written evidence by engaging in sexist and xenophobic defamation in an effort to discredit my reports. His oral denial was simply accepted by both UN management and a 2013 meeting of the delegations of the European Union, attended by U.K. diplomats, despite my having provided copies of emails in which names were handed over that conclusively demonstrated the falsity of his account. UN managers became aware of the falsity of his account at latest by March 2017, but by that point had issued a press release misrepresenting the policy and defaming me.⁴⁰ They decided to double down on the policy and the defamation to avoid reputational damage.
44. It is impossible for a UN staff member to force investigation of any policy. While NGOs have made formal complaints to the UN Secretary-General about the policy, the UN did not open an investigation as previously required under its own rules.

³⁹ The UN Dispute Tribunal has determined, as a matter of fact, that no investigation of the policy has ever been conducted, and the UN court position is that the policy remains in place. Judgment UNDT/2023/123 at paras. 117-121 and 35.

⁴⁰ The falsity of the press release has been confirmed by the UN Tribunals, which awarded me derisory compensation, but I have no means to secure correction of the defamation, as defamation of staff members is not explicitly prohibited under UN rules.

While in 2018, NGOs gained standing to make complaints, NGOs cannot take the UN to any court to force it to act on the complaints received. I am aware of seven complaints made by NGOs since they formally obtained standing to make complaints; none have received any substantive response from the UN. My attempts to persuade the UN Tribunals to consider the policy as part of my employment cases failed until 2023, with the UN Appeals Tribunal noting that “mere illegality” of a UN policy is insufficient to warrant an order for investigation. Even the 2023 judgment recognising the policy is dangerous and my reports to member states were necessary contains no order for investigation or accountability of those who deliberately endangered human rights activists they were mandated to protect.

Inadequate response of the U.K. delegation

45. From witness testimony of UN officials, I have been able to glean the response of the U.K. government to my reports. Unfortunately the FCDO simply failed to disclose any of the relevant documents in response to my subject access request.
46. Members of the U.K. delegation first met with the former Deputy High Commissioner for Human Rights (DHC), Ms Kate Gilmore. Talking points for the DHC were prepared by the Chief of Office, who simply asked the Chief of the Human Rights Council Branch for his account of events, which was duly repeated. As noted in paragraph 22 above, he admitted under oath deliberately deceiving delegations. The U.K. delegation apparently did not consider that the fact I had by this point named Ms Gilmore as a retaliator and reported her for lying about her qualifications may tarnish her account. She claimed to hold two master’s degrees when in fact she held none, and was thus ineligible for her post. The UN does not check qualifications for its senior management. While every junior staff member found to have falsified qualifications has been dismissed, the UN simply modified the biography of Ms Gilmore on its website.
47. For a time, I erroneously believed that my external reports, including to the U.K. delegation, had succeeded in changing the policy. However, during court hearings held in June 2019, the UN’s legal position was that the policy of handing names to the PRC remained in place, and the fact that every senior manager knew of the policy and none had acted to end it meant no reasonable person could consider it to be misconduct. I was able to confirm the policy continued by consulting documents on the internal OHCHR Registry. I noted the names of individuals who had appeared on the PRC’s list in the intervening years, and, for those resident in states with a good human rights record, informed their countries of citizenship or residence of the potential danger so that they could warn those individuals. My letter to the U.K. delegation was transmitted to London, where some concern was expressed. This led to a member of the U.K. delegation contacting his personal friend, the spokesperson of the Human Rights Council, by text message in November 2019. In response, the spokesperson simply lied, denying the policy was as I stated. This was apparently accompanied by further sexist defamation. This denial, unsupported by any evidence, ended enquiry into the policy by the U.K. delegation. In his sworn witness testimony given only a month later, the spokesperson stated of the policy: “I was not involved

in this. I'd say that I'd rather not know these things because it would be harder for me to do my job... I do not want to know anything because frankly I am a terrible liar."⁴¹ The spokesperson was thus willing to repeat defamation of me, and deny the policy, but actively avoided seeking evidence. The U.K. delegation had no reason to believe that a spokesperson would be directly involved in, or have knowledge of, a policy applied to NGOs; the nature of his functions is public relations, and to paint the Human Rights Council and its Secretariat in the most positive light. Nonetheless, no further enquiry was made.

48. My subsequent reports to the U.K. delegation were met with increasingly rude responses, such that I simply stopped reporting the issue to the U.K. – my country of citizenship - in favour of engaging with delegations apparently more concerned about the safety of their own citizens and residents, and of human rights defenders more generally. It was apparent that the U.K. delegation had given significantly more weight to sexist defamation of me personally than to the written evidence I had risked – and ultimately lost – my career to provide. It is of note that two other UN whistleblowers with U.K. citizenship had in fact advised me against approaching the U.K. delegation at all; this is apparently an established pattern of treatment of UN whistleblowers. While it may indeed be diplomatically awkward to address UN corruption, it is an essential step to ensuring the effectiveness of the multilateral system, and delegations of autocratic régimes display no such qualms in potentially offending senior UN managers or negatively impacting friendships in their efforts to undermine the rules-based international order.

Interference of UN management in purportedly independent UN accountability mechanisms

49. At the World Summit in 2005, member states rightly sought to increase professionalism and oversight of the UN, in response to the Oil-for-Food and other scandals. They established the UN Tribunals, the Ethics Office and the Office of Internal Oversight Services. Notably, the proposed outcome document of the Summit of the Future, to be held later this year, foresees no strengthening of these accountability mechanisms.
50. My case demonstrates that all three purported accountability mechanisms are now essentially controlled by UN management and do not act independently. This is discussed in more detail in my disclosure to the U.S. Congress about the failure of the UN to comply with best practices on whistleblower protection, which is attached as an annex. I will therefore include only a brief summary here.
51. I was belatedly recognised as a whistleblower facing retaliation in July 2020. The Ethics Officer noted UN “management was naturally and perhaps primarily interested in good relations with the member state; the Complainant was interested in human rights and protection of human rights activists. OHCHR was, by virtue of the Complainant’s whistleblowing, placed in a very awkward diplomatic position by a human rights issue that it struggled to handle well. A whistleblower’s reporting of

⁴¹ Witness statement of Rolando Gomez, Annex 11 to the Investigation Report, response to question 13, 11 December 2019.

such a practice, which was contrary to fundamental UN principles and values, is exactly the sort of activity that must be protected; it is far more important than minor infractions of bureaucratic rules, which the system finds it much more easy to classify as protected.”⁴² He did “not understand why UNEO [the UN Ethics Office] determined (in 2016) that this was not a whistleblower action that should be protected, nor why the then AC/EPUN [Alternate Chairperson of the Ethics Panel of the United Nations] did not accept it as a protected activity. Perhaps the reviewers placed too much weight on senior management’s point of view; many in the UN find it difficult to accept that a practice is wrong when it appears to have been sanctioned from the top.”⁴³

52. UN policy requires full investigation of retaliation against a whistleblower wherever a *prima facie* case of retaliation is found. Such investigation is normally carried out by the Office of Internal Oversight Services (OIOS). The Ethics Office noted OIOS would have a conflict of interest in investigating my case, as I had reported the Director of Investigations, Mr. Benjamin Swanson, for misconduct. He had been recorded by his own staff instructing them not to conduct investigations of retaliation against whistleblowers, but rather to send all the evidence to the alleged retaliator and ask them if they are guilty. He explicitly noted the reason for the ruse was to “get the Americans off the UN’s back” and ensure they did not apply a U.S. law that then required withholding of part of the budget contribution to the UN if international best practices on whistleblower protection were not applied.⁴⁴
53. The Secretary-General decided to ignore the recommendation of the UN Ethics Office – the body within the UN system responsible for training and advising all staff on conflicts of interest - that my case be referred for external investigation due to the clear conflict of interest, so it was referred to OIOS. I contacted OIOS to name Under-Secretary-General for Management, Ms. Catherine Pollard, as the main retaliator who should be the subject of investigation. Ms. Pollard then instructed Mr. Swanson not to conduct the mandated investigation. She was, at the time, on the 3-person panel deciding whether Mr. Swanson would be promoted. Mr. Swanson followed her unlawful instruction and communicated to the Ethics Office that he would not conduct the investigation.
54. The Director of the Ethics Office wrote to the Secretary-General, through his Chef de Cabinet, imploring “we must respect the process laid out... I fear that a failure to investigate will have detrimental consequences for the reputation of the Organization and the Secretary-General's stated commitment to protection against retaliation, as well as erode staff confidence that the policy is effective.” She urged investigation.⁴⁵

⁴² Independent Review of the Determination of the United Nations Ethics Office in relation to Ms. Emma Reilly’s request for Protection against Retaliation (PaR Case ID 20331), 27 July 2020, para. 14.

⁴³ Ibid., para. 12

⁴⁴ U.S. Consolidated Appropriations Act Consolidated Appropriation Act, 2014, Pub. L. No. 113-76, § 7048. 128 Stat. 5 (2014).

⁴⁵ Memo from the Director of the UN Ethics Office to the Chef de Cabinet of the UN Secretary-General, 22 January 2021, at paragraph 9.

55. The Secretary-General ignored the appeal that he respect his own policy on whistleblower protection. Instead, I was placed under investigation for making accurate, external reports of the policy. My reports to the U.K. delegation were explicitly listed on the charge sheet. To ensure the desired outcome, the UN re-hired a former staff member previously found guilty of abusing investigations for the purposes of retaliation, and had investigators report to the primary retaliator, Ms. Pollard. I was ultimately dismissed explicitly for my reports to member states, including the U.K., that had been found even under the UN's own whistleblower protection policy to constitute protected reports. The Tribunal later concurred that these were indeed protected reports, and noted serious violations of due process in the purported investigation, including failure to consider any evidence I submitted, failure to interview me or seek any information on the justification for my reports,⁴⁶ failure to consider the danger to human rights activists, and re-hiring of the former staff member as an investigator. The Tribunal nonetheless approved my dismissal due to the UN's absolute *lèse-majesté* rules that do not permit any criticism of any UN policy, no matter how dangerous. Essentially, I could have offered no viable defence, as UN rules do not permit one. The purported whistleblower protection policy, adopted in response to the World Summit, in fact creates no enforceable rights whatsoever for UN staff; the UN may still summarily dismiss any staff member for making an accurate, external disclosure.
56. The policy on whistleblower protection was revised in 2017 in response to the findings of an independent, external investigation into the treatment of a previous whistleblower at OHCHR who reported sexual abuse of children by peacekeepers in the Central African Republic. That investigation found that senior officials had attempted to influence OIOS and the Ethics Office to retaliate against the whistleblower, but those officials were not held accountable because the attempt was ultimately unsuccessful, and the officials sought to be influenced at the same level as those seeking to influence them. In my case, some of the same individuals were directly involved, the attempt was successful, and the officials who were influenced were at lower level.
57. Following his agreement not to investigate retaliation against me, Mr. Swanson was promoted to the level of Assistant-Secretary-General, a political-level post, promotion to which would normally require the support of the U.K. government as he is a U.K. national. His instructions to all UN investigators that they should ignore UN rules on investigating retaliation against whistleblowers have never been investigated. It serves to protect senior management from accountability, and ensure that no UN staff member who sees favours being rendered to member states, bribes being accepted, or other misconduct, can fail to be aware that reporting it will result not in accountability for the perpetrators, but in dismissal of staff who dare to speak up.

⁴⁶ While I had been invited for interview, I had cited that my obligation under UN rules was to cooperate with "duly authorised" investigations, and requested information and evidence regarding the authorisations, which clearly could not comply with UN rules given the reporting lines to Ms. Pollard. The investigators refused to provide any such information or evidence, and the court later confirmed the violations of due process.

58. In its efforts to cover up its policy of handing names to the PRC, the UN removed a judge without notice when he was only days away from issuing judgment in my favour in July 2019.⁴⁷ He had directly criticised the policy of handing names to the PRC from the Bench.⁴⁸ Any court in which a party to the case can engineer the removal of a judge between hearing and verdict is clearly not independent. Subsequent judges repeatedly ordered hearings in my cases behind closed doors, against my requests that my human right to a public hearing be respected, explicitly to protect the UN Administration from the embarrassment of having its court position (that the policy of handing names to the PRC is uncontroversial, public and continues) revealed to be the opposite of its public position (that the policy either never existed, contained some protective measure, or ceased). I had asked the U.K. delegation to send an observer to the first hearings under the original judge, which were public, but received no response. No observer was sent, and so the U.K. delegation never heard the UN's court position, which confirmed the transmission of names precisely as I had reported.⁴⁹

59. In 2020, OIOS auditors conducted a review of whistleblower protection at the request of the General Assembly. I was interviewed as part of that purportedly independent review. UN management became aware that my case would be used as the main case study of ineffectiveness, and pressured the Director of the department to remove all interviews with actual whistleblowers using the system in favour of a desk review of the policies that are not in fact applied.⁵⁰

60. My case serves to ensure that other UN staff will not come forward to report similar favours for the PRC or any other misconduct, as it is clear that the misconduct itself will merely become entrenched and the person reporting it will be fired. No whistleblower in the history of the UN has survived the system and continued a normal UN career.

61. The U.K. and other democracies regularly cite the purported independence of OHCHR and other agencies as a reason not to engage in so-called "employment issues." This ignores the uncomfortable fact that, because UN employees all have diplomatic immunity and UN employees have no means to force investigation even of illegal *policies*, let alone isolated illegal actions, the only possible complaint processes open to UN staff are "employment"-related complaints. Even as I wrote to the U.K. government about specific dangers to U.K. citizens and residents, I received first generic replies about the seriousness with which the U.K. takes sex abuse by peacekeepers – an important, but unrelated issue - and then letters dismissing the deliberate endangerment of human rights activists as a favour to the PRC as an "employment" issue in which the U.K. was precluded from action, but had complete

⁴⁷ The judge has spoken on the record: <https://www.smh.com.au/world/asia/australian-judge-accuses-un-of-coup-d-etat-after-dismissal-from-case-involving-chinese-dissidents-20220318-p5a5zd.html>

⁴⁸ See disclosure to U.S. Congress at paragraph 46.

⁴⁹ Recordings of court hearings available on request.

⁵⁰ Communications with auditors and recording of interview (with prior consent of OIOS auditors) available on request.

faith in the independence of the UN courts. This after I had reported the dismissal of an independent judge who himself characterised that dismissal as a “coup d’état” by the most senior UN management.⁵¹

Recommendations

62. The Summit of the Future provides a rare opportunity for meaningful UN reform. While the World Summit in 2005 led to the establishment of the Ethics Office, the Office of Internal Oversight Services, and the UN Tribunals, it is clear that these are not fit for purpose and genuine independence is required. Whistleblowers remain the only possible source of information to member states about interference of autocratic states in the Secretariat itself.
63. The rare strength of evidence in my case is unlikely to be repeated; even towards the end of my own case, officials increasingly suggested phone calls in their internal communications to avoid generating a further written record of the cover-up. The UN courts have never permitted a staff member to subpoena text messages, WhatsApp or phone records. The UK should work with partners committed to rule of law to design a genuine system of oversight. The Ethics Office, OIOS and Tribunals must report directly to the General Assembly, and be entirely responsible for hiring their own staff with no involvement in interview or at any other point by other UN agencies. Current or former UN staff should not be eligible for posts, and strict limits on length of employment, for example of 7 years as is the case for OSCE, should apply. Staff and their families should not be eligible for any future UN employment after their term has ended.
64. The U.K. government should establish clear protocols for addressing reports received from whistleblowers in international organisations. These should emphasise the need to examine written evidence and meet with the whistleblower, and the irrelevance of ad hominem attacks or the gender of the whistleblower to determining whether or not a report is true. The long, documented history of UN retaliation against whistleblowers should be taken into account. The U.K. should provide accurate information to its diplomats on the range of issues that may in fact be addressed by UN Tribunals. The U.K. should consider designing and implementing training for diplomats specifically on the operation of the UN beyond the formal training offered for incoming diplomats by the UN Secretariat itself. This will serve to diminish the structural advantage enjoyed by diplomats from autocratic régimes, who generally spend considerably longer in post.
65. The U.K. government should work with other democracies to improve transparency of the UN. Possible avenues for actions include:
 - a. Establishment of freedom of information systems across UN funds, agencies and programmes;⁵²

⁵¹ Sydney Morning Herald, [Australian judge accuses UN of ‘coup d’etat’ after dismissal from case involving Chinese dissidents](#), 20 March 2022.

- b. Publication of conditionalities on all voluntary contributions to the UN;
- c. Requirements of honesty on the part of UN staff in communications with member states;
- d. Requirements that deliberate breach of rules set by member states for intergovernmental bodies constitute misconduct on the part of UN staff members acting in the Secretariat of those bodies;
- e. Requirements that authors of UN reports list all contacts by them or their direct supervisors with member states relating to the preparation of the report in an annex to the report;
- f. Requirements that NGOs, Special Procedures mandate holders, treaty bodies and others are informed if any complaint is received from any member state about them;
- g. Transparency in generation of lists of speakers for the Human Rights Council;
- h. Legal rights for protection and reinstatement of UN staff who report misconduct;
- i. Independent, external investigation of the impact of the OHCHR policy of transmitting names of human rights defenders to the PRC, and an end to the policy.

⁵² Former UN Special Rapporteur on Freedom of Opinion and Expression, Professor David Kaye, made detailed recommendations in this regard in his 2017 report to the UN General Assembly, UN Doc. A/72/350. There was no follow-up.