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The Honorable Lisa Peterson  
Bureau of Democracy, Human Rights and Labor  
U.S. Department of State  
2201 C St. NW  
Washington, DC 20520

FRANCE: persecution of a female diplomat for reporting corruption

Dear Assistant Secretary Peterson,

On 03/30/2021, you presented the 45th Country Reports on Human Rights Practices, stressing fact checking as its basis, and encouraging disreputable governments to change course as its purpose. I bring to your attention the following allegation: as a former diplomat with 8 years of service, the French state has been persecuting me for a decade, resulting in ruin in all aspects of my life, for having disrupted misappropriation of taxpayer's money at an embassy in Western Africa. The high point of my activism is getting an audience with the member of parliament overseeing whistleblowers, a hot legislative topic. Substantiation in the attached report.

Sincerely,

Françoise Nicolas.

**CC:** Paris Bureau Chief, New York Times, Roger Cohen; Co-chair, Tom Lantos Human Rights Commission, Hon. James P. McGovern; Executive Director, Amnesty International USA, Paul O'Brien; Executive Director, Human Rights Watch, Paris branch, Kenneth Roth; Co-chair, Tom Lantos Human Rights Commission, Hon. Christopher H. Smith.

**Attached:**

1. Memoir n°1 . . . . .	2
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<https://github.com/francoise-nicolas/wiki>

**To the attention of:**

The Bureau of Democracy, Human Rights & Labor, of the  
US Department of State.

**Memoir on:**

Persecution of a French female diplomat for reporting  
corruption.

**By:**

Françoise Nicolas.

**On:**

02/01/2022.

## 1 Authorship

I am Françoise Nicolas, born in 1961 in Saint-Malo, France, ex-diplomat turned whistleblower, residing in Nantes. An anonymous party helped redact this document. However, I am solely responsible for it.

## 2 Facts

On the state of the rule of law: in 2014, a parliamentarian commissioned a report titled “Citizens and the judiciary”. It says: “there is a stranglehold on the judicial arsenal by some agents, that hijack the rules to profit one party at the expense of the other, bogging the latter in costly and endless proceedings.”[2, p. 5]<sup>1</sup>. The same year public television released a documentary on the topic: “the ministry of justice is working on reform of judicial agents’ accountability, the fourth report in 5 years”[1]. The ‘Conseil d’État’ is the public law court of last resort. According to a law scholar, it is in the context of public works, “an instrument of legitimization of the ruling class”[3, p. 139]. At the conclusion of an inquiry commission on the state of justice, in 2020, its president filed a penal complaint against the prefect of Paris, the president of the appellate court of Paris, the prosecutor of Paris, and the former prosecutor of the financial crime unit, for making false testimonies[9].

My story begins in 2008, with a diplomatic cable announcing my posting in Western Africa, praising my professional abilities and commitment. This assesment was reiterated in my 2009 professional evaluation (available upon request). Having responsibility for the management of grants, I reported anomalies in their accounting, first to the ambassador (via a collaborator), Hervé Besancenot, then up the chain of command. Character assasination, and other forms of harassment, followed. My office-mate was an exceptionally well connected native of the host country. We used to get along, but she showed animosity towards me, culminating in a physical attack (strangulation) on 01/14/2010. A low level employee, followed by a security officer, rescued me. My repatriation was decided, officially to protect me, and because “my superiors lost faith in me”. Back in France, I was shunned aside professionally (“placardisé”). In 2018, I was removed from the civil service force. This happened under the auspices of Nathalie Loiseau as HR director, later to become Minister of European Affairs and MEP. In 2021, the person who was deputy director for Western African affairs in 2010, publicly deplored the state’s vendetta against me[8]<sup>2</sup>.

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<sup>1</sup>Antoine Fontaine is the go to person about this report; he is reachable at [fontaine@gmail.com](mailto:fontaine@gmail.com)

<sup>2</sup>On the relevance of this support: lawyers before the Cassation court and Conseil d’État are

In 2013, I filed with the Ministry of Foreign Affairs to be granted a particular status reserved to civil servants when they come under attack—“protection fonctionnelle”. They rejected it on the grounds that it would jeopardise diplomatic relations with the Western African country in question. By ruling n° 16NT01873 of 2018, the appellate court of Nantes ordered the MFA to reconsider its position. Under the pen of Jean-François Casabonne Masonnave, it reiterated its refusal, arguing that the threat was history. That’s a half truth: the status would have come with substantial retroactive benefits, such as the reimbursment of legal fees. In principle, closure to this saga came through ruling n° 1805251 of 2021 by the lower court of Nantes, vindicating me. In practice, it’s a different story<sup>3</sup>. In parallel, I pursued all the way to the Conseil d’État, an action to overturn my unfair termination, in vain.

In 2015, I filed a criminal lawsuit through an adhesion procedure. Article 80 of the code of penal procedure provides that the investigative magistrate is bound by the prosecutor’s indictment, in my case “attempt at homicide”. The ruling came in 2020, citing a psychiatric evaluation dated 07/16/2012 linking PTSD to that event. It dismissed the case (“non-lieu”) in the absence of sufficient evidence, for which consular services were relied upon for witnesses. There is an obvious conflict of interest about them, and neither my supervisor, nor the ambassador were auditioned. Stated in the ruling: my lawyer failed to respond in time to the court’s demand, to send them the documents from the public law proceedings. Should that have been calculated negligence, it would fit a pattern described in the aforementioned 2014 report (court auxiliaries are critical players in perverting the course of justice)<sup>4</sup>. I appealed on 03/09/2020, it’s pending.

Article 4 of “loi organique du 29 mars 2011” provides that the ombudsman (“Défenseur des Droits”) shall “defend the rights and freedoms of citizens in their dealings with the state” (fighting discrimination). Starting in 2012, and spanning three presidencies, they have systematically whitewashed the MFA in the context of my requests with them—a total of 5, which fits a documented pattern[2, p. 5, 34]. EU Directive 2019/1937 provides for whistleblower protection that already existed in France under law Sapin 2. Sylvain Waserman is the sponsor of bill n° 4398 of the National Assembly, transposing this directive, and well aware of my case<sup>5</sup>. It grants extended powers to the ombudsman. On 12/03/2021, I notified the EU-Whistleblowers unit

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ministerial officers. Those I hired to contest my unfair termination (case n° 452652) used that argument in the memoir dated 09/16/2021, available upon request.

<sup>3</sup>Lawyers are dragging feet in providing me acquittances necessary for reimbursment, tens of thousands of euros.

<sup>4</sup>The law bar dismissed my disciplinary complaint against him on the basis that “he claims to have met his duties”, which is also typical.

<sup>5</sup>The matter is raised in my letter to the ombudsman dated 07/27/2021

under Justice commissioner Didier Reynders, of my disillusion with this entity.

In 2019, an influential newspaper, Libération, published a fact-check of my story[5]. Here again, half truths. The article begins by saying the attacker and me are on an equal footing, since our accusations mirror each other's and no ruling vindicated either. That's to omit MFA put forth reason of state, literally, for denying me "protection fonctionnelle", and to pretend the odds of PTSD afflicting the victim or the perpetrator were 50/50. More debunking is provided online[4]<sup>6</sup>. In 2020, the same journal titled: "outgoing ombudsman beats all expectations"[7]. The same year I gave a testimony before the then parliamentarian in charge of whistleblowers, pointing to specific instances of nepotism behind their obstruction towards me[6].

I have made a drastic selection in the attached documents. Should any claim that I have made call for the production of a document, I'm happy to oblige.

### 3 Bibliography

- [1] *Le juge se masturbe en pleine audience—France 2*. French. 2014. URL: <https://www.dhnet.be/video/le-juge-se-masturbe-en-pleine-audience-5469da7c3570dd3441dc5e66>.
- [2] Nadya Saidi and Antoine Fontaine. *Les justiciables face au service public de la justice; états des lieux, diagnostic des dysfonctionnements*. French. Jean Lassalle, 2014.
- [3] Vincent Le Coq. *Projets publics, intérêts privés: Une mobilisation citoyenne pour refuser l'arbitraire*. French. Libre solidaire, 2018.
- [4] @FranoiseNicolas. French. Comme je l'ai dit hier, l'article de Libération n'est pas exact. Apr. 2019. URL: <https://twitter.com/FranoiseNicolas/status/1115997608533737475?s=20%5C&t=AkokPPwRGZ09b2bCUlgMaQ>.
- [5] Jacques Pezet. "CheckNews: De quoi Françoise Nicolas, ex-fonctionnaire aux Affaires étrangères, accuse-t-elle Nathalie Loiseau ?" French. In: *Libération* (Apr. 2019).
- [6] Ugo Bernalicis. *Audition  $\varphi$  - Lanceurs d'alerte dans la fonction publique*. French. 2020. URL: <https://www.youtube.com/watch?v=Do0aueNhnjc>.
- [7] Sylvain Mouillard and Philippine Kauffmann. "Jacques Toubon : fin de mandat d'un Défenseur inespéré". French. In: *Libération* (June 2020).

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<sup>6</sup>The thread contains much of the supporting evidence for the § starting with "In 2008, a diplomatic cable..."

- [8] @laurentbigfr. French. j'étais sous-directeur au Quai d'Orsay au moment des faits. Je ne comprends pas ... Mar. 2021. URL: [https://twitter.com/laurentbigfr/status/1372118824355528706?s=20%5C&t=BNruTwGmqNeSVuu7bt59\\_Q](https://twitter.com/laurentbigfr/status/1372118824355528706?s=20%5C&t=BNruTwGmqNeSVuu7bt59_Q).
- [9] Pierre Bienvault. "Des magistrats et un préfet de police accusés de "faux témoignages"". French. In: *La Croix* (Jan. 2021).

## 4 Attached

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