

H.E. Ambassador Remigiusz Henczel
Mission of Poland to UNOG
Chemin de l'Ancienne-Route 15
1218 Grand-Saconnex

Geneva, 5 July 2013

Dear Ambassador,

Reprisals against human rights defenders

I write to you on behalf of the International Service for Human Rights and Human Rights Watch to draw your attention to an alleged case of intimidation and reprisal which merits your urgent attention as President of the Human Rights Council.

Attached is a press release issued by 'Chinese Human Rights Defenders' on 4 July which outlines the alleged case of reprisal. As you will see, the release alleges that human rights defenders who were staging a peaceful sit-in aimed at highlighting the importance of the State engaging civil society actors in the Universal Periodic Review process were subjected to restrictions of their rights to freedom of peaceful assembly, association and expression and were further subjected to arbitrary arrest and detention.

The Universal Periodic Review process is a critical mechanism of the Human Rights Council. The participation of civil society in the UPR process, including through participating freely in consultations on the national report, is essential to ensure that the process is based on 'objective and reliable information' as required by General Assembly Resolution 60/251. Civil society participation in the drafting of the national report is directly envisaged by paragraph 15(a) of Human Rights Council Resolution 5/1 and is essential to ensure that the national report reflects the actual human rights situation on the ground.

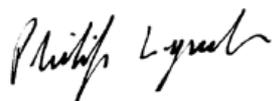
Preventing relevant stakeholders from participating, and from requesting such participation, undermines the UPR process as a whole and constitutes an impermissible reprisal. In this regard we recall Human Rights Council Resolution 12/2 which provides, inter alia, that States must 'prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights'. We also recall the 2011 statement by UN Secretary General Ban Ki-Moon that 'when people who cooperate with the United Nations are targeted for reprisal, we are all less secure. When their voices are stifled, our work for human rights is also a victim'.

In light of the information above, we therefore urge you, as the President of the Human Rights Council and the custodian of the integrity and quality of the UPR, to seek clarification from the concerned State's representatives in Geneva, in order to give full effect to Council Resolution 12/2, in particular 'the duty of all States to end impunity for such actions by

bringing the perpetrators, including accomplices, to justice in accordance with international standards and by providing an effective remedy for their victims'.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Philip Lynch". The signature is written in a cursive, flowing style.

Philip Lynch
Director

CC:

Members of the Human Rights Council Bureau

Secretary General of the United Nations

Secretary of the Human Rights Council

Attachment:

CHRD press release