



The Honorable Condoleezza Rice  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington DC 20520

9 July 2007

Dear Madam Secretary,

We write to encourage the United States of America to continue to work actively, with other countries and organisations with a similar tradition in protecting and promoting human rights, to make the United Nations Human Rights Council an improvement over the Commission on Human Rights.

While the Council has not met the expectations of any government or non-governmental organization that cares about human rights, the Council that emerged from the conclusion of the fifth session provides a basis from which to work. There is no credible universal alternative to the Council for the international promotion and protection of human rights, and we share a common duty to make the Council into an effective human rights body.

The Council has many institutional mechanisms that can contribute to making it a more effective body than the Commission, if properly developed and used. The institution building process produced some important results. Notably, the system of Special Procedures, including most of the country rapporteurs, emerged intact from the review. It is disappointing that the mandates on Belarus and Cuba were discontinued. That need not be the end of the story, however. UN General Assembly resolution 60/251 requires cooperation with the Special Procedures, and Belarus and Cuba must engage fully with the thematic Procedures, all of which continue to apply to their situation. Moreover, the Council remains able to create new country-specific mandates. All countries, including Belarus and Cuba, will also be scrutinized under the newly-instituted Universal Periodic Review.

The Council will continue to meet much more frequently than the Commission. This will enable it to react promptly to emerging situations of human rights violations and in a sustained fashion to chronic situations.

The Council can convene much more easily in Special Sessions than the Commission. Concerted action by like-minded governments and organisations made it possible for the Council to use this facility in December 2006 to consider the human rights crisis in Darfur. The Council has established the unique Special Procedures Expert Group follow-up mechanism to maintain pressure on the government of Sudan to fulfill its human rights obligations.

The Council's system of universal periodic review of the human rights record of every country offers the possibility of addressing violations that escaped the attention of the Commission. The human rights record of all UN member states, including Belarus and Cuba, will be reviewed using this mechanism.

We regret that the Council's agenda singles out one situation, "Palestine and other occupied Arab territories" (item 7), among the many situations requiring the Council's attention. Nonetheless, item 7 offers the Council an opportunity to address the situation in the region more fully than previously by also addressing abuses by actors other than the state of Israel, including the Palestinian Authority and armed Palestinian groups. Moreover, the agenda clearly provides for the Council to address other "human rights situations that require the Council's attention" (item 4). That item can be used to raise situations that demand the Council's attention, including those in Belarus and Cuba.

The experience gained over the past year demonstrates that it is possible for governments with a tradition of promoting and protecting human rights in the United Nations to work together to good effect in the Council.

The results of the institution building process are testimony to that. Many feared the loss of country-specific Special Procedures, qualified majorities for the adoption of country-specific resolutions, and election of the Special Procedures mandates-holders. These and other negative results were largely avoided. Indeed if governments with a tradition of working to promote and protect human rights in the UN had organised themselves better, we believe that better results could have been achieved.

The recent election of Slovenia and Bosnia Herzegovina to the Council – and the rejection of Belarus as failing to meet the basic criteria for election to the Council -- demonstrated that, where countries are willing to take determined and concerted action, they can significantly influence the character of the Council. The United States can play such a role on a range of issues in the future.

The disappointments of the Council's first year – such as the discontinuation of consideration of Iran and Uzbekistan under the 1503 Procedure and the failure of the Council to address comprehensively the situations in Lebanon and the Occupied Palestinian Territories - should spur the United States not to disengagement, but to greater engagement.

Of course, much more concerted effort will be needed to realize the Council's potential. The coming year will be crucial to shaping the Council as many precedents and practices are developed and established. Ultimately, its success and value are going

to be determined by whether there is the imagination and sustained determination necessary to create a strong and effective Human Rights Council. The United States, together with other countries, must invest greater political capital and more staff and resources into making the Council an effective forum for the promotion and protection of human rights. With its long tradition of leadership in human rights, it has an important role to play in helping to ensure that the Council will become the success that the victims of human rights violations all over the world badly need it to be.

When the General Assembly adopted resolution 60/251 creating the Human Rights Council, then US Representative to the UN, Ambassador John Bolton, said, “[T]he United States will work cooperatively with other Member States to make the Council as strong and effective as it can be. ... We remain committed to support the UN’s historic mission to promote and protect the basic human rights of all the world’s citizens.” Now as never before is the time for the USA to make good on that commitment.

Yours sincerely,

Larry Cox  
Executive Director  
Amnesty International USA

Morton H. Halperin  
Director of US Advocacy  
Open Society Institute

Antoine Madelin  
Coordinator for Intergovernmental Organisations  
International Federation for Human Rights

Ted Piccone  
Executive Director  
Democracy Coalition Project

William R. Pace  
Executive Director  
World Federalist Movement- Institute for Global Policy

Kenneth Roth  
Executive Director  
Human Rights Watch

Karin D. Ryan  
Director, Human Rights Program  
The Carter Center

Chris Sidoti  
Director  
International Service for Human Rights

cc:

The Honorable R. Nicholas Burns  
Under Secretary, Political Affairs

The Honorable Paula J. Dobriansky  
Under Secretary for Democracy and Global Affairs

The Honorable Kristen Silverberg  
Assistant Secretary of State for International Organizations

The Honorable Barry F. Lowenkron  
Assistant Secretary  
Bureau of Democracy, Human Rights and Labor

Ambassador Michael Kozak  
Senior Director for Democracy, Human Rights and International Organizations  
National Security Council

H.E. Mr. Zalmay Khalilzad  
Permanent Representative of the United States to the United Nations

The Honorable Warren W. Tichenor  
U.S. Ambassador to the United Nations in Geneva