

June 20, 2012

The Honorable Hillary Rodham Clinton
Secretary of State
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Clinton:

Since joining the United Nations Human Rights Council (HRC), active U.S engagement has made a valuable contribution to strengthening the institution and demonstrating its capacity to respond to urgent human rights situations. We are encouraged that the U.S. plans to seek a second term on the Council to continue shaping the HRC into a relevant and effective part of the UN human rights system. The June HRC session offers an important opportunity for U.S. leadership to solidify gains and move the Council further toward becoming a strong and consistent voice for human rights around the world.

Accountability in Bahrain

The U.S. commitment to building a credible Human Rights Council will be underscored by promoting a consistent HRC response to human rights violations worldwide. Other members of the Human Rights Council are following closely the U.S. approach to HRC action on the situation in Bahrain where widespread and systematic repression of protestors has been carried out with almost total impunity. The Bahraini government has failed to implement the main recommendations of the Bahrain Independent Commission Inquiry (BICI), including the independent, thorough, and impartial investigation of torture by Bahraini security forces. In the absence of strong condemnation from the international community, over the past several months the government of Bahrain has escalated its use of excessive force against protestors, democracy activists, human rights defenders and medical personnel. In a rebuke to calls for human rights improvements, the authorities in Bahrain recently upheld most of the convictions and jail sentences for medical professionals who provided care to protesters.

We welcomed the strong language of the U.S. statement at Universal Periodic Review of Bahrain in May. We urge the U.S. to reinforce deep concerns about ongoing detention and trials of peaceful protestors as well as the failure of state institutions to ensure accountability by vigorously pressing for HRC action on Bahrain in June. We call on the U.S. to take the lead in advancing a joint cross-regional statement at the 20th Session of the HRC that calls on the government of Bahrain to end grave human rights violations and:

- put an end to the use of violence and release all those prosecuted for the peaceful expression of their views;
- implement all recommendations of the BICI report;

- accept and speedily implement the most important recommendations made during the Universal Periodic Review, particularly those focusing on ending torture and arbitrary detention, guaranteeing freedoms of association, assembly and expression and protecting human rights defenders;
- allow full and unrestricted access to independent monitors and members of human rights organizations;
- fully cooperate with the Office of the High Commissioner for Human Rights and swiftly facilitate visits by UN Special Rapporteurs.

Refer Syria to the International Criminal Court

The U.S. has played a significant role in keeping Syria at the forefront of the Council's work. As the human rights situation seriously deteriorates, we call on the U.S. to continue its work at the Council to isolate Syria's allies and press for the investigation and prosecution of those responsible for widespread and systematic attacks against civilian populations. The Independent International Commission of Inquiry (COI) established by the Human Rights Council has concluded that the Syrian government's "forces have committed widespread, systematic and gross human rights violations, amounting to crimes against humanity, with the apparent knowledge and consent of the highest levels of the State." We call on the U.S. to lead efforts at the Council urging the General Assembly and the Security Council to demand immediate and unhindered access for the COI. We call on the U.S. to use its influence and vote at the Security Council to refer the situation in Syria to the International Criminal Court to investigate crimes and prosecute those responsible for atrocities.

HRC Engagement: Belarus, Eritrea, Cote d'Ivoire and Mali

Belarus. We are pleased to hear that the United States is supporting efforts to respond to the ongoing crackdown against political activists, civil society representatives, human rights defenders and independent journalists in Belarus. The report of the High Commissioner for Human Rights to be presented at the June session finds a pattern of serious violations of human rights since the presidential election in 2010. We welcome U.S. support for an EU-led resolution establishing a Special Procedure mandate to monitor the situation, report at the Human Rights Council, engage with civil society and maintain pressure on the government of Belarus to respect the rights to freedom of association, assembly and expression, the right to a fair trial, and internationally recognized safeguards in the application of the death penalty.

Eritrea. The joint statement on Eritrea signed by 44 countries at the March HRC Session marked a positive step forward in drawing international attention to grave human rights violations in that country. The dire situation in Eritrea merits further attention from the Human Rights Council, and we call on the U.S. to work with partners to mobilize African leadership for a strong resolution at the June session that will establish a Special Rapporteur to report on the widespread and systematic human rights violations that have been continuing in Eritrea for over a decade.

Cote d'Ivoire. The U.S. played a significant role in addressing the situation in Cote d'Ivoire at the Council. Continued support from the international community is vital to realizing accountability for crimes committed by all sides. We call on U.S. leadership to ensure that the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire is renewed with substantive language that presses for accountability for crimes committed by all sides.

Mali. We encourage the U.S. to seek a preventive engagement of the UN Human Rights Council on the human rights crisis affecting Mali. Separatist Tuareg rebels, Islamist armed groups, and Arab militias who seized control of northern Mali in April 2012 have committed numerous war crimes, including rape, use of child soldiers, and pillaging of hospitals, schools, aid agencies, and government buildings. Malian army soldiers have arbitrarily detained and, in some instances, summarily executed ethnic Tuareg members of the security services and civilians. The Human Rights Council should task the High Commissioner for Human Rights to monitor the situation and alert the Council of any deterioration that would require the Council's action.

HRC Resolution on the Right to Nationality

We thank the U.S. government for its leadership in promoting a resolution on the right to nationality focusing on women and children. We welcome efforts of the U.S. to prevent and resolve situations of statelessness around the world.

HRC Resolution on Internet Freedom

Internet openness is central to the work of human rights organizations and defenders. We hope that the U.S. will work with other like-minded governments to promote a strong resolution on internet freedom. As governments increasingly try to restrict speech online it is important for the HRC to pay close and careful attention to the issue. We hope that the HRC will adopt this modest resolution and pay continued attention to the issue, as previously evidenced by the work of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.

U.S. Leadership: Strengthening the Human Right Council

The United States has succeeded at the Human Rights Council by setting goals and working effectively with a wide array of partners to achieve them. Pressing for decisive action on these priority issues will reinforce U.S. efforts to move the Council toward fulfilling its mandate as the principal inter-governmental body addressing universal human rights. We welcome the decision of the U.S. to run for a second term on the Council on a competitive slate.

Sincerely yours,

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Senior Fellow and Deputy Director for Foreign Policy, Brookings Institution
(in personal capacity)

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cc: Hon. Esther Brimmer, Assistant Secretary of State for International Organization Affairs,
U.S. Department of State

Hon. Eileen Donahoe, U.S. Ambassador to the United Nations Human Rights Council

Hon. Harold Koh, Legal Advisor, U.S. Department of State

Hon. Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights, and
Labor, U.S. Department of State

Mr. Stephen Pomper, Acting Senior Director for Multilateral Affairs and Human Rights,
National Security Council