

Mr. Zeid Ra'ad Al Hussein
UN High Commissioner for
Human Rights
Palais des Nations
1211 Geneva 10

26 June 2017

**Re: Practice of Advance Disclosure of Human Rights Defenders'
Names to State Parties**

Dear High Commissioner Hussein,

I write in response to Vladlen Stefanov's 31 May 2017 letter to me addressing concerns I raised in my 24 May 2017 letter.

I appreciate the clarification that your office "does not confirm the names of individual activists accredited to attend UN Human Rights Council sessions to any State." This is in contrast to what was stated in your February 2, 2017 press release that you do "confirm" such information to the "Chinese authorities, and others" who request it in advance of Council sessions.¹ To ensure there are no doubts as to your office's current practice, I urge you to publicly post on your website your policy regarding advance disclosure of human rights activists' identities to State parties and to issue a new press release setting the record straight.

Regarding the case of the Chinese activists in 2013, your arguments that the disclosure did not place the activists at risk are not convincing. *First*, you have not addressed the point that disclosing activists' names to State parties *in advance of Council sessions* could potentially endanger the activists, even if the information later became public during the course of the session. Indeed, it enables States to harass and threaten activists in any number of ways that are likely to lead them to curtail or limit their participation in the session. *Second*, in this specific case, you were aware that China's motives were to harass the activists (which it did, by filing a complaint accusing them of terrorism) or worse.² In fact, China also harassed the NGO with which they were affiliated through a computer hack.³ That the activists themselves did not reside in China does not decrease their risk because China, which is notorious for intimidating its human rights critics in Geneva,⁴ has been known to disappear its citizens even at foreign airports. Just this past October, China arrested Hong Kong

¹ "UN rights office categorically rejects claims it endangered NGOs," *Office of the High Commissioner for Human Rights*, Feb. 2, 2017.

² "Briefing Note on UN Ethics Office Denial of 'Protection against Retaliation' for OHCHR s/m Emma Reilly," *UN Ethics Office*, Oct. 7, 2016 at ¶¶ 16-18.

³ "WUC Warns of Pre-Conference Email Hacking," *World Uyghur Congress*, March 5, 2013.

⁴ Sui-Lee Wee and Stephanie Nebehay, "At U.N., China uses intimidation tactics to silence its critics," *Reuters*, Oct. 6, 2015.

student activist Joshua Wong at the airport in Thailand.⁵ Furthermore, the activists' family members in China could have been threatened, detained, tortured and/or worse. *Third*, if the information had been truly public as you claim, China would not have needed to request it from your office. That these activists had attended Human Rights Council sessions in the past is not proof that they were planning to attend the March 2013 session; and the December 27, 2012 press release on which you rely does not identify any particular human rights activist by name.⁶

As you did not respond to the following points in our letter, we assume you agree that:

- Providing the names of human rights activists to State parties in advance of Human Rights Council sessions would violate several UN rules, including provisions of the UN Charter, UN Staff Rules and Regulations, Code of Conduct for International Civil Servants and the OHCHR Code of Conduct concerning: integrity and impartiality, not taking instructions from Governments, not providing Governments with non-public information and not endangering the safety of others.
- As Emma Reilly, former NGO Liaison has argued, disclosing the information *prior to* the HRC session was not sanctioned by the existing rules or practices of the HRC.
- Your use of the word “confirm” is misleading and evasive because it implies that the Chinese delegation already knew which activists were attending the session and merely asked for confirmation when, in fact, China did not know, and your office affirmatively provided China with information not in its possession.
- In the case of Ti-Anna Wang, while the individual Chinese spy who harassed her was expelled, your office took no action against the Chinese government or the GONGO with which that spy was affiliated. In this regard, I note that China's practice of using GONGO's to threaten human rights activists at the UN is continuing.⁷

Regarding Cao Shunli, I am not aware of any request sent to me by your office that I publicly retract any statements. The particular Twitter post referenced in your letter was deleted shortly after being posted.

Finally, it is encouraging to know that we are in agreement that “no political dissidents should be subjected to harassment or intimidation for traveling to Geneva to campaign for human rights at the UN,” and that your office is making a concerted effort to end abuses by States. We hope this means that incidents like that experienced

⁵ Tom Phillips and Bonnie Malkin, “Hong Kong activist Joshua Wong detained in Thailand ‘at China’s request’ – reports,” *The Guardian*, Oct. 5, 2016.

⁶ “Conference Announcement: ‘China’s New Leadership: Challenges for Human Rights Democracy and Freedom in East Turkestan, Tibet and Southern Mongolia,’ in Geneva 11-13 March, 2013,” *World Uyghur Congress*, Jan. 5, 2013.

⁷ Sui-Lee Wee and Stephanie Nebehay, “At U.N., China uses intimidation tactics to silence its critics,” *Reuters*, Oct. 6, 2015.

by Ti-Anna Wang in March 2014, or more recently, by Dolkun Issa in New York this past April,⁸ will not be repeated.

Sincerely,



Hillel C. Neuer
Executive Director

⁸ Sophie Richardson, “China’s Rights Abuses Infect UN, Global Body Should Do More to Protect Beijing’s Critics,” *Human Rights Watch*, May 23, 2017.