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Mr Basile Ikouebe
Minister of Foreign Affairs, Cooperation and Francophone
Affairs
BP 2070, Brazzaville
République du Congo

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

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Dear Minister,

OPEN LETTER RE: CONGO'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of Congo's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 1 November 2010 from the Permanent Mission of the Congo to the United Nations.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting their candidature for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on Nicaragua's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

Congo has yet to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolishing the death penalty, and to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, all of which Congo has already signed. We encourage you to use the occasion of the Council elections to commit to ratify the above human rights standards and to enshrine them in domestic law, and to also make the declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination to allow for individual communications.

■ *Cooperation with the Special Procedures*

Members of the Council are expected to fully cooperate with the Council and its mechanisms, and we therefore take this opportunity encourage you to extend a standing invitation to the Special Procedures and to facilitate their visits when requested. We note that the Special Rapporteur on the rights of

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>
² Operative paragraph 9.

Indigenous peoples visited Congo in November 2010 and we urge you to give consideration to the recommendations arising from this visit and to report to the Council on steps taken to give effect to these. In this regard, we welcome the adoption in February 2011 of a law for the protection and promotion of the rights of ethnic minorities.

■ *Cooperation with the treaty monitoring bodies*

We note that periodic reports are overdue to the Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and urge you to submit these without further delay.

■ *Participation in the deliberations of the Human Rights Council*

We note your commitment, expressed in your election pledges, to support the Council's efforts to promote and protect human rights everywhere in the world through the relevant conventions. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

We note your commitments to cooperate with States and civil society organizations for the respect of human rights, in particular through the competent jurisdictions.

We take this opportunity to express concern at the failure by your government and the judiciary to identify and bring to justice members of the government and security forces responsible for the disappearance in 1999 of as many as 350 returning refugees. We urge your government to make a clear commitment to cooperate with and seek the assistance of the Council, and its mechanisms, to undertake an investigation into these disappearances and to identify both the victims and the perpetrators.

Furthermore, the continuing detention without charge or trial of three asylum-seekers from the Democratic Republic of Congo for more than seven years is inconsistent with the requirement of Council members to uphold the highest human rights standards. We urge your government to immediately release these asylum-seekers and ensure that they are protected from further human rights violations in Congo and from *refoulement*.

We note that the pledges and commitments already made by Congo are of a very general nature and therefore encourage your government to use this opportunity to further strengthen these by including the additional elements suggested above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,



Steve Crawshaw
International Advocacy Director
Amnesty International