



TIGO: IOR 40/2014.128

H.E. Mr. Baudelaire Ndong Ella  
President of the Human Rights Council  
Email: [hrcpresidency@ohchr.org](mailto:hrcpresidency@ohchr.org)

Geneva, 21 October 2014

Excellency,

**Re: Appointment of the new Independent Expert on the situation of human rights in the Sudan**

I write on behalf of the below-mentioned organisations that have followed with concern developments around the appointment of the new mandate-holder as Independent Expert on the situation of human rights in the Sudan.

We welcome that you did not set a negative precedent by reopening the application for this vacancy at the last minute. It is, however, a matter of serious concern that the government of Sudan was in effect allowed to exercise a veto on the appointment of the Independent Expert. Yet again the Human Rights Council has made an exception with regard to the mandate on Sudan. In September 2008, the Council extended the country mandate on Sudan for only nine months in breach of the Council's own rules.

We reject the suggestion that the appointment of a country-specific mandate-holder requires the assent of the concerned country. There is no basis for this suggestion in the Council's rules or practice. While the President of the Council is required to propose names for appointment following broad consultations, the requirement for the assent of the country concerned was not included in either Council resolution 5/1 or subsequent resolution 16/21.

We are also concerned that the Sudanese delegation endeavoured to inappropriately influence the appointment process from the outset. There was an extensive consultation period after you circulated the Consultative Group's recommendations for the Sudan and other Special Procedure mandates on 9 September. The government of Sudan had ample opportunity to make known its views on the shortlisted candidates. Instead, the government attempted to make the Council depart from the well-established practice of having nominations made for mandate-holders for all vacancies irrespective of whether any of the mandates are up for renewal at the same session as that of the appointment. As the approval of the Council is normally scheduled at the end of the session after all resolutions have been adopted, the appointments approved by it would normally

relate only to mandates in place. We welcome that you ensured that there was no departure from this well-established practice.

As improving the transparency of the appointment process was a main concern in the development of the Special Procedures mandate-holder appointment procedure through Council resolutions 5/1 and 16/21, we encourage you to ensure full transparency with regard to the appointment of this mandate-holder. The manner in which the postponement of the appointment of the Special Procedures mandate-holders was handled in the closing hours of the 27<sup>th</sup> session of the Council and the delay in posting the correspondence from Sudan on the Council extranet site resulted in an opaque decision-making process, which must not be repeated in connection with future appointments.

We should be grateful that you request that this letter be posted on the HRC extranet.

Thank you for your attention to this matter. Please accept, Excellency, the expression of our highest consideration. I remain,

Peter Splinter  
Representative and Head of UN Office (Geneva)  
Amnesty International

**Signatory organisations**

African Centre for Justice and Peace Studies  
Amnesty International  
International Federation for Human Rights (FIDH)  
Human Rights Watch