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Human rights situations that require the Council's attention

Letter dated 9 March 2018 from the Chargé d'affaires, a.i. of the Permanent Mission of Eritrea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to write you in relation to the “enhanced interactive dialogue” on Eritrea scheduled for 12 March 2018. For over a month, the delegation of Eritrea engaged with your Excellency, in your capacity as the President of the Human Rights Council, and the secretariat of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to seek clarification on the nature of the interactive dialogue and the composition of the panel. In those meetings, Eritrea raised its concern at the lack of transparency and absence of fairness in the selection process of panel members.

As your Excellency and the secretariat might recall, Eritrea made a request for the inclusion of organizations working inside Eritrea and of mining companies implicated in consecutive Human Rights Council resolutions, which had been asking for a chance to share their experience and concerns with regard to the state of affairs handled by the Council. Alongside that, the Permanent Mission of Eritrea sent, on 5 March 2018, a note verbale on this matter to OHCHR. Subsequently, the Chief of the East and Southern Africa Section of OHCHR informed my delegation that (a) the selection of panellists and the decision on the participation of a representative of Eritrea had been made in close consultation with the sponsor (Djibouti) of the resolution (it should be recalled that Djibouti is in conflict with Eritrea and has been benefiting from every space it can at this international forum); and (b) the secretariat had been guided by the sponsor's rejection of the requests made by Eritrea, and that the final decision rested within the purview of the President of the Council.

The process set in motion by the secretariat of OHCHR is indeed tantamount to not only allowing an accuser to select all the witnesses, but also giving the accuser the absolute power to stifle any voice that does not conform to its established position on allegations. The process and action taken deprives the Council of a chance to hear diverse views on an issue. As it now stands, the panel's composition reflects the political motives being harboured; it includes a person who is a member of an organization involved in subversive activities against the Government of Eritrea, a personality with a long standing anti-Eritrea political stance, and a special rapporteur whose mandate has long been undermined by her anti-Eritrea political activism.

The political manifestations were clear right from the beginning, yet Eritrea engaged with the Council and OHCHR in good faith, with the aim of ensuring fairness and balance in the dialogue. However, as it stands, the process is predicated on the will of the sponsor,

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who wants to bring its political agenda of regional conflict to the platform of the Council. This is an abuse of the human rights mechanisms to which we remain opposed.

The situation has undermined the goodwill of Eritrea and its efforts to engage on the matter. It creates a negative precedent and derails the Council's efforts to discharge its lofty objectives of ensuring transparency, fairness and balance. The genuine discourse and interactions that befit the promotion and protection of human rights have also been undermined. Let me state again that the exercise serves a regional conflict that the sponsors would like to impose in the name of the Council. In the light of this impasse, the Government of Eritrea sees no purpose in participating in a politically driven exercise that would deny any dignified or fair engagement, and would flout a principled and impartial approach.

I would be most appreciative if the present letter could be brought to the attention of the members of the Human Rights Council and distributed as a document of the thirty-seventh session.

(Signed) Adem **Osman**

Chargé d'affaires, a.i.
