



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS

22 August 2006

Mr. Eric Tistounet
Secretary of the Human Rights Council
Office of the High Commissioner for Human Rights
Palais des Nations
Geneva

By facsimile 00-41-22-917-9011 and by email
etistounet@ohchr.org

Dear Mr. Tistounet,

I thank you for the courtesy of your reply to my letter of 28 July 2006.

In the first place I am surprised not to have heard directly from the High Commissioner herself, in view of the fundamental issues raised in my letter with regard to the incident of which my organisation complains, namely the exercise of its freedom of expression under Article 19 of the International Covenant on Civil and Political Rights which non-governmental organisations are entitled to enjoy on the same basis as member States of the UN, most particularly during sessions of the Human Rights Council at which they are authorised to express their views.

I have examined your reply carefully and regret to inform you that I find its contents quite confusing. In fact it raises more questions than it answers. To be quite precise I find that your reference to the "prevailing rules and practices" and the allegation that the statement in question was perceived as "not conforming to the threshold requirements of language, in accordance with usual practice" quite incomprehensible.

This immediately raises the legitimate question as to what are these prevailing rules and practices and what are the threshold requirements of language which this statement allegedly did not meet. I regret to inform you that your observations in this respect are as equally imprecise and vague as your Secretariat's previous comment that that the IAJLJ statement was "not entirely in accordance with United Nations standards" and that "it was not...imbued with the appropriate level of dignity and respect."

I am compelled to observe that the explanation you have provided is just as vague and obscure as what was stated in the communication of your Secretariat and confirms the impression that this was simply an arbitrary interference in my organisation's freedom of expression.

It gives rise to the most serious concern in the context of procedures of the Human Rights Council and those of the Office of the High Commissioner for Human Rights which have primary responsibility for maintaining the highest standards in the preservation of human rights principles, especially in this particular context.

Further you do not explain why my organisation's statement was treated in a different manner as compared with that accorded to the other five statements that were not delivered on 5 July subsequently



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published on the OHCHR website as not delivered and this once again emphasises that my organisation's statement was dealt with in a differentiated and discriminatory manner.

Accordingly, having given the OHCHR the opportunity to provide an explanation of this most extraordinary and highly regrettable incident to my organisation which it has manifestly failed to do, the IAJLJ reserves its right to raise this fundamental issue in the wider context of the international human rights community which has a legitimate interest in ensuring that the appointed guardians for ensuring the respect of human rights norms themselves conform to the highest standards that they are committed to observe.

Yours truly,

Alex Hertman,
President

Copy:

Ms. Louise Arbour
UN High Commissioner for Human Rights