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HE President Thabo Mbeki
Union Buildings
West Wing
Government Avenue
Pretoria
Republic of South Africa

Via facsimile: (012) 323-8246

Dear President Mbeki,

We would like to congratulate you again on the positive leadership you have shown in recent months in promoting the New Partnership for African Development (Nepad). We welcome the positive response this initiative received at the recent African Union and G8 Kananaskis summits. However, we are writing now on an urgent matter that has the potential to damage seriously the image of Nepad and the African region's standing on human rights.

As you know, Nepad is founded on a commitment to promote and protect democracy and human rights and develop clear standards of accountability, transparency and participatory governance at the national and regional level. It also envisages the African region playing a more positive and active role in various international and multilateral bodies. These values, in turn, are reflected in the constitutive act of the new African Union, launched in Durban last month.

We were very disturbed, therefore, to learn that the African group at the United Nations was considering nominating Libya as chair of the next session of the U.N. Commission on Human Rights. We understand the challenge you have faced in engaging Libya constructively in the development of Nepad and the African Union, but this move would undermine the credibility of Nepad and be a major setback to Africa's renewed commitment to promoting human rights. If Africa promotes Libya as chair of the UN's leading body for monitoring human rights, it would signal that the proposed and much welcomed system of peer review is less serious than many had hoped. Nepad's international supporters and partners are watching closely to see how African governments respond to this first important challenge to Nepad principles.

You undoubtedly are aware that the U.N. Commission on Human Rights is currently facing a serious crisis. Increasingly its proceedings are dominated by abusive governments that are more intent on blocking progress and international scrutiny than upholding human rights. In this context, Libya is a particularly inappropriate and dangerous nominee for the influential position of chair. Libya not only has a long record of human rights abuse, but has routinely failed to cooperate with the Commission and its mechanisms, and has sought to obstruct them from doing their work. We fear that chairmanship by Libya would seriously damage the Commission, particularly during a session that will debate important proposals for the reform of its working methods.

We urge you to take action to prevent Libya from becoming chair of the Commission and to identify and promote another African member state that has a strong track record on human rights. Should this prove impossible, we hope you will ensure that the African group sets clear benchmarks for Libya's conduct at the Commission, in particular to safeguard against any attempt to weaken or undermine the U.N. human rights machinery. In addition, Libya should demonstrate its good faith as chair by fulfilling its obligations to the U.N. treaty bodies (many of its reports are overdue) and issuing an open, standing invitation to all U.N. special procedures to make visits to Libya to monitor the human rights situation there. To date, 39 countries have issued such invitations, although none from the African region. We hope that you might lead by example by making such a commitment at the forthcoming session of the Commission.

I am writing in similar terms to Presidents Obasanjo of Nigeria and Wade of Senegal.

Yours sincerely,

Kenneth Roth
Executive Director