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**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandate of the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL G/SO 214 (107-9)  
MKD 1/2011

19 July 2011

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 16/5.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the reported campaign and attempt to discredit and stigmatise the human rights organisation **Helsinki Committee for Human Rights of the Republic of Macedonia (MHC)** by certain media. The MHC, established in 1994, is a non-governmental organisation which works to ensure the protection of human rights in accordance with the Helsinki Final Act and other international standards at local and international level. It takes up cases regarding violations of human rights in breach of these international standards and monitors national institutions, reminding the Government of its obligations under the Helsinki Final Act and all other international Conventions ratified by Macedonia. It publishes monthly and yearly reports, legal analyses and press releases in order to inform the public, international institutions and NGOs about violations of human rights.

According to the information received:

On 4 July 2011, the privately owned Sitel TV station published a news report entitled "The Helsinki Committee does not exist- who does the Macedonian branch office work for?". In this report Sitel TV station stated that the International Helsinki Federation for Human Rights was forced to close down due to a financial crime and that the Helsinki Committee has not existed for four years. The report allegedly further stated that MHC "still uses the logo of the international organisation" and questions why it does so. According to information received this article is based on news from four years ago regarding the closure of the Federation of Helsinki Committees, news which had been widely broadcast by the media at that time.

On 5 July 2011, MHC reportedly sent a letter to Sitel TV station clarifying the issues raised in the report, and denying and correcting the allegedly misleading information. In this clarification MHC explained that an International Helsinki Committee had never existed but a Federation of Helsinki Committees, consisting of independent legal entities. The sole purpose of the Federation was that of mutual informing, assistance and cooperation between the various Helsinki Committees.

The clarification further stated that, although the Federation of Helsinki Committees supported the establishment of MHC, it did not take part in its foundation. It is reported that the fact that the Federation of Helsinki Committees ceased to exist had no impact on MHC which represents an independent legal entity in and of itself.

Following the submission of the denial and clarification letter, it is reported that Sitel TV published an article selecting parts of the aforementioned documents and presented them in a misleading manner. It is reported that this article omitted details, explanations and answers given in response to the allegations resulting in an inaccurate and defamatory article. The article states “They work independently, but use the logo and legitimacy of the International Helsinki Committee...Sitel wonders where is the ethics when using the brand of the former credible organisation 4 years after it had closed”.

It was reported that since its foundation in 1994, the MHC is registered with the same logo as a separate legal entity from that of the Federation of Helsinki Committees and that a member of the governing board of MHC gave a statement to Sitel TV explaining the legal status of the Committee and the use of the logo; however, this information was omitted from the article by Sitel TV.

According to information received, various articles were published on web portals Kurir and Macedonia 24 and in the daily newspaper Vecer containing similar misleading information about MHC. Kurir allegedly published an article on 5 July 2011 calling into question MHC’s financing stating: “The open issue is how the Macedonian branch office of the Helsinki Committee is financed and whether their real goal is the protection of human rights”. Furthermore, this article reportedly alleges that the Helsinki functions as a branch of the International Federation, or should function as such if the International Helsinki Committee still existed.

It was alleged that all reports comment on the fact that MHC has not made the public aware of the closure of the international body; however there is a direct link to information relating to this closure on their website and the closure was publicised by the media at the time it happened four years ago.

It was alleged that the owner of Sitel TV station is the leader of a political party, which is currently in coalition with the ruling party, and a Member of the Macedonian Parliament. The editor in chief of Vecer is also reportedly editor in chief of the news at Sitel TV. It is further alleged that the aforementioned media are continuing to disseminate inaccurate and misleading information about MHC’s activities.

Concern is expressed regarding an ongoing stigmatisation and discredit campaign of human rights organisation MHC through various media channels allegedly based on erroneous and misleading information. It is feared that allegations relating to the legitimacy of the existence of the organisation and the transparency of its funding are an attempt to discredit the organisation and is directly linked to its work in promoting human rights. Finally concern is expressed that the ongoing articles will

result in the discrediting of the organisation in such a way that its work in relation to the protection of human rights will be adversely affected.

While I do not wish to prejudge the accuracy of these allegations, I would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, I would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

I would like to call to the attention of Your Excellency's Government the Human Rights Council Resolution A/HRC/RES/13/13 of 15 April de 2010, which recognizes "the immediate need to put an end to and take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all" as well as to adopt the necessary measures to prevent such acts. In this Resolution the Human Rights Council also "urges States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity".

Furthermore, in my report to the General Assembly A/65/223 of 4 August 2010, I stated that “the responsibility of non-State actors to respect the rights of human rights defenders does not relieve the State of its obligations under human rights law to respect, protect and fulfill human rights, including those of human rights defenders. (...)” The Special Rapporteur argued that the State’s obligation to protect “first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors. Failure to protect could, in particular circumstances, engage the State’s responsibility. Secondly, States should provide defenders victims of human rights violations with an effective remedy. To that end, all violations of the rights of defenders should be investigated promptly and impartially and perpetrators prosecuted. Fighting impunity for violations committed against defenders is crucial in order to enable defenders to work in a safe and conducive environment.”

I urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the Helsinki Committee for Human Rights of the Republic of Macedonia are respected and that accountability of any person guilty of the alleged violations is ensured. I also request that your Excellency’s Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is my responsibility under the mandates provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the Helsinki Committee for Human Rights of the Republic of Macedonia?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the stigmatisation and discredit campaign against the Helsinki Committee for Human Rights of the Republic of Macedonia.
4. Please provide information on the measures taken to ensure that the important role of human rights defenders is publicly recognized and that they are able to work in a conducive environment for the promotion and protection of human rights.

I would appreciate a response within sixty days. I undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders