

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on minority issues; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

REFERENCE:
AL CHN 13/2018

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples; Special Rapporteur on minority issues; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 34/18, 32/32, 34/5, 33/12, 34/6 and 31/3

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged reprisals against **Mr. Dolkun Isa, and the Society for Threatened Peoples, of which he is a member, for his engagement with UN human rights bodies.**

Mr. Dolkun Isa is a German citizen and a Uyghur human rights defender from the Xinjiang Uyghur Autonomous Region of China. He is the third and current president of the World Uyghur Congress, and has been in office since 12 November 2017. He previously served as General Secretary and Chairman of the Executive Committee of the Uyghur Congress and has spoken on behalf of the rights of the Uyghur minority, which makes up the majority population in that region. Mr. Dolkun Isa is also the vice-president of the Unrepresented Nations and Peoples Organization and a member of the Society for Threatened Peoples, an organization with ECOSOC consultative status. He has also presented Uyghur human rights issues to the UN Human Rights Council and various international human rights organizations.

According to the information received:

On 21 May 2018, during the 2018 session of the ECOSOC Committee on NGOs, a representative of the Government of the People's Republic of China intervened, with reference to a *note verbale* and a letter sent to members of the Committee in relation to Mr. Dolkun Isa, the World Uyghur Congress and the Society for Threatened Peoples.

While the *note verbale* is not publicly available, it reportedly contained allegations regarding Mr. Dolkun Isa's participation in incitement and funding of separatism and terrorism for years. Further, the referred letter requested the revocation of the consultative status of the Society for Threatened Peoples (STP), on the basis that it had enabled Mr. Dolkun Isa's participation in various United Nations meetings, including the 16th and 17th session of the United Nations Permanent Forum on Indigenous Issues in 2017 and 2018 and the 10th Session of the Forum on Minority Issues in December 2017, when he was accredited as a delegate of the Society for Threatened Peoples.

During the meeting, the representative of the Government of the People's Republic of China referred with concern to the security risks that Mr. Dolkun Isa allegedly posed and to the fact that he had identified himself during the Permanent Forum as a member the World Uyghur Congress, an organization lacking consultative status. He further noted that Mr. Dolkun Isa and the Uyghur Congress had been involved in acts that undermined the territorial integrity and sovereignty of Member States, and that he had also violated United Nations rules in attending the recent session of the Permanent Forum. He stressed that the request of revocation of the consultative status of the STP had nothing to do with reprisals.

As a result of the discussion, the Committee decided to postpone a decision on the matter to 25 May 2018, in order to provide sufficient time to review additional evidence.

On 30 May 2018, the final day of the resumed session of the Committee on NGOs, the Government of the People's Republic of China withdrew its request for further action against the STP but noted that the organization must 'refrain from appointing any terrorist as its representative'. At the same time, the accusations and concerns expressed about Mr. Dolkun Isa had not been withdrawn.

The allegations against Mr. Dolkun Isa and related request of revocation of SPT's ECOSOC status during the ECOSOC Committee on NGOs took place against the backdrop of a continued pattern of intimidation against human rights defenders and accusations that their work threatens public/national security. On two occasions that have become public, the Government of the People's Republic of China has attempted to prevent Mr. Dolkun Isa from participating in UN events, in particular in the annual sessions of the Permanent Forum on Indigenous Issues and the Forum on Minority Issues of 2017 and 2018.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we express our serious concern regarding attempts by the Government of the People's Republic of China to prevent Mr. Dolkun Isa from participating in UN fora, despite having received full accreditation, and to revoke the consultative status of the Society of Threatened Peoples through which he has been attending UN fora. These actions may constitute reprisals for his human rights work, and may aim to prevent the

sharing of information with UN human rights bodies about the human rights situation of the Uyghur minority in Xinjiang Uyghur Autonomous Region of China.

We note that the very serious public allegations against Mr. Dolkun Isa and related organizations were not substantiated with evidence during the session of the Committee on NGOs. However, we have serious concerns that these public allegations may have a significant impact on Mr. Dolkun Isa's ability and the ability of the affected organizations to carry out their human rights work. Further, we are concerned that the procedures of the Committee on NGOs may have been used as a tool to intimidate and put pressure on a human rights defender and an accredited organization for their human rights work. At the same time, we welcome the withdrawal by the Government of the Republic of China of the request to revoke STP's accreditation.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide additional information on how the request to revoke the ECOSOC accreditation of the STP before the Committee on NGOs is in compliance with China's obligations under international human rights law, including the Universal Declaration of Human Rights and the UN Declaration on Human Rights Defenders and the UN Secretary General's policy on reprisals.
3. Please provide information about the alleged security risk posed by Mr. Dolkun Isa, in particular any information that may substantiate the claims about his involvement in terrorist activities.
4. Please also provide information on how the Government of the People's Republic of China ensures that independent NGOs and members of civil society, including those which may express contrary or unpopular views, are able to carry out their legitimate human rights work, including by accessing various UN human rights fora and bodies without fear of retaliation or reprisals.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We wish to inform you that a copy this letter will also be sent to the Government of Germany for their information

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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Victoria Tauli-Corpuz
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Fernand de Varennes
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Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the applicable international human rights norms and standards.

Article 19 of the Universal Declaration of Human Rights provides that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 20 provides that everyone has the right to freedom of peaceful assembly and association.

Additionally, 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 (UN Declaration on Human Rights Defenders, GA resolution 53/144) in its article 5 provides that 'for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (c) to communicate with non-governmental or intergovernmental organizations. Additionally, article 9 (4) of the Declaration states that 4. 'in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms'.

We furthermore wish to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. In particular, we would like to recall article 7 of the UNDRIP which provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

We would like to bring to the attention of your Excellency's Government the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly in 1992, which refers to the right of minorities to establish and maintain their own associations (article 2.4) and calls on States to adopt the required measures to ensure that persons belonging to minorities can exercise fully and effectively all their human rights and fundamental freedoms without discrimination (article 4.1).