

Special Rapporteur on HRD

Submitting complaints

The Special Rapporteur takes up, with the States concerned, individual cases of human rights violations committed against defenders.

Where does the information come from?

Information on such cases is received through a variety of sources including individual defenders, NGOs and United Nations agencies.

What happens when the information reaches the Special Rapporteur?

As information arrives the Special Rapporteur first seeks to determine if it **falls within the mandate**.

Secondly, every effort is made to determine the **probable validity** of the allegations of human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur's mandate contact sources to collect additional information.

Thirdly, the Special Rapporteur then makes contact with the Government of the State where the alleged violation is thought to have occurred. Contact is usually conducted through an 'Urgent appeal' or 'Allegation' letter addressed to the State's diplomatic mission with the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

'Urgent appeal' letters are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant circumstances so that they can intervene to end or prevent violations. For example, a death threat that is reportedly made against a human rights lawyer in response to the lawyer's human rights work would be addressed through an Urgent appeal letter.

'Allegation' letters are used to communicate information on violations that are thought to have already occurred and for which the impact on the defender affected can no longer be changed. These kinds of letters are used, for example, in instances where information only reaches the Special Rapporteur long after the events have occurred or where the human rights abuse has already been committed and reached a conclusion. For example, where a defender has been killed this would be raised with States through an allegation

letter.

Allegations that cover several human rights issues

The Special Rapporteur constantly consults with Special Rapporteurs whose own mandates are implicated in a particular case and frequently sends joint letters of concern with these mandate holders.

What is the objective of the Special Rapporteur's intervention?

The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeal and Allegation letters, the Special Rapporteur asks the Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

How much time does the process take?

The Special Rapporteur and assisting OHCHR staff try to react as quickly as possible to allegations, with special attention given to the most serious and urgent cases. In many instances a case is taken up by the Special Rapporteur with the concerned Government within a few hours of the information being received from the source. In instances, where insufficient information is available in the initial contact it can take several days to gather and clarify sufficient information for contact to be made with a government.

What happens next?

Ideally, the Government will react immediately to the Special Rapporteur's letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution renewing the Special Rapporteur's mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

If the Special Rapporteur does not receive a rapid response from a Government, particularly with regard to an urgent and very serious case, then additional efforts are made to follow-up with the Government concerned, via contact with its representation at the United Nations in Geneva. Resource limitations make it impossible for the Special Rapporteur to follow-up on every case.

Confidentiality

The identity of persons and organizations that send information to the Special Rapporteur

are always kept confidential and are never referred to in the letters to Governments or in public reports.

The letters by the Special Rapporteur to Governments are not published until they are compiled together with the Governments' responses received in the communications report of all the Special Procedures of the Human Rights Council. From September 2011 onwards, this report is issued three times per year and presented at the Human Rights Council sessions.

How to submit an allegation

The form (included in this format so that it can be easily printed) below provides guidelines on the types of information that the Special Rapporteur requires to take action on a case and how the information can be submitted.

Guidelines for submission to the Special Rapporteur of allegations of violations of the Declaration on human rights defenders

Selecting the right information - Presenting it clearly

- Before sending a complaint, ensure that all the details listed in points 1 to 7 of column A (Essential information) are included in your submission. In cases of extreme urgency, it may be possible to submit a case without some of these details, but their absence makes examining the matter more difficult.
- If you have additional information, it could be helpful. Examples of useful additional information are provided in column B (Useful information). These details are not essential but can be important in some cases.
- Information may be sent in list form (as in column A), or it may be provided in a letter. Column C provides an example of case information and how it can be included in a letter. Providing the correct kind of details and expressing them clearly make a quick response easier.

Confidentiality

- The identity of a victim will always be included in any contact between the Special Rapporteur and State authorities. The Special Rapporteur cannot intervene without revealing the victim's identity. If the victim is a minor (below 18 years of age) the Special Rapporteur will include his or her name in contact with the State but will not include the name in any subsequent public report. The source of the information provided or the victim may also request that the victim's name not be included in public reports.
- The identity of the source of information on the alleged violation is always kept confidential. When submitting information, the source may indicate whether there are any other details which should remain confidential.

Contact details for sending submissions and for further correspondence

- The Special Rapporteur’s staff will acknowledge the receipt of a submission if this is requested. They can be contacted at any time for further discussion.
- E-mail contact details: urgent-action@ohchr.org The text of the e-mail should refer to the human rights defenders mandate.
- Fax: +41 22 917 9006 (Geneva, Switzerland)
- Telephone: +41 22 917 1234. This is the number for the United Nations telephone operator in Geneva, Switzerland . Callers should ask to speak with staff at the Office of the United Nations High Commissioner for Human Rights dealing with the special procedures of the Human Rights, and specifically with staff supporting the mandate of the Special Rapporteur on human rights defenders.

Guidelines for submitting allegations of violations against human rights defenders

A. Essential information	B. Useful information	C. Sample letter to the Special Rapporteur
<p>1. Name of alleged victim/s</p> <p>Take care to give first and family names and to spell names correctly. Victims can be individuals, groups or organizations.</p>	<p>If the victim is an individual, please provide information on gender, age, nationality and profession. If the victim is an individual or an organization, please provide contact details. Contact details are treated as confidential.</p>	<p>Ms. Aabb Ddee, a lawyer, lives in [name of city/town and country].</p>
<p>2. Status of the victim as a human rights defender</p> <p>In what human rights activity is the victim (person/s, organization) engaged?</p>	<p>Where relevant, please also indicate the city and country in which the victim (person/s, organization) conducts this human rights work.</p>	<p>Aabb Ddee takes up legal cases supporting the right to adequate housing on behalf of ethnic minorities. She is also a member of the National Commission for Human Rights.</p>
<p>3. Alleged violation/s committed against the victim</p> <p>What happened? Where? When? What is the current</p>	<p>If an initial violation leads to other events, please describe them chronologically. E.g. if the initial concern is that a human rights defender has been arrested, details should be provided. But if he or she is later detained, other useful</p>	<p>Aabb Ddee received an anonymous threat to her safety. On [day/month/year] Ms. Ddee received a letter at her office in [name of town]. The letter was</p>

<p>situation?</p>	<p>information would include: the place of detention; the person's access to a lawyer; conditions of detention; the charges; etc.</p>	<p>addressed to her and contained only the words "Be careful". In addition, the following day Ms. Ddee was followed closely while driving from her office by two men in a white car.</p>
<p>4. Perpetrators</p> <p>Give available information on who allegedly committed the violation: e.g. two men (in uniform?); rank, unit or other identification or title.</p>	<p>Witnesses</p> <p>Were there any witnesses to the alleged violation? Were there any other victims?</p>	<p>Aabb Ddee was unable to identify the two men following her or their vehicle. A friend accompanying Ms. Ddee in her car also saw the vehicle following them.</p>
<p>5. Action by authorities</p> <p>Has the matter been reported to the relevant authorities? What action has been taken?</p>	<p>Action taken by the victim or by human rights organizations</p> <p>Has the alleged violation been made public? Has this information been sent to others?</p>	<p>Aabb Ddee reported both incidents to the police [name/address of police office] the same days they occurred. The police have opened an investigation. She also reported the incidents to a local newspaper [name].</p>
<p>6. Link between the violation and human rights work</p> <p>Why do you think the alleged violation is a response to the human rights work of the victim?</p>	<p>Previous incidents</p> <p>If there have been previous incidents which are relevant, please give details.</p>	<p>A year ago [date], another lawyer representing the same ethnic group as Aabb Ddee received a threatening letter similar to Ms. Ddee's and was later [date] killed by unknown persons.</p>
<p>7. Who is submitting this information? (Confidential)</p>	<p>Submissions may be made by organizations or individuals.</p>	<p>This letter is submitted by the National Commission for Human Rights, with which Aabb Ddee works.</p>

<p>Give name, contact details and professional role (if relevant).</p>		
<p>Updates</p> <p>Please send any updated information you have as soon as possible. It is especially important to know if there has been any change in the situation of the victim. Updates might be given where: 1) additional information becomes known (e.g. the identity of the perpetrator of the violation); or 2) new events occur (e.g. the victim's release from detention).</p>		<p>[two months later] We learned today [date] that the police investigation was closed yesterday. Two men have been arrested and detained on charges of sending a threatening letter to Aabb Ddee on [date] and of following her in their car when she left work the next day. The men are due to appear in court in two weeks. While pleased with the arrests, Ms. Ddee believes that the person who ordered these acts to be committed remains at liberty. She has asked that the police investigation be continued.</p>