



**ISHR**

INTERNATIONAL SERVICE  
FOR HUMAN RIGHTS

# **Ending reprisals against those who cooperate with the UN in the field of human rights**

**Submission to the UN Secretary-General on recent developments, cases and recommendations**

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## **I. INTRODUCTION**

ISHR is pleased to make the following submission to the Secretary-General to inform his upcoming report on cooperation with the United Nations, its Mechanisms and Representatives in the field of human rights.

This submission addresses developments in United Nations (UN) and regional human rights bodies regarding the prevention of and response to reprisals during the reporting period (1 June 2018 to 1 May 2019). It also provides details of cases of reprisals that ISHR was made aware of during the period and our understanding of how these cases have been addressed both by the mechanisms and relevant States.

ISHR works to bring cases of alleged intimidation and reprisals to the attention of relevant UN officials, including the Assistant Secretary-General in his capacity as senior official, the President of the Human Rights Council and President of the General Assembly, as well as independent experts, in an effort to press for effective preventative measures and responses to alleged cases of reprisals.

Several of the individual cases of intimidation and reprisals described below have taken place in a context of systematic harassment, threats and attacks against human rights defenders. These come in many forms, including through the use and abuse of laws to criminalise the work of human rights defenders, together with the initiation of arbitrary legal proceedings intended to hinder such work. Preventing and addressing cases of intimidation and reprisals is closely associated with States' obligations to ensure a safe and enabling environment for human rights defenders and other civil society actors to carry out all aspects of their work.

## **II. LEGAL OBLIGATION OF STATES AND THE UN TO ADDRESS REPRISALS**

International law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms. This right is derived from the human rights to freedom of expression, association, assembly and movement contained in international human rights instruments and in customary international law.<sup>1</sup>

The right to unhindered access to and communication with international bodies is also explicitly recognised in the Declaration on Human Rights Defenders<sup>2</sup> and is codified in certain UN human rights treaties.<sup>3</sup>

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<sup>1</sup> In 2012, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to ensure that these rights 'are enjoyed by everyone and any registered or unregistered entities' and that no one is subject to 'harassment, persecution, intimidation or reprisals' for exercising them.

<sup>2</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, Annex to UN Doc A/RES/53/144, 8 March 1999, Articles 5(c) and 9(4).

<sup>3</sup> See: Optional Protocol to the Convention on the Prevention of Torture, Article 15; Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women, Article 11; Optional Protocol to the international Covenant on Economic, Social and Cultural Rights, Article 13; and Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, Article 4.

Enjoyment of this right implies that those accessing or attempting to access or communicate with these bodies should not face any form of intimidation or reprisal for doing so. The Declaration on Human Rights Defenders recognises the right of human rights defenders to protection from reprisals for their communication or cooperation, or attempted communication or cooperation, with the UN's human rights bodies.<sup>4</sup>

The right to be free from reprisals that threaten an individual's life or physical liberty is also an aspect of the protection afforded by other international human rights, such as freedom from arbitrary arrest, detention or deprivation of liberty; torture; cruel, inhuman and degrading treatment; and arbitrary deprivation of life. ISHR further notes that international human rights jurisprudence establishes that States that confiscate passports, issue travel bans or prevent human rights defenders or representatives of NGOs from attending international meetings may contravene the right to freedom of movement under Article 12 of the International Covenant on Civil and Political Rights.<sup>5</sup>

States have the primary duty to uphold the co-related rights to unhindered access to the UN and to be protected from intimidation and reprisals in connection with any cooperation or attempted cooperation. As subjects of international law, UN bodies such as the Human Rights Council and the ECOSOC Committee on NGOs may also be bound by these obligations.<sup>6</sup>

### **III. DEVELOPMENTS WITHIN HUMAN RIGHTS SYSTEMS**

#### **SENIOR OFFICIAL ON REPRISALS**

As the senior official on the issue of reprisals, the Assistant Secretary-General for Human Rights, Andrew Gilmour, leads the UN's efforts to put a stop to all intimidation and reprisals against those cooperating with the UN on human right.

ISHR acknowledges on-going efforts to provide clarity on the functioning of this mandate and how defenders can best engage with it, including consultations in Bangkok in February 2018 and Bishkek in May 2018, and an upcoming consultation in Nairobi in May 2019. However, ISHR reiterates that a clearer, accessible, public-facing policy on how the senior official addresses cases of reprisals is necessary to ensure that victims can effectively access the protection the senior official can provide.

ISHR acknowledges that the senior official is complementary to existing UN mechanisms to address reprisals and encourages coordination and collaboration amongst mechanisms. We

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<sup>4</sup> Declaration on Human Rights Defenders, Articles 2(1), 9(1) and 12(2).

<sup>5</sup> Human Rights Committee, 'Concluding Observations: Morocco', UN Doc CCPR/CO/82/MAR, 1 December 2004, §18.

<sup>6</sup> Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt (Advisory Opinion) [1980] ICJ Rep 73, pp 89–90. See also Reparations for injuries suffered in the service of the UN (Advisory Opinion) [1949] ICJ Rep 174, p 179.

continue to emphasise that the establishment of the senior official does not in any way diminish the obligation of other UN bodies and mechanisms to develop and implement policies and take necessary steps to prevent, investigate and remedy cases of reprisals.

We understand that the senior official primarily fulfils his mandate through private representations, addressing cases of reprisals bilaterally with the relevant State, although he may also make public statements and representations. ISHR notes very few instances thus far in which the senior official has spoken publicly about cases of reprisals. He addressed cases of reprisals in Egypt and Bahrain while presenting the Secretary-General's Reprisals Report to the Human Rights Council in September 2017.<sup>7</sup> In a May 2018 opinion piece, the ASG also addressed cases of reprisals against human rights defenders in Asia, including against mandate holders.<sup>8</sup> He addressed cases of reprisals against two NGOs (**Alkarama** and the **International Dalit Solidarity Network (IDSN)**) in his remarks to the 39<sup>th</sup> session of the Human Rights Council.<sup>9</sup> He also raised IDSN and Alkarama, at a side event at the General Assembly's Third Committee in October 2018,<sup>10</sup> where he also raised the case of the head of B'tselem who was attacked and threatened after briefing the UN Security Council, as well as threats of reprisals in Myanmar and South Sudan in the context of Security Council visits. The senior official also specifically mentioned the case of the head of **B'tselem** in a statement at the Cairo Institute of International Studies Third Regional Forum of the Arab Human Rights Movement, in Tunis in November 2018.<sup>11</sup> ISHR reiterates that in relevant circumstances, public statements can play a key role in deterrence, denunciation, prevention and protection.

## HUMAN RIGHTS COUNCIL

The Human Rights Council is legally obliged to take action if it possesses information about a credible risk or allegation of reprisals and to protect individuals who communicate, cooperate or seek to engage with the Human Rights Council, its independent experts or the Universal Periodic Review process.<sup>12</sup> The Human Rights Council's President and Bureau have the responsibility to protect the Human Rights Council's processes and defend its integrity, particularly as it relates to

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<sup>7</sup> A copy of the statement can be found here:

[https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/16/OTH/OTH\\_272\\_56\\_416d12d8\\_bfb7\\_4c28\\_9244\\_5bd5036fff5f.docx](https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/16/OTH/OTH_272_56_416d12d8_bfb7_4c28_9244_5bd5036fff5f.docx). The ASG mentioned those cases again, without referring to specific names, at the Cairo Institute of International Studies Third Regional Forum of the Arab Human Rights Movement, 4 November 2018, Tunis, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23863&LangID=E>.

<sup>8</sup> <https://www.theguardian.com/commentisfree/2018/may/18/imprisoned-threatened-silenced-human-rights-workers-across-asia-are-in-danger>

<sup>9</sup> Human Rights Council, 39th Session, Oral presentation by the Assistant Secretary-General for Human Rights of the report of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights, Agenda Item 5, Geneva, 19 September 2018

[https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/26/OTH/OTH\\_564\\_65\\_4b594b4a\\_d4a2\\_4936\\_910c\\_9b453ab34d37.docx](https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/26/OTH/OTH_564_65_4b594b4a_d4a2_4936_910c_9b453ab34d37.docx).

<sup>10</sup> <https://www.ohchr.org/Documents/Issues/Reprisals/ReprisalsEvent24Oct2018.docx>.

<sup>11</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23863&LangID=E>;

<https://www.ohchr.org/Documents/Issues/Reprisals/ReprisalsEvent24Oct2018.docx>.

<sup>12</sup> See further Memorandum of Advice from Freshfields Bruckhaus Deringer, Sir Nicolas Bratza and Professor Egbert Myjer of October 2014: available at <http://www.ishr.ch/news/human-rights-council-time-act-legal-obligation-end-reprisals>.

the right of civil society to participate fully and safely in its work.<sup>13</sup> Attacks against those that cooperate with the Human Rights Council, or its mechanisms, constitute an attack not only on those individuals but on the institution itself.

While the President and Bureau of the Human Rights Council maintain their rhetorical commitment to addressing reprisals, visible action to prevent and if necessary, respond and ensure accountability for cases of reprisals remains weak. Unlike some previous Presidencies, the minutes of the Human Rights Council Bureau meeting in in the reporting period do not mention any discussion of intimidation and reprisals despite cases having been brought to the President's attention for action. The Bureau should resume the past practice of discussing reprisals and intimidation during meetings and reporting on those discussions publicly.

At its 36th session, the Human Rights Council adopted resolution 36/21<sup>14</sup> on reprisals. Notably, the resolution asks the senior official to present the annual report of the Secretary-General on reprisals to the Council and for it to serve as the basis of an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned. In practice, the Council's discussion of cases in the reprisals report and follow-up to those cases has not been very systematic. The interactive dialogue could theoretically ensure adequate attention to the report and to sharing good practices, challenges and lessons learned and for States to raise cases and push other States to ensure the safety of the human rights defenders involved. However, at the first such dialogue in September 2018, only one State, Germany, raised a specific case of reprisals during the dialogue, citing the case of Egyptian lawyer **Ibrahim Metwally**, detained since October 2017 by the Egyptian authorities. Furthermore, half of the States cited in the report intervened during the dialogue to deny the allegations against them.<sup>15</sup> It is hoped the dialogue will strengthened and become a space in which a greater number of States call for accountability.

## TREATY BODIES

With the endorsement of the Guidelines against Intimidation or Reprisals (the 'San José Guidelines') in July 2015, the Treaty Body Chairpersons sent a strong signal that the intimidation of individuals and groups cooperating with the Treaty Bodies is unacceptable.

The San José Guidelines emphasise the responsibility of States 'to avoid acts constituting intimidation or reprisals and to prevent, protect against, investigate and ensure accountability and to provide effective remedies to victims of such acts or omissions'. They further acknowledge that the Treaty Bodies have to take action, including reactive measures when allegations of intimidation or reprisals are received as well as preventative measures to protect individuals or

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<sup>13</sup> See further Memorandum of Advice from Freshfields Bruckhaus Deringer, Sir Nicolas Bratza and Professor Egbert Myjer of October 2014: available at <http://www.ishr.ch/news/human-rights-council-time-act-legal-obligation-end-reprisals>.

<sup>14</sup> Human Rights Council, 'Cooperation with the UN, its representatives and mechanisms in the field of human rights', A/HRC/RES/36/21, 29 September 2017, <http://undocs.org/A/HRC/RES/36/21>.

<sup>15</sup> <https://www.ishr.ch/news/hrc39-l-states-largely-decline-cite-specific-cases-during-councils-first-discussion-reprisals>

groups at risk.

The San José Guidelines envisage the appointment within each treaty body of a rapporteur or focal point on intimidation or reprisals to coordinate proactive implementation of the policy, which includes receiving and assessing allegations, and determining the appropriate course of action.

To date, nine Treaty Bodies out of ten have adopted the San José Guidelines or a policy on reprisals. The Committee on the Elimination of Discrimination Against Women (CEDAW) became the latest treaty body to endorse the San José Guidelines in 2018, leaving the Committee on Economic Social and Cultural Rights (CESCR) as the only treaty body that has not formally endorsed or adopted the guidelines or a policy on reprisals.

During their annual meeting in June 2018, the Chairs expressed concern at the reported increase of acts of intimidation and reprisals against those who were cooperating, had cooperated, or sought to cooperate with the treaty bodies, in particular human rights defenders. The Chairs further recommended that the practices of the treaty bodies in implementing the San José Guidelines, including the role of focal points and rapporteurs be further aligned, including by sharing good practices in that regard. The Chairs also encouraged focal points and rapporteurs in the various treaty bodies to work together between sessions as needed and recommended that treaty bodies make information about reprisals available on their websites. Finally, for their 31st annual meeting, the Chairs requested the Secretariat to prepare a paper on the role of focal points and rapporteurs with respect to reprisals against those who were cooperating, had cooperated or sought to cooperate with the treaty bodies, including good practices in that regard.<sup>16</sup>

In response to the call by the Chairs of the treaty bodies to identify good practices and the roles of focal points and rapporteurs with respect to addressing reprisals, OHCHR and the International Service for Human Rights (ISHR) jointly organised a workshop in Geneva on 12 and 13 December 2018, together with Amnesty International and the NGO Network on UN Treaty Bodies. The objective of the workshop was to facilitate a discussion between focal points and rapporteurs on reprisals and other members of treaty bodies to help develop a common understanding of the scope and impact of the issue and to identify good practices and proposals to align the roles and approaches of the treaty body rapporteurs and focal points on reprisals. The outcome of the workshop includes a compilation of good practices in handling reprisals and a set of recommendations by participants. The recommendations touch on a range of issues including: the role of the rapporteurs or focal points on reprisals, preventative and further measures (for state party reviews, monitoring visit and inquiries, individual complaints, awareness-raising), coordination with other mandates, mechanisms or procedures, as well as monitoring the implementation and dissemination of the San José Guidelines.<sup>17</sup>

In April 2019, the Secretariat developed a shared internal repository of information and a common webpage on reprisals against those cooperating with the treaty bodies. The common webpage sets out information on the role of the rapporteurs and focal point and on how to submit information

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<sup>16</sup> [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=a/73/140](https://www.un.org/en/ga/search/view_doc.asp?symbol=a/73/140) at page 16.

<sup>17</sup> <https://undocs.org/HRI/MC/2019/2>.

on reprisals.<sup>18</sup>

## **SPECIAL PROCEDURES AND UN EXPERTS**

In line with the commitment made by Special Procedures mandate holders, the annual report on their 25<sup>th</sup> meeting included a section on acts of intimidation and reprisals.<sup>19</sup> The report noted that Special Procedures continued to take up cases concerning acts of intimidation and reprisal, not only in relation to their work, but also to the wider United Nations system in the field of human rights. Mandate holders used communications, public statements, press releases, reports and meetings with various stakeholders to express their serious concern at all such acts. The annual report also notes that Special Procedures also addressed issues related to ensuring access to the United Nations, and raised concerns about the role played by the Committee on Non-Governmental Organizations in that context. Furthermore, the report notes that the Coordination Committee of Special Procedures has been encouraged to continue to address issues related to reprisals for cooperation with the UN on human rights.

The report also notes that, during a discussion with the focal point on reprisals of the Coordination Committee, Gabor Rona, mandate holders stressed the need to secure a complete record of cases addressed by mandate holders through communications, reports, public statements and other means, to allow for a comprehensive assessment of the situation and the identification of trends. Mandate holders also said that those engaging with special procedures should be informed about the various mechanisms at their disposal to raise allegations and that more cooperation with other UN entities on this issue should be further explored.

As of 11 June 2018, the focal point of the Coordination Committee for that issue was Jose Guevara.

### **Attacks against mandate holders**

ISHR continues to be very concerned about attacks of a personal nature against Special Procedure mandate holders, as well as members of Expert Mechanisms and Commissions of Inquiries<sup>20</sup> by several UN member States. ISHR views these attacks as reprisals against mandate holders for their work to investigate and report on allegations of human rights violations and abuses. It is wholly unacceptable that these individuals have been targeted simply for trying to fulfil the mandates given to them by the Human Rights Council. Beyond the impact on these individuals themselves, these acts of intimidation and reprisal constitute an attack on the Human Rights Council and the UN human rights system more broadly. We are particularly concerned at the proliferation of attacks, which speaks to a ‘copycat’ phenomenon regarding States’ tactics to effectively discredit, disparage, defame, threaten, and otherwise undermine these experts, ultimately hampering their abilities to fulfil their mandates. Furthermore, prominent UN experts being attacked without consequence may deter civil society from engaging with the mechanisms and is likely to increase fear in those seeking the protection of the UN.

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<sup>18</sup> <https://www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx>.

<sup>19</sup> [http://www.ohchr.org/Documents/HRBodies/SP/A-HRC-37-37\\_EN.docx](http://www.ohchr.org/Documents/HRBodies/SP/A-HRC-37-37_EN.docx).

<sup>20</sup> See also <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

In April 2019, the ASG noted his profound regret at the continued harassment of the Special Rapporteur on the Rights of Indigenous Peoples, **Vicky Tauli-Corpuz** by her own Government, presumably in retaliation for her important work in defending indigenous rights in the Philippines.<sup>21</sup>

Of concern as well are attacks against office holders, for example Ambassador **Koki Muli Grignon** of Kenya, who was subjected to unprecedented attacks, including cyberbullying, while she held the office of facilitator of the 63<sup>rd</sup> session of the Commission on the Status of Women (CSW).<sup>22</sup> A number of delegations denounced the attacks and expressed sympathy for Ms. Muli Grignon during the final meeting of the CSW. Ms. Muli Grignon told the CSW that she did not feel safe, felt pushed around, and described being the subject of an online petition and receiving almost 1,000 text messages.

## UN COMMITTEE ON NGOS

The UN's Committee on NGOs, which recommends NGOs to the Economic and Social Council (ECOSOC) for consultative status, has continued to come under fierce criticism for failing in its core task of giving civil society a voice at the UN and for deviating from the guiding principles in ECOSOC resolution 1996/31 in its handling of applications for consultative status.<sup>23</sup>

Some Member States on the Committee have continued to defer applications by posing questions on issues that applicants are not required to provide information on, or through repetitive questioning. Human rights organisations still face an approximate 50% greater likelihood of being deferred than other kinds of NGO applicants. Amongst human rights organisations, those most likely to be targeted include those working on the rights of LGBTI people, women's rights, sexual and reproductive rights, the rights of minorities, freedom of expression and association, and caste-based discrimination.

Since applying for accreditation in 2008, the **International Dalit Solidarity Network (IDSN)** has received 90 questions from the Committee – all posed by India. The questioning of IDSN has never been directly challenged by any Committee member during the open session. This is but the most egregious example of an unreasonable deferral of an application by the NGO Committee, which constitutes a reprisal against an NGO for seeking to cooperate with the UN.

The worrying practice by Committee members of baseless accusations of terrorist affiliation or sympathy against accredited NGOs or applicant NGOs continued. During the 2018 resumed session, NGO Committee member China took the floor to make unfounded accusations of terrorism against Uighur human rights defender Dolkun Isa, and to seek to expel NGO **'Society of Threatened Peoples' (STP)** from the UN. China sought the withdrawal of ECOSOC

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<sup>21</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24513&LangID=E>

<sup>22</sup> <http://www.unwomen.org/en/news/stories/2019/3/speech-ed-phumzile-closing-csw63>.

<sup>23</sup> <https://www.ishr.ch/news/ngo-committee-accusations-terrorism-remain-unretracted>

<https://www.ishr.ch/news/un-ngos-relationship-must-evolve-take-full-advantage-civil-society-expertise>

accreditation from the Society of Threatened Peoples (STP) on the basis that it had enabled Isa—who they accused of terrorism—to participate in the 2018 Permanent Forum on Indigenous Issues (UNPFII). China had made every effort to deny Isa's entry into the Forum and in 2017 had him expelled from the Forum despite his registration for the event.

During the resumed session of the Committee, several States, including Germany and the US, made strong statements rejecting China's accusations, but Isa himself was not given an opportunity to respond. Because Committee sessions are now webcast, the accusations made against Isa during the session were widely disseminated.

China ultimately withdrew its attempt to secure the withdrawal of STP's accreditation, but noted that its original position—including its accusations against Isa—'remains unchanged'. It also stated that it would 'closely monitor STP's activities in the UN including in the Human Rights Council' to ensure, amongst other things, that it 'refrain from appointing any terrorist as its representative'.

The Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, on the situation of human rights defenders, on the rights of indigenous peoples, on minority issues, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism sent a joint communication (CHN 13/2018) to China on 11 July 2018. They expressed serious concern about attempts to prevent Isa from participating in UN fora, despite having received full accreditation, and to revoke the consultative status of the STP. The Special Procedures' Communications Report to the Human Rights Council shows a reply to the multiple-mandate communication was received from China on 31 July 2018. The reply is still being translated nine months later.<sup>24</sup>

Member States working within multilateral institutions are legally obligated to ensure the full and effective participation of civil society. The Declaration on Human Rights Defenders affirms 'the right, individually and in association with others, to unhindered access and communication with international bodies'.<sup>25</sup> The Committee on NGOs must ensure apolitical, fair and transparent consideration of all NGO applications for consultative status.

ECOSOC and the Committee on NGOs are legally obliged to exercise their functions consistent with international human rights standards that include the rights to due process, non-discrimination, and the fundamental freedoms of expression, association and assembly. These standards apply in the interpretation and application of ECOSOC Resolution 1996/31, in respect of the Committee on NGOs when developing and applying its own procedures and practices and making recommendations in relation to NGO consultative status, and in respect of ECOSOC to reject recommendations made in a manner inconsistent with, or that do not comply with, international human rights standards.

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<sup>24</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34273>.

<sup>25</sup> General Assembly resolution 53/144 (1998)  
<http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

## REGIONAL MECHANISMS

### Inter-American Commission on Human Rights

The Commission does not have a mechanism explicitly dedicated to monitoring and responding to reprisals, but has the capacity to send 'requests for information' to States regarding allegations of reprisals, to adopt 'precautionary measures' to prevent irreparable harm to someone, and to issue press releases.

Under Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute, the Commission can request information from a member State on the measures adopted by them in matters of human rights.<sup>26</sup> This is a confidential procedure in which the Commission can raise allegations of human rights violations with member States and require States to respond within a timeframe (usually 15 days).

Requests for information sent to States do not need the approval of the entire Commission. The requests for information are handled by the IACHR Rapporteur on human rights defenders,<sup>27</sup> and require further approval by the relevant country rapporteur and the President of the Commission. Thus, action can be taken relatively quickly (usually within a week).

The IACHR has the capacity to request States to adopt 'precautionary' or 'interim' measures to prevent irreparable harm to someone.<sup>28</sup> These precautionary measures have been requested in cases where human rights defenders are facing reprisals.<sup>29</sup>

The mechanism for precautionary measures is established in Article 25 of the Rules of Procedure of the IACHR<sup>30</sup>, that in serious and urgent situations, the Commission may, on its own initiative or at the request of a party, 'request that a State adopt precautionary measures. Such measures, whether related to a petition or not, shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to subject matter of a pending petition or case before the organs of the inter-American system.' The measures may be of a collective nature to prevent irreparable harm to persons due to their association with an organisation, a group, or a community with identified or identifiable members.

The IACHR also frequently addresses the issue of reprisals in its end of session reports and press

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<sup>26</sup> American Convention on Human Rights, 22 November 1969, <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>, OAS General Assembly, Statute of the Inter-American Commission on Human Rights, October 1979, <http://www.oas.org/en/iachr/mandate/basics/statuteiachr.asp>.

<sup>27</sup> <http://www.oas.org/en/iachr/defenders/default.asp>.

<sup>28</sup> Inter-American Commission on Human Rights, Resolution 8/18, 21 February 2018, <http://www.oas.org/en/iachr/decisions/precautionary.asp>.

<sup>29</sup> See for instance, the precautionary measure adopted in favour of a Venezuelan human rights defender Inter-American Commission on Human Rights, Resolution 9/15, 20 March 2015 <https://www.oas.org/es/cidh/decisiones/pdf/2015/MC71-15-es.pdf>.

<sup>30</sup> Inter-American Commission on Human Rights, Rules of Procedure, Article 25, available at <http://www.oas.org/en/iachr/mandate/basics/rulesiachr.asp>.

releases.<sup>31</sup> These reports and press releases may contribute to shining light on the State's activities and making it harder for authorities to act with impunity against human rights defenders. Press releases are frequently used in situations in which defenders experience reprisals related to their participation in sessions of the IACHR. Press releases can be particularly useful for countries that do not react to requests for information and precautionary measures.

Several civil society organisations and defenders attending IACHR hearings have also adopted the practice of making specific requests at the end of a hearing exhorting the concerned State not to take any reprisals against those who have collaborated with the IACHR. The Commissioners that are present in the hearings generally respond to these requests by reminding the concerned State of its obligations under Article 63 of the Rules of Procedure of the IACHR. In some circumstances, Commissioners have also expressed their concern regarding statements made by the State representatives during the hearings.

Nonetheless, these mechanisms have not been consistently used to address allegations of reprisals. The IACHR should implement a consistent and coherent response to allegations of reprisals and intimidation and clearly communicate to human rights defenders what avenues they can pursue when they are exposed to these risks.

### **African Commission on Human and Peoples' Rights**

The African Commission created a monitoring mechanism by extending the mandate of the Special Rapporteur on Human Rights Defenders to include the role of Focal Point on Reprisals following the 'grave concern' expressed by the Commission in the face of frequent and serious reprisals against civil society activists, particularly human rights defenders.<sup>32</sup> This ought to provide the basis for a systematised response, but has yet to be fully operational despite being in existence since May 2014.

In order to operationalise the mandate of the Focal Point on reprisals and contribute effectively to the prevention and fight against reprisals, the Special Rapporteur organised a regional meeting with civil society actors in February 2015 to brainstorm on appropriate strategies to be adopted in order to adequately address the issue of reprisals. Three important documents were adopted at the end of this meeting: a Procedural Guide for Communication between the African Commission's Focal Point on Reprisals, Alleged Victims and States Parties; a form to collect and transmit information relating to allegations of reprisals and intimidation of human rights defenders; and a Briefing and guidance note on communication with the African Commission focal point on reprisals. At the time of writing these documents had yet to be published.<sup>33</sup>

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<sup>31</sup> Report on the 161<sup>st</sup> Session of the IACHR, Annex to Press Release 35/17, [http://www.oas.org/en/iachr/media\\_center/docs/report-161.doc](http://www.oas.org/en/iachr/media_center/docs/report-161.doc); Report on the 168th Session of the IACHR, Press Release No. 104/1, [http://www.oas.org/en/iachr/media\\_center/PReleases/2018/104.asp](http://www.oas.org/en/iachr/media_center/PReleases/2018/104.asp).

<sup>32</sup> ACHPR/Res.273 (LV) 14 of 12 May, 2014.

<sup>33</sup> Mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, End Of Mandate Report, presented by Madam Reine Alapini-Gansou, Commissioner and Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, November 2017 [http://www.achpr.org/files/sessions/61st/inter-act-reps/295/comm\\_gansou\\_srhrrd\\_61\\_act\\_report\\_eng.pdf](http://www.achpr.org/files/sessions/61st/inter-act-reps/295/comm_gansou_srhrrd_61_act_report_eng.pdf).

The mandate of the Focal Point on reprisals should be operationalised without further delay.

### **Council of Europe**

The Secretary-General of the Council of Europe put in place a new mechanism in May 2017 to assist human rights defenders who believe that they have been subject to reprisals for their interaction with the Council of Europe. This procedure is specific and distinct from [the European Court of Human Rights](#) procedures and the activities of the [Parliamentary Assembly](#) and the [Commissioner for Human Rights](#) on this area.

At that time, the Secretary-General appointed a member of the Private Office as the Focal Point to coordinate the response and any action required in cases that are reported to various bodies of the Council of Europe. That staff member reports directly to the Secretary-General.

Since then a number of cases have been brought to the attention of the mechanism and examined carefully. In these cases, the Office of the Secretary General reported that the causal link between the allegations of reprisals and the defenders' interaction with the Council of Europe was not established.

In order to ensure that the mechanism works as effectively as possible, the Private Office has sought the experience of other international organisations with similar procedures. Discussions have been held with the OSCE and the UN (including with Michel Forst, United Nations Special Rapporteur on the situation of Human Rights Defenders) as well as with NGOs and national delegations in Strasbourg. As a result, the existing criteria for establishing causal link, and the possibility of direct reporting from defenders to the Office of the Secretary-General, are now under consideration. Further information is expected to be provided to the [Committee of Ministers](#) as well as in the Secretary-General's 2019 report to be submitted to the Helsinki Ministerial.

## **IV. NATIONAL LAWS FOR THE RECOGNITION AND PROTECTION OF HUMAN RIGHTS DEFENDERS**

The legal recognition and protection of defenders is crucial to ensuring that they can work in a safe, supportive environment, free from attacks, reprisals and unreasonable restrictions.

In 2016, ISHR developed in consultation with over 500 defenders from every region a [Model Law for the Recognition and Protection of Human Rights Defenders, which was then settled and adopted by 28 of the world's leading human rights experts and jurists](#).<sup>34</sup> The Model Law provides authoritative guidance to States on how to implement the UN Declaration on Human Rights Defenders at the national level and specifically contains provisions relating to the protection of defenders from reprisals.

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<sup>34</sup> <https://www.ishr.ch/news/model-law>.

In March 2019, ISHR made a Submission to the 2019 UN Secretary-General's report on 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights' outlining Good practices in the legal and policy framework at the national level to ensure the right to participation at the international level.<sup>35</sup> The submission puts forward arguments for a legislative response by individual States and provides a brief review of the extent to which the national human rights defender laws and policies have addressed the right to unhindered access to and communication with international bodies, and the obligation to prevent and ensure protection from intimidation and reprisals.

## V. THE ISSUE OF SELF-CENSORSHIP

In October 2018, the ASG noted that he is conscious that there are gaps in information, including because of the serious risk that human rights defenders, journalists and others face for sharing information, and that the cases the mandate receives may be just the tip of the iceberg. He noted that he is aware many cases go unreported, in addition to those that are not included because consent has not been obtained from the victims or their families. He further noted that he is also aware that his office is likely to receive information from countries where there is a relatively vibrant civil society who have been able to engage with the UN (and then suffered reprisals). This comment was made to explain that the report presents a slightly distorted picture insofar as there is more coverage of those countries than of others which may be even more closed and repressive and where it is impossible for the UN to engage with civil society at all.<sup>36</sup>

This point is evidenced when comparing indices on civil society space, civil liberties, and press freedom. In 2019, Freedom House listed 13 countries as being the "Worst of the Worst", i.e. having the worst scores for political rights and civil liberties.<sup>37</sup> Of those 13, a majority (9) are not mentioned in the 2018 Reprisals Report.<sup>38</sup> In CIVICUS' Monitor, which tracks civic space, 23 countries are listed as being 'closed' as of April 2019.<sup>39</sup> Of those 23 'closed' countries, a majority (12) are not included in the 2018 Reprisals Report.<sup>40</sup> Similarly, in the Reporters without Borders' 2019 Press Freedom Index there are 19 countries listed as having the 'very serious' situations for journalists and the press.<sup>41</sup> Of those 19 a majority (11) are not included in the 2018 Reprisals

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<sup>35</sup> <https://www.ishr.ch/ishr-submission-sg-report-reprisals-good-practices-legal-and-policy-framework-national-level>

<sup>36</sup> <https://www.ohchr.org/Documents/Issues/Reprisals/CommentsReprisalsEvent24Oct2018.docx>

<sup>37</sup> <https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat>

<sup>38</sup> The thirteen countries are Syria, South Sudan, Eritrea, Turkmenistan, North Korea, Equatorial Guinea, Saudi Arabia, Somalia, Sudan, Tajikistan, Uzbekistan, Central African Republic and Libya. The nine that are not listed in the 2018 reprisals report are Syria, Eritrea, North Korea, Equatorial Guinea, Somalia, Sudan, Tajikistan, Central African Republic and Libya.

<sup>39</sup> <https://monitor.civicus.org>

<sup>40</sup> The twenty-three countries are Azerbaijan, Bahrain, Burundi, Central African Republic, China, Cuba, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Iran, Laos, Libya, North Korea, Saudi Arabia, South Sudan, Sudan, Syria, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam and Yemen. The 12 that are not listed in the 2018 reprisals report are Azerbaijan, Burundi, Central African Republic, Equatorial Guinea, Eritrea, Laos, Libya, North Korea, Sudan, Syria, Vietnam and Yemen.

<sup>41</sup> [https://rsf.org/en/ranking\\_table](https://rsf.org/en/ranking_table)

Report.<sup>42</sup>

Six countries (Syria, Eritrea, Equatorial Guinea, Libya, North Korea and Sudan) appeared in all three of the indices described above, but did not appear in the 2018 Reprisals Report. In addition, six countries (Central African Republic, Yemen, Laos, Azerbaijan, Vietnam and Somalia) appeared in two of the three indices, and were also not cited in the 2018 Reprisals Report.

## VI. CASES OF INTIMIDATION AND REPRISALS

During the reporting period, ISHR received information regarding a number of allegations of intimidation and reprisals against human rights defenders and others cooperating with the UN and its human rights mechanisms, including follow up on cases previously submitted. Follow-up information has been bolded.

### BAHAMAS

In October 2018, **Alicia Wallace** of Equality Bahamas participated in the review of the Bahamas by the CEDAW. In response, Ms. Wallace was subjected to hate speech by Rodney Moncur, a local radio personality, including drawing false equivalency between LBTQ+ sexual relations and bestiality, the effect of which has been to create an unsafe environment for Ms. Wallace and other women human rights defenders. Mr. Moncur's threats and irresponsible speech and actions have not elicited a response from the government. Mr. Moncur first harassed Ms. Wallace via his Facebook page in 2014, leading to death and rape threats.

### BRAZIL

Two acts of intimidation were carried out against Brazilian citizens by State officials on March 15th and 19th, 2019, during two side events held at the United Nations headquarters in Geneva and Vienna, respectively. The first side event, entitled "New Authoritarianism: Implications for Human Rights and Civil Society," took place on March 15th in Palais des Nations, in Geneva, during the Human Rights Council's 40th session. Among the panellists was **Jean Wyllys de Matos Santos**, an LGBTI rights activist and former Brazilian congressperson, who was elected last year for a third congressional term but who left the country due to multiple death threats.<sup>43</sup> Mr. Wyllys was forced to leave Brazil due to multiple death threats based on his sexual orientation and his work in favour of LGBTI rights in Brazil. In 20 November 2018, the Inter-American Commission on Human Rights issued precautionary measures in favour of Mr. Wyllys and his family in Brazil. After analysing the evidence, the IACHR considered that Wyllys was facing a serious and urgent situation and requested Brazil to take all necessary measures to protect his

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<sup>42</sup> The nineteen countries in the 2019 report are Turkmenistan, North Korea, Eritrea, China, Vietnam, Sudan, Syria, Djibouti, Saudi Arabia, Laos, Iran, Cuba, Yemen, Bahrain, Azerbaijan, Equatorial Guinea, Somalia, Egypt and Libya. The 11 that are not listed in the 2018 reprisals report are North Korea, Eritrea, Vietnam, Sudan, Syria, Laos, Yemen, Azerbaijan, Equatorial Guinea, Somalia and Libya.

<sup>43</sup> <https://www.theguardian.com/world/2019/jan/24/jean-wyllys-brazils-openly-gay-congressman-leaves-job-country-amid-death-threats>.

and his family's rights to life and physical integrity, and also to investigate the threats he had been receiving and prevent their repetition.<sup>44</sup> After Mr. Wyllys delivered his speech at the event, the Brazilian Permanent Representative to the United Nations in Geneva, Ambassador Maria Nazareth Farani Azevedo, stated that Mr. Wyllys had "abandoned his voters to travel the world to disseminate fake news", that LGBTI people were not being persecuted in Brazil and that it was 'a shame' to use the UN platform to spread criticism against her country. After making this statement, the Ambassador stood up to leave without listening to Mr. Wyllys' response, repeating loudly that his presence at the UN was an embarrassment to the country.

The second side event was held on March 19th during the 62nd session of the Commission on Narcotic Drugs (CND), at the Vienna International Centre. It was focused on the militarization of public security across the Americas and policies aimed at reducing drug supply. Among the panellists invited to speak at the event was **Luciana Zaffalon**, a researcher and Secretary of the Brazilian Drug Policy Platform, a network of 50 NGOs, collectives and experts advocating for reform of drug policies based on human rights and harm reduction. Ms. Zaffalon gave a presentation on the situation in Brazil, highlighting the federal military intervention in the city of Rio de Janeiro, and its consequences in terms of violent deaths. After the panellists spoke, a man who introduced himself as the General Coordinator of the Brazilian Federal Police specifically addressed Ms. Zaffalon, saying that he did not agree with the data because the people she was talking about were "criminal people". He repeatedly interrupted Ms. Zaffalon, including when she pointed out that the information came from official sources. "I also have data," he replied, "I am a federal police officer, I am the general coordinator of the federal police", clearly using his position as a tool for intimidation. The situation grew increasingly tense, to the point where the event moderator was forced to interrupt. Ms. Zaffalon felt particularly intimidated by the fact that a high-ranking police officer participating in a UN meeting as part of a country's delegation would publicly justify extrajudicial executions committed by law enforcement officials.

## **BURUNDI**

In July 2016, the Public Prosecutor at the Court of Appeal of Bujumbura requested the President of the Bar Association to disbar lawyers **Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana**. The four lawyers had contributed to a joint shadow report submitted to the Committee against Torture for the consideration of the special report of Burundi, and three of them had attended the interactive dialogue between Burundi and the Committee against Torture on behalf of the Burundian civil society organisations they represented.

The Committee against Torture sent a letter to the State Party on 5 August 2016 asking for information on the measures taken to stop all reprisals against members of civil society working with the Committee. On 11 August 2016, the State replied by stating that the request for disbarment had been made within the framework of on-going criminal investigations of these lawyers.

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<sup>44</sup> <http://www.oas.org/es/cidh/decisiones/pdf/2018/85-18MC1262-18-BR.pdf>.

On 16 January 2017, the Court of Appeal of Bujumbura disbarred Arnel Niyongere, Dieudonné Bashirahishize and Vital Nshimirimana, and suspended Lambert Nigarura for a period of one year and denied him participation in the Conseil du l'Ordre des Avocats for a period of five years.

The Committee against Torture considers the verdict of the court as an act of reprisal for their engagement with the Committee and the UN human rights system.<sup>45</sup> Communications were sent by the President of the Committee and the Rapporteur on reprisals in February 2017 to the Representative of the Permanent Mission of Burundi in Geneva.

**In terms of follow up, to date, no reply has been received by the CAT from Burundi. The lawyers remain disbarred. The decision of the Court of Appeal has still not been communicated to the lawyers, thus preventing them from being able to appeal the decision further.**

## **CAMEROON**

**Maximilienne Ngo Mbe** and **Alice Nkom**, senior leaders of the Network of Human Rights Defenders in Central Africa (REDHAC) have been intimidated and harassed due to their human rights work in Cameroon. In a press conference on 9 October 2017, the Minister of Communication and Spokesman of the Government of Cameroon publicly threatened REDHAC, Ngo Mbe and Nkom for condemning the violation of human rights in the so-called Anglophone crisis.<sup>46</sup> Furthermore, on 20 October 2017, police surrounded REDHAC offices, and as a result both Ngo Mbe and Nkom were required to go to extraordinary lengths to escape the scrutiny of those that surrounding them to travel to Geneva. On 30 May 2017, Ngo Mbe received death threats, as well as death threats to members of her family. On 8 October 2017, four young men physically assaulted Ngo Mbe. Nkom continues to receive insults from strangers, intimidation and permanent denigration for her work related to the protection of LGBTI people and the fight against the criminalisation of homosexuality. Mbe and Nkom travelled to Geneva to present their report to the UN Human Rights Committee from 23 to 25 October 2017.

**In terms of follow up, on 26 October 2017, special procedures mandate holders expressed concern about the increasingly threatening nature of the physical attacks on and intimidation and harassment of Ms. Maximilienne Ngo Mbe, and Ms. Alice Nkom.<sup>47</sup>**

**In October 2018, Ms. Maximilienne Ngo Mbe was surveilled by plain clothes officers of the intelligence service outside REDHAC offices, has since been followed by an unmarked car and also noticed another unmarked car carrying out surveillance of the REDHAC offices. When leaving the country, she is subjected to additional questioning and receives anonymous phone calls upon return welcoming her back into the country, indicating that**

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<sup>45</sup> [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT\\_CAT\\_RLE\\_BDI\\_26799\\_F.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_RLE_BDI_26799_F.pdf).

<sup>46</sup> Governmental Cameroon Tribune published October 10.

<sup>47</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23417>.

her movements are being monitored. The incidents of surveillance and following happen regularly but were particularly heightened between October and December 2018. Since November 2017, she has also been subject to harassing text messages in the middle of the night calling her a liar, including by the Vice-President of the National Commission on Human Rights and Liberties, Pr. James Mouangué Kobila. She has been regularly and seriously harassed since 2009.

## CHINA

During and after the visit of the Special Rapporteur on extreme poverty, Philip Alston, to China in August 2016, certain individuals he met or was supposed to meet 'were subjected to what appear to be acts of intimidation and reprisal'.<sup>48</sup> **Jiang Tianyong**, a prominent legal rights activist who met Alston on his trip, disappeared on 21 November 2016. A press release from UN experts in December 2016 indicates that his disappearance is considered to be in the context of his human rights work, and in part due to his efforts to cooperate with the UN human rights mechanisms, including the Special Procedures.<sup>49</sup> The Special Rapporteur on extreme poverty made a specific reference to Jiang Tianyong during the presentation of his country mission report to the Human Rights Council in June 2017.<sup>50</sup> Making a 'special plea' to China to release him, the Special Rapporteur stated that the charges were 'the equivalent of a legal sledgehammer and should have no place in such contexts.' Jiang Tianyong was accused of inciting subversion of State power. A State-run newspaper published a purported interview with him in March 2017 in which he allegedly confessed to peddling 'fake news' to overseas media. A group of Special Procedures mandate holders expressed concern that his alleged confession in August 2017 to seeking to overthrow China's political system, may have been coerced by the use of torture in September 2017.<sup>51</sup>

Jiang was found guilty of the incitement charge on 21 November 2017 by the Changsha Intermediate People's Court and sentenced to two years in prison. A group of Special Procedures mandate holders condemned the verdict. That month, a group of Special Procedures mandate holders appealed to the Government of China to unconditionally release him. In March of 2018, a group of Special Procedures mandate holders expressed deep concern over his deteriorating health.<sup>52</sup>

**In Opinion 62/2018, the Working Group on Arbitrary Detention determined that the deprivation of liberty of Jiang contravened articles 9, 10, 11 and 19 of the Universal Declaration of Human Rights, is arbitrary and falls within categories I, II and III. They noted that 'mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations', and that the source's allegation that the detentions took place in the context of 'a nationwide crackdown on human rights lawyers'**

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<sup>48</sup> A/HRC/35/26/Add.2.

<sup>49</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987#sthash.dH7MxnQP.puf>.

<sup>50</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>.

<sup>51</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028>.

<sup>52</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>.

was not rebutted by the government.

The Secretary General's report of September 2018 reported the Chinese government responses about the arrest and indictment of Jiang, which clearly ignore the preceding determinations of the UN Special Procedures. However, it concludes by stating clearly that 'the Government did not address the allegations of reprisals'.

Jiang was formally released from prison on 28 February 2019. Unfortunately, his release was deeply problematic, and he remains subject to deprivation of personal liberties and to invasive monitoring and surveillance.

On the day of Jiang's release, he was taken away in a police vehicle. For approximately 48 hours neither his whereabouts, nor those of his father and sister who went to meet him at the prison, were known.

He was returned to his parents' village in Luoshan County, Henan Province on 2 March, and continues to live with them under constant monitoring from state security. His digital communications, including with his wife and daughter in the U.S. and with colleagues and friends in the country, are regularly monitored. In-person meetings with others in the human rights community who have visited Jiang since his release have also been threatened, with state security seeking to monitor and surveil the conversations.

Jiang has not received an independent medical check-up. His family and colleagues have reported that he looked much thinner, that his vision was poor, and that he suffered from serious memory loss and high blood pressure. In the first weeks of his 'release', his back was also injured, and he could not sit comfortably in a chair for more than a very short period.

Jiang reports being followed in the village by plainclothes guards, and that the villagers have been threatened not to talk to him. He, his family and colleagues who visit are regularly harassed by the state security officers, often wearing plainclothes and without identification badges. His primary ask is to be able to travel, including to the U.S. to see his wife and daughter whom he has not seen in more than six years.

In October 2016, Alston told the Chinese Government that he had received information that the wives of two detained lawyers had allegedly been intimidated and harassed, with one of them allegedly arrested, partly in retaliation for their 'cooperation' with him. The Chinese Government's official response to the communication stated that neither **Wang Qiaoling's** nor **Li Wenzu's** movements were restricted, nor were they illegally monitored or harassed. Contrary to China's claims that the two women are not surveilled or targeted, a group of Special Procedures sent an additional communication about on-going harassment on 28 April 2017.<sup>53</sup> In April 2018, media reports covered the wives' commemoration of Wang Quanzhang's 1000 days in detention,

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<sup>53</sup> CHN 5/2017 available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23092>.

highlighting on-going intimidation tactics.<sup>54</sup>

**When Li Wenzu's husband, Wang Quanzhang, was finally tried in a secret trial on 26 December, Li was blocked from attending the trial in Tianjin. When she later tried to petition a Beijing court over the mishandling of the case, she was again prevented from entering by 'close to 50 officers'. Wang was sentenced on 28 January 2019 to four and a half years in prison on charges of 'subversion of state power', and leaked censorship directives indicate that the central government warned outlets not to 'gather news or report... comment or reprint' without prior agreement. Wang has been held incommunicado for more than three and a half years; after sentencing, his wife has been unable to confirm his presence in the Chinese prison system. She 'does not know whether he is alive or dead'.**

There continues to have been no independent investigation into the death of human rights defender **Cao Shunli** in March 2014. In 2013, Cao Shunli was arrested as a result of her campaigning for transparency and greater participation of civil society in international human rights mechanisms. State authorities at Beijing Capital International Airport stopped her as she was about to board a flight to Geneva to participate in a UN human rights training course and attend a session of the Human Rights Council. For the first five weeks following her disappearance, her family was given no information about her whereabouts. During the five months she was detained, Cao was repeatedly denied access to medical treatment. Requests by her lawyer and family to release her on medical grounds were denied. Cao's health deteriorated and she died on 14 March 2014, nominally of organ failure caused by tuberculosis.

The Committee against Torture in its 2015 Concluding Observations expressed concern over deaths in custody in China, including the case of Cao Shunli, specifically citing the lack of investigation.<sup>55</sup> Despite Cao's death being included in previous reports of the Secretary-General,<sup>56</sup> the 2017 report of the Secretary-General does not include Cao's case. To date, no independent investigation has taken place about Shunli's death, and no Chinese official or government body has been held responsible for it. At the 30th session of the Human Rights Council, the Chinese government claimed that Shunli was 'not a human rights defender' and that she had 'received good medical care.' These statements do not accord with the facts and in light of the Chinese government's on-going harassment of defenders for their human rights work, including for efforts to promote universal human rights and engage with the UN, these statements should not be seen as fulfilling any of the State's obligations to respond to these serious allegations.

In a joint statement in 2014, UN Special Rapporteurs said, 'the death of Cao Shunli is a tragic example of the results of criminalisation of the activities of human rights defenders in China and reprisals against them. It is unacceptable that civil society activists pay the ultimate price for peaceful and legitimate interaction with the UN and its human rights mechanisms.'

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<sup>54</sup> <https://www.theguardian.com/world/2018/apr/06/its-been-1000-days-wife-of-jailed-chinese-lawyer-on-march-for-answers>; <https://www.japantimes.co.jp/news/2018/04/11/asia-pacific/li-wenzu-wife-detained-chinese-rights-lawyer-wang-quanzhang-house-arrest/#.Wvn4b6Qvwkl>, <https://www.rfa.org/english/news/china/colleagues-04302018113935.html>.

<sup>55</sup> CAT/C/CHN/CO/5.

<sup>56</sup> A/HRC/27/38 and A/HRC/30/29.

The UN Special Procedures released [a statement on 14 March 2019](#), reiterating their call for justice on the fifth anniversary of the death of Cao Shunli: ‘The criminalisation of human rights defenders, such as Cao Shunli, for their interaction with United Nations human rights mechanisms represents an unacceptable form of reprisal by Chinese authorities.’

The government did not respond, formally or informally and there has still been no investigation. When NGOs raised Cao’s case at the adoption of China’s UPR report on 15 March 2019, the head of delegation, Mr LE Yucheng, responded that: ‘[These cases] are not about human rights issues, but about judicial independence and sovereignty.’

Another NGO reported intimidation during the 40<sup>th</sup> Session of the Human Rights Council, where members of the Chinese delegation made repeated attempts to listen in on private conversations between the NGO and representatives of Permanent Missions. The NGO had to arrange alternative meeting spaces to be able to conduct meetings without fear of reprisals. In addition, attempts were made by the Chinese delegation to photograph the NGO’s representatives in the Serpentine, and it’s panellists and attendees after side events. This is not the first time the NGO’s representatives have faced intimidation at the Human Rights Council; panellists from a side event at the 37<sup>th</sup> session found were being closely monitored for the duration of the session.

The Chinese delegation has frequently disrupted proceedings and dominated opportunities for questions and answers during UN side events by interjecting with statements, complaints and claims, as evidenced on at least four occasions during the 40<sup>th</sup> Human Rights Council session.

In an interview with China Central Television (CCTV) published on 22 December 2018, former UN Under-Secretary-General & head of the [UN Department of Economic and Social Affairs \(DESA\)](#) Wu Hongbo said he represented Chinese national interests in his position as a UN official, saying he ordered that World Uyghur Council President **Dolkun Isa** be expelled from the 2017 Permanent Forum on Indigenous Peoples. Wu Hongbo’s actions are a clear dereliction of his responsibilities as a [UN](#) official to remain neutral and refrain from representing national authorities. By advancing [China](#)’s interests in his capacity as a high-level UN official, Wu Hongbo violated Article 100 of the UN Charter, which sets out that UN staff shall not seek or receive instructions from any government or from any other authority external to the Organisation in the performance of their duties, and refrain from any action which might reflect on their position as international officials responsible only to the Organisation. It further sets out that each Member State of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities. Wu Hongbo’s remarks also included mocking the Assistant Secretary-General for Human Rights and senior official on reprisals, who raised the incident with him, challenging him ‘if he has a problem to come look for me’ and ‘he doesn’t dare come look for me’, noting that his rank was lower than his of Under Secretary-General.

The current head of UN DESA Mr. Liu Zhenmin has also used his position to represent China’s

interests. In 2018, he tried to exclude Mr. Isa from the Permanent Forum on Indigenous Peoples. The Chinese mission then tried to revoke the status of the NGO that accredited Mr. Isa. On 17th April 2018, Mr. Isa, Vice President of the Unrepresented Nations and Peoples Organisation (UNPO) and World Uyghur Congress President, was denied entry into the meeting of the UN Permanent Forum on Indigenous Issues in New York. This was despite the fact that he had received confirmation of his registration for the Forum several weeks before, and had entered the US. Staff at the UN Department of Economic and Social Affairs (DESA) in New York cited 'security' concerns as the reason for denying him a badge to enter the UN headquarters. Diplomatic efforts made at the highest levels from at least two Permanent Missions finally led to the decision being reversed. Mr Isa was able to enter the UN building and participate at the Forum on 25 April 2018.

Isa's right to participate at the Forum was severely compromised for the second year in a row in 2018. In 2017, Isa was attending the Forum meeting in New York. Upon leaving one of the sessions, he was approached by UN security officers who instructed him to leave the premises, despite the fact he was fully accredited to participate in the event. No reason was given for this decision, and he was not permitted to re-enter the building despite his accreditation remaining valid. The following day, Isa's request for a new badge was denied, and he was asked by UN security 'not to come [there] again'. Based on past incidents and NGO and media reporting, there is reason to believe this act was the result of pressure from the Chinese delegation. For indigenous organisations, the Forum provides an important space to engage with the international community around human rights and other issues.

## **CUBA**

**Dora L. Mesa**, Executive Director of Asociación Cubana para el Desarrollo de la Educación Infantil (ACDEI) (Cuban Association for the Development of Education), was planning to travel to Geneva to participate in the UPR-Info pre-sessions associated with the UPR of Cuba on April 8 2018. However, on February 18 2018, when renewing her passport, she was advised at the passport office (Oficinas de la Dirección de Inmigración y Extranjería) that an indefinite travel ban had been imposed on her. The travel ban notes that she has been restricted from travelling due to 'Public Interest'. In Cuba, such travel bans are generally imposed in circumstances where an individual has a pending criminal or judicial charge. No such charge has been filed against Mesa.

Mesa believes this travel ban has been imposed in relation to her previous engagement with international and regional human rights mechanisms, including providing information to and attending the February 2018 session of the Inter-American Commission in Bogota, Colombia, as well as providing information to the previous UPR of Cuba in 2013, the review by the UN Committee on the Rights of the Child of Cuba's implementation of the Optional Protocol on the involvement of children in armed conflict in 2014 and the Optional Protocol on sale of children, child prostitution and child pornography in 2015, and the UN Committee on Enforced Disappearances in 2016.

Mesa was one of several human rights defenders from Cuba banned from traveling to the UPR

pre-session. During the pre-session, two of the scheduled panellists were not in attendance on account of having been detained by Cuban authorities at the airport. NGOs participating in the pre-session condemned these reprisals by the Cuban government, and noted that the OHCHR and the High Commissioner for Human Rights had been informed of the incident. During the pre-session, representatives from Germany, the Czech Republic, Sweden, Belgium, Denmark, the UK, Finland, USA, Ireland, Slovakia, Croatia and Mexico all made interventions reinforcing this point.

**In terms of follow up, Ms. Mesa's attempts to appeal to the Supreme People's Court for the return of her passport failed. Ms. Mesa and her husband continue to be harassed frequently by telephone. She has been interviewed by officers of the Cuban Political Police who have told Ms. Mesa not to have contact with any official from the OHCHR or do research on childhood in Cuba. Furthermore, Ms. Mesa was threatened at her home by a man who identified himself as a member of State Security with severe consequences, including her life should she not cooperate them. She has received death threats, threats of prosecution for "usurpation of functions". Ms. Mesa has been harassed, including on public transport. She does not leave home for fear of being attacked.**

**Juan Antonio Madrazo Luna** is a well-known and outspoken Afro-descendant human rights defender in Cuba who frequently speaks out against racial discrimination. He has also participated in human rights activities at the regional and international level, including testifying in hearings at the Inter-American Commission on Human Rights, attending the 2016 UN Forum on Minority Issues, and submitting a document for Cuba's recent review under the UPR.

Mr. Madrazo Luna is the Coordinator of the Comité Ciudadanos por la Integración Racial ('Citizen's Committee for Racial Integration,' CIR), an independent civil society organization that works to promote racial equality in Cuba.

Mr. Madrazo Luna had planned to travel to Geneva during the week of August 13, 2018 to speak on the Non-Governmental Organization (NGO) Panel during Cuba's review by the Committee on the Elimination of Racial Discrimination (CERD). However, on Friday, August 10, Mr. Madrazo Luna was ordered to appear at the Department of Immigration, one hour before a scheduled CIR event was to occur. Upon arrival, he was told by a major by the name of 'Mónica' that the Department of Immigration was imposing a travel restriction on him, under Article 25 of Law 302. While the official would not tell Mr. Madrazo Luna which provision of this article was being applied to him, he believes it was (d), which states that a person physically located in Cuba can be prevented from leaving when reasons of national security and defense so require. Mr. Madrazo Luna was told that he would not be able to leave Cuba for at least 21 days. Because of the travel restriction, Mr. Madrazo Luna cancelled his trip to Geneva.

While in the Department of Migration, two officials from a different department appeared, with the names 'Omalio' and 'Frank,' and told Mr. Madrazo Luna that he had been financing activities of the Cofradía de la Negritud ('Black Brotherhood,' another independent organization that promotes the rights of Afro-descendants in Cuba that has partnered with the CIR) and had been participating

in 'provocative activities,' including recruiting young artists from official institutions. The officials informed him that they were not going to allow the workshop that the CIR had planned the following day to occur.

The following day, Saturday August 11, 2018, the State Security agents and police officers prevented the CIR from holding an event. The event was about 'anti-cultural' policies and the regulation of Cuba's economy and was to take place in Mr. Madrazo Luna's residence. However, State Security agents and police officers staged operations early in the morning around his residence to prevent attendees from passing. Various members of the CIR were invited to the event, including artists, community leaders, and religious leaders. However, when they arrived, they were told by authorities that if they did not walk away, they would be sent to a detention facility known as the 'Vivac' in Havana.

This is not the first time Mr. Madrazo Luna has been the subject of a travel restriction or harassment by the Cuban state when attempting to participate in UN activities in Geneva. In April 2018, he was prohibited from traveling to Geneva in order to participate in the Universal Periodic Review of Cuba. He has also been prohibited from traveling on several other occasions, including twice in one week in February 2018 when he attempted to leave Cuba to travel to Costa Rica and Argentina. In September 2017, Mr. Madrazo Luna was detained overnight after asking about registering as a candidate in the upcoming election. Likewise, in on June 15, 2017, Mr. Madrazo Luna was detained and prevented from attending the General Assembly of the Organization of American States, in retaliation for the testimony he, and other members of the CIR, presented in a thematic hearing before the Inter-American Commission on Human Rights regarding the situation of Afro-descendants in Cuba, on March 21 (International Day for the Elimination of Racial Discrimination) of the same year. At the time, State officials informed Mr. Madrazo Luna that they 'were not going to permit him to put on a show at the General Assembly like he did during the hearing.'

**Norberto Mesa Carbonell** is a founding member of the Cofradía de la Negritud ('Black Brotherhood') and has been actively fighting against racial discrimination in Cuba for many years. He is an Afro-descendant and is 68 years old, and has participated in several human rights trainings outside of Cuba. In November 2017, he participated in the United Nations Forum on Minority Issues. He has also spearheaded efforts by the Black Brotherhood to submit documents for Cuba's review under the Universal Periodic Review. As a result of these activities, and in anticipation of Mr. Mesa Carbonell's interest in Cuba's review by the Committee on the Elimination of Racial Discrimination, he has suffered repression at the hands of Cuban State agents.

Mr. Mesa Carbonell was working on an alternative report to submit to the Committee on the Elimination of Racial Discrimination for Cuba's upcoming review to send on behalf of the Black Brotherhood. However, State Security agents came to his home in early July 2018 and informed him that if he submitted an alternative report to the Committee, his grandson would be found in possession of illegal drugs. Knowing this would mean his grandson would be subject to a lengthy prison sentence and fearing for his safety, Mr. Mesa Carbonell then decided not to submit the alternative report.

Subsequently, Mr. Mesa Carbonell had planned an event to take place on August 7, 2018, to celebrate the 20th anniversary of the founding of the Black Brotherhood and the 110th anniversary of the founding of the Independientes de Color en Cuba ('Independents of Colour in Cuba'), one of the first political parties organized to fight for the rights of the Afro-descendant population. The event was to take place at a location associated with the Unión Nacional de Juristas de Cuba ('National Union of Cuban Jurists' - NUCJ), a government-recognized civil society organization. Several speakers were planned to participate in the event, including on the importance of the significance of the Independents of Color in Cuba and on the role of important Cuban figures in the fight for the rights of Afro-descendants, topics that have typically been ignored in Cuban history. A speaker was also planned to discuss the proposed constitutional reform and its failure to properly address racial discrimination. Mr. Mesa Carbonell planned to speak about Cuba's upcoming review by the Committee.

The Black Brotherhood had made arrangements with the NUCJ and paid them for the use of their space for the event. The day before the programmed event, August 6, 2018, the NUCJ called the Black Brotherhood to inform them that they could no longer use the space as promised because their water pump was broken. Mr. Mesa Carbonell expressed to the representative from the NUCJ that this was unacceptable because the event did not require any water and only needed to use the auditorium space, so they would still come the next day.

On August 7, 2018, around 5:00 or 5:30 in the morning, State Security officials pounded on Mr. Mesa Carbonell's door and demanded that he get dressed. The officials forced Mr. Mesa Carbonell to get into a patrol car and took him to a police station, where he was held in a cell until approximately 3:00 in the afternoon. While he was in detention, he was told a State Security agent wanted to interview him. The State Security agent told Mr. Mesa Carbonell that State Security was acting to interrupt an 'enemy conspiracy plot' and had intervened because they had information that an event paid for by 'the enemy' that he was involved in was going to take place that day. They also asked him if he had plans to travel to Geneva. When he was finally released, the authorities informed him that they were not going to charge him with anything, but that the purpose was to 'have a conversation' with him.

Despite Mr. Mesa Carbonell's detention, other members of the Black Brotherhood held the event anyway. Police were present at the site of the event and were checking identification of participants. Some were threatened and turned away, but many attended anyway.

This is not the first time Cuban authorities have tried to prevent members of the Black Brotherhood from holding events on racial discrimination in Cuba. In March 2017, Cuban authorities informed Mr. Mesa Carbonell that the Black Brotherhood was 'prohibited' from holding an event that was planned to commemorate the International Day for the Elimination of Racial Discrimination.

The **Asociacion Pro Libertad De Prensa (APLP)** aims to strengthen freedom of expression and the press in Cuba. The Cuban authorities have refused to approve the registration request of the organisation since its establishment in 2006. The ALPL's main activities include the monitoring

and documentation of violations against journalists, submitting information to international human rights mechanisms, and providing legal aid to journalists and their families.

The APLP believes that the acts of reprisal and intimidation described below, including police summonses, raids, confiscation of personal items, and travel bans, are due to their engagement with the UN on freedom of the press in Cuba. The incidents outlined below are highlights of a series of attacks by the Cuban authorities against members of the APLP.

In September 2017, the APLP began submitting information to the UN regarding human rights violations against journalists in Cuba. On 28 September, 2017, the APLP submitted a Universal Periodic Review (UPR) report on the situation of freedom of expression and freedom of the press in Cuba. Between 27 to 30 November 2017, the President of the APLP, **Mr. Jose Fornaris**, and member of the APLP, **Ms. Odalina Guerrero Lara**, participated in the Forum on Minority Issues (the Forum) in Geneva. On 29 November, Mr. Fornaris spoke at the Forum about the case of Karla Perez Gonzalez, a student journalist who was expelled from the Marta Abreu Central University of Las Villas in Santa Clara for working with Somos+, a youth organization that is critical of the government. During the intervention, the Cuban delegation, through a point of order, accused Mr. Fornaris' organisation of working for the United States.

Since the APLP started to engage with the United Nations, the attacks against them have intensified. On 13 December 2017, **Mrs. Amarilis Cortina Rey** (a member of the APLP and also the wife of Mr. Fornaris) was questioned by two police officials from State Security Section 21 on the Press, about her activities with the APLP. The police suggested that Mr. Fornaris had “raised the stakes”, referring to his participation at the Forum, and that “they will not permit it...if he continues as this, they will not allow him to leave the country again”. On 1 February 2018, Ms. Guerrero Lara was summoned by the National Revolutionary Police (la Policia Nacional Revolucionaria-PNR) for supposedly residing in an illegal house. During the conversation on this issue, two police officers from the Political Police—State Security Section 21 on the Press—threatened to imprison her, to “disappear” her, and to ban her from leaving the country for her engagement in “political” activities.

On 12 February 2018, Mr. Fornaris and Mrs. Rey were summoned to the police station on a charge of “spreading false news”. On 24 February 2018, four members of the APLP: Mr. Fornaris, Ms. Rey, Ms. Miriam Herrera Calvo, and Mr. Julio Cesar Alvarez Lopez were banned from travelling from La Habana to Trinidad y Tobago to attend a meeting with the Institute for Reporters in War and Peace. In the National System of National Identification (SUIN) database, the four appear as “regulated”. On 12 April 2018, Ms. Guerrero Lara was banned from travelling to Jamaica to participate in a workshop. On 24 April 2018, Mr. Fornaris' request for passport renewal was rejected on the basis that he has an ongoing travel ban. On 30 May 2018, police officers searched Mr. Fornaris' home, which is also the headquarters of the APLP and seized several items used for APLP's work including printers, computers, laptops, cameras, recorders, mobile phones, USB sticks. They arrested Mr. Fornaris, took him the police statement and later released him in the same day.

On 12 February 2019, Mr. Fornaris went to the Public Prosecution to inquire about the status of his complaint for the violations by the State Security and National Revolutionary Police during the raid on his house in May 2018. He had filed the complaint on 30 Nov. 2018. The complaint could not be found despite Mr. Fornaris' being in possession of a receipt from having filed it. He and his wife are still under a travel ban.

## EGYPT

Law 70/2017 regulating civic associations was adopted in mid 2017 over the [strenuous objections of Egyptian rights organisations and political parties](#).<sup>57</sup> Its practical effect is to eradicate human rights advocacy. Egyptian civil society has called for its repeal.<sup>58</sup> The law will have devastating effects on the engagement of NGOs in Egypt with the UN.

A particular effect of the law is to severely curtail the ability of Egyptian NGOs to engage with the UN, which is considered a reprisal for their engagement in the country's UPR in 2014. Ahead of the UPR in November 2014, NGOs were given an ultimatum to register with the Ministry of Social Solidarity under the deeply restrictive Law 84/2002. The Ministry had further proposed a new draft bill on associations. After receiving threats as well as a general worsening climate of intimidation, many members of Egyptian NGOs decided to not attend the UPR working group's session fearing their participation might result in reprisal or possible persecution.

Under Article 19 of the Civil Associations and Foundations Bill, civil society will be effectively prohibited from cooperating with the UN without prior approval.<sup>59</sup> Further, Article 87 provides that anyone found to have breached any article, including Article 19, shall be punished by imprisonment of 1-5 years and a fine between 50,000 Egyptian pounds (approximately USD 2,800) and 1 million Egyptian pounds (approximately USD 55,650).

**In terms of follow up, President Abdel-Fattah El-Sisi announced on November 5, 2018, that he welcomed revisions to Law 70, which he signed into law in May 2017. Despite assurances from the Egyptian government that the NGO law has yet to be implemented pending regulations and further review, the law remains a threat to NGOs' ability to function, with many organizations self-censoring, or closing their doors to avoid prosecution and intimidation, or because of an inability to access funding. Days before President Sisi's meeting with President Trump in Washington, the Minister of Social Solidarity announced on 5 April 2019 that the government would draft a new law and**

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<sup>57</sup> <https://cihrs.org/مصر-6-احزابو-22-منظمة-يرفضون-قانون-الجمعي/?lang=en>.

<sup>58</sup> <https://cihrs.org/egypt-a-year-after-the-laws-approval-by-the-egyptian-parliament-rights-groups-no-alternative-but-to-repeal-new-association-law-revision-pointless/?lang=en>.

<sup>59</sup> Unofficial translation: *'It is permissible for an association to cooperate, join, associate, or participate in a civil activity, with another association or entity, domestic or foreign, that does not contradict its mandate, on the condition that it submits a request for and receives a permit from the administrative body.'* Complementary bylaws set out regulations for cooperating, joining, associating, or participating with the domestic or foreign entity, as well as the data and information necessary for the permit request. Associations may appeal the decisions pertaining to this issue before the relevant court.

submit it to the parliament.<sup>60</sup> The new draft law has not been made public. The announcement may be a public relations effort to respond to concerns about the NGO law previously expressed by the US government, rather than a serious effort to address the problems in the current law.

In an urgent [joint statement](#) on 15 September 2017, the Chair of the UN Working Group on enforced or involuntary disappearances (WGEID) and the Special Rapporteur on the situation of human rights defenders expressed dismay about the arrest of lawyer and activist, **Ibrahim Abdelmonem Metwally Hegazy**. Metwally, the co-founder of the Association of the Families of the Disappeared - a network of families of forcibly disappeared in Egypt - was arrested and prevented from boarding a flight to Geneva on 10 September to attend the 113th Session of the WGEID. Metwally founded the Association of the Families of Disappeared following the disappearance of his son in July 2013, whose whereabouts remain unknown.

The WGEID and Special Rapporteur denounced the way he is treated, stating that 'the fact that Metwally was arrested while en route to meet the Working Group suggests that this is an act of reprisal for his cooperation with a UN human rights mechanism, as well as a deliberate obstruction of his legitimate human rights activity to seek to establish the fate and whereabouts of his son and other disappeared people in Egypt.' Metwally's whereabouts remained unknown for two days following his arrest. Metwally reported that he was tortured during that time.

The UN experts called on the Egyptian authorities to, '[immediately provide us with all relevant information concerning his arrest and detention, to fully ensure Mr Metwally's right to physical and psychological integrity as well as to due process.](#)' The experts expressed serious concern with regard to the allegations that Metwally had been tortured. Their statement has also been endorsed by the UN Working Group on Arbitrary Detention.

Since the arrest, he has been charged with 'running a group that was illegally established, spreading false news, and cooperating with foreign organisations'. He was issued with a 15-day detention order and transferred to the Maximum-Security Prison known as Scorpion (*al-Aqrab*) at the Tora Prisons Complex in Cairo, a prison notorious for inhumane detention conditions and the ill-treatment of prisoners.

**In terms of follow-up, since then Metwally's pre-trial detention continued to be renewed. On the 15<sup>th</sup> of April 2019, the Court ordered his release, but the Prosecution appealed, and the appeal was accepted, thus renewing his detention for another 45 days. The conditions in detention are inhumane, being solitary in a dim and dirty cell with little ventilation and no visitors. He reported his conditions of detention both when he was originally detained and in pre-trial detention to the prosecutor, however no investigation has taken place.**

**Dr. Hanane Othman** is a human rights defender who documented cases of enforced disappearances in Egypt for submission to the WGEID, she also assisted women in inquiring

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<sup>60</sup> <https://www.egyptindependent.com/egypts-government-to-introduce-all-new-law-on-ngos/>

about their disappeared relatives.

On 6 May 2017, Dr. Othman went to the Al Qanater Al Khayriyah Prison in the Governorate of Qalyubiya to inquire about the whereabouts of her husband, Khaled Mohamed Hafez Mohamed Azzedine, who was disappeared four years earlier following arrest by State security agents. However, in response a group of National Security forces, some wearing uniforms and others civilian clothes, proceeded to arrest her without any warrant or informing her of the reasons for her arrest. She was taken to an unknown police station close by the Al Qanater prison, where she was subject to severe psychological pressure while being interrogated for long hours. Despite her requests, she was not allowed to inform her family of her whereabouts.

The next day, Dr. Othman was brought before the Public Prosecutor of Shubra El Kheima of the Qalyubiya Governorate and was officially charged with 'joining a banned group' and 'forming a women's organisation'. Since her arrest, her pre-trial detention at the Al Qanater Al Khayriyah Prison for women has been continuously extended every 45 days in spite of her lawyer's requests to release her in the absence of evidence or any reason justifying her detention. She remains subjected to severe psychological pressure; however, she is now able to receive family visits.

On 9 June 2017, a complaint was submitted on behalf of Dr. Othman to the Special Rapporteur on the situation of human rights defenders, requesting the expert to urgently intervene and call on Egyptian authorities to immediately release her, to put an end to the prosecution and drop all charges brought against her.

On 22 November 2017, the Working Group on Arbitrary Detention (WGAD) issued [Opinion Number 78/2017](#) on 18 individuals, including Dr. Othman, in which it characterised her detention as arbitrary under categories I, II and III, and recommended that the appropriate remedy would be to release her immediately and accord her an enforceable right to compensation and other reparations, in accordance with international law. The WGAD underlined that the sole reason for her arrest was her peaceful activism and referred her case to the Coordination Committee of Special Procedures and the Assistant Secretary-General for Human Rights in his capacity as senior official on reprisals.

**In terms of follow up, Dr. Othman remained in detention until she was released provisionally on 25 April 2019. The Cairo Criminal Court ordered her release on 13 April 2019 and the appeal courts refused the public prosecutor's appeal against this order on 15 April. She was deported from Al-Qanater prison to the police station but remained in detention until her provisional release on 25 April 2019. Her case is still pending.**

Egyptian authorities carried out reprisals against people who engaged with the UN Special Rapporteur on adequate housing, during her visit to Egypt from September 24 to October 3, 2018. A joint statement issued by the Special Rapporteurs on adequate housing and on the situation of human rights defenders described the attacks as 'a worrying pattern of reprisals against individuals and communities directly related to the visit of the Special Rapporteur on the right to housing.' Witnesses said that several people who met with the Special Rapporteur's team or

provided them with information experienced reprisals. This included the demolition of several homes, the incommunicado detention of one man for two days, summons for interrogation in police stations, and a travel ban against one lawyer. During her visit, the Special Rapporteur visited several areas in Cairo to investigate the right to adequate housing. In Manshiyet Naser, an area in Western Cairo known for unsafe housing conditions and where authorities have been carrying out forced evictions, residents and lawyers operating in the area confirmed that police officers arrested one man the Special Rapporteur had met with several days earlier. The police held him incommunicado for two days, before releasing him without charge. In addition, on October 22, the authorities demolished several houses in the neighbourhood, including at least one belonging to someone with whom the Special Rapporteur had met.

These cases are taking place in the context of a whole-scale repression campaign that the government has been leading to crush civil society and independent organizations by means of intimidation, arbitrary arrests, unfair prosecutions, and travel bans, among other abusive measures.

## **HONDURAS**

On 2 March 2017, **Hedme Castro**, General Coordinator of a Honduran NGO called ACI-Participa, was arbitrarily detained by three security guards, including one from their criminal investigation department, at the airport in Tegucigalpa. This happened as she was about to board a plane to Geneva to take part in a side-event of the UN Human Rights Council. Claiming a random inspection of her luggage, airport security proceeded by interrogating her on the purpose of her visit to Geneva, as well as to why she was carrying information regarding the situation of human rights in the country. During her 30-minute detention in the security office, Ms. Castro was not allowed to make any phone calls, and she was not shown any detention order by the guards.

Five days later, on March 7, as she was driving to her office in Tegucigalpa, she found that her car had been sabotaged during the night. She proceeded to denounce the event to the Public Ministry, but due to logistical problems, her charge was never processed. The intimidation has continued. On 21 April, a car without plates and with tinted windows drove around the ACI Participa office a few times and then parked in front of the office for a few hours, driving away when a staff member left the office. At 1<sup>st</sup> of May protests, members of ACI Participa (including Castro) were subjected to verbal assaults by members of a company that operates in a region where ACI Participa is helping the local indigenous community that is fighting against the company. Since ACI Participa has worked in the area, its members have been surveilled, 'persecuted' and photographed. On 21 July, Ms. Castro and her two daughters were followed and hit by a man on a motorbike as they were driving. The same man later stood outside a restaurant they took refuge in. Ms. Castro has since received a number of intimidating phone calls in which the caller says nothing and eventually hangs up.

**In terms of follow up, on 30 November 2018, Ms. Castro was invited by the UN to participate in a meeting as an expert on defender protection in Washington D.C.. She was detained at the airport again and searched by a team of three men and a woman from the special forces**

**trained to detect explosive substances and toxic substances. After she had been through security and immigration she was searched again at the entrance to the plane in front of people who were boarding and felt humiliated by the experience.**

**On 6 April 2019, in the city of Choluteca, the National Honduran Police launched tear gas at individuals connected to ACI PARTICIPA. Police officers on motorcycles threw a tear gas grenade at Julia Vargas, Hedme Castro's mother. On the same evening, a tear gas grenade was also thrown at the office of a TV network where Hedme Castro's sister and a volunteer of ACI PARTICIPA were working. A third grenade was directed at a softball camp, where members of the La Libertad neighbourhood were gathered.<sup>61</sup>**

## **INDIA**

On 14 September 2016, **Khurram Parvez**, a Kashmiri human rights defender – the Chairperson of Asian Federation Against Involuntary Disappearances (AFAD) and Program Coordinator of Jammu Kashmir Coalition of Civil Society (JKCCS) – was prevented from travelling from the Indira Gandhi International airport in Delhi to Geneva Switzerland to attend the UN Human Rights Council. Parvez was detained for one and a half hours, and subsequently told that due to orders from the Intelligence Bureau, he could not travel to Geneva. In his capacity as the Chairperson of AFAD and Program Coordinator of JKCCS, Parvez had highlighted violations of human rights. During his visit to Geneva, Parvez intended to brief UN bodies, including the UN High Commissioner for Human Rights, on the situation in Jammu and Kashmir, particularly over the two months prior, and participate in India's UPR. JKCCS has already submitted a report on the role of the Indian State in Jammu and Kashmir as a part of the UPR process.

Parvez was detained under a preventive detention law on 16 September 2016 and was sent to Kupwara district jail in Jammu and Kashmir. On 19 September the Srinagar District and Sessions judge quashed the detention, calling it illegal. Upon the release from Kupwara jail, Parvez was re-arrested just outside the jail and brought back to Srinagar where on 20 September, the Deputy Commissioner Srinagar ordered his detention under Jammu and Kashmir Public Safety Act (PSA), the infamous preventive detention law, under which a person can be detained from 6 months to two years. The conditions in jails across Jammu and Kashmir are generally not good and are not disabled friendly. Parvez's family's request for him to be moved to a closer jail was disregarded and he was sent to Kot Bhalwal Jail, Jammu, more than 300 kilometers away. It was hard for Parvez to use the bathroom using crutches, and the quality of the food in the jail was very low and caused several ailments. Parvez was detained for a period of 76 days. He was released on 30 November 2016 following the decision of the Jammu and Kashmir High Court that he had been imprisoned arbitrarily and that the authorities had abused their power in ordering his detention.

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<sup>61</sup> <https://www.frontlinedefenders.org/en/profile/hedme-castro>.

In terms of follow up, following his arrest under the PSA Parvez learned that the government had established First Information Reports (FIRs) against him.<sup>62</sup> Currently three FIRs remain against Parvez. Regarding the first FIR (78/2016), the last hearing was on 3 March 2019 during which the case was heard. The next hearing is on 23 April 2019. Challan has been produced.<sup>63</sup> The state has not produced any witnesses so far. There were 7 accused, all of whom have been granted amnesty by government except Khurram Parvez. In the second FIR (No 74/2016), the case was last heard on 27 March 2019 and the next hearing is on 9 May 2019. Challan has been produced. There is a total of 12 accused in the case and no witnesses have been produced in the case so far. The third case (FIR No 72/2016) was last heard on 22.02.2019 and next hearing is on 17.05.2019. There are six accused in the case. Challan has been produced but no witnesses have been produced in the case so far.

## **KYRGYZSTAN**

On 25 June 2018 the Committee on Migrant Workers (CMW) addressed the Government regarding the designation as extremist material of a submission by civil society organizations **Anti-Discrimination Centre Memorial** and **Bir Duino Kyrgyzstan**. The decision came from the Oktyabrsky District Court in Bishkek following their submission of an alternative report to the Committee ahead of its review of Kyrgyzstan in April 2015. The report addressed the obligations of the Government to protect the rights of Kyrgyz migrant workers.

In terms of follow up, on 22 October 2018, the Supreme Court reinstated the period of appeal for the January 2017 decision and annulled the decision of the Oktyabrski Court in its entirety, thus lifting the 'extremist materials' designation at least temporarily and reinstating the right of ADC Memorial to carry out its activities in Kyrgyzstan. The matter was remanded to the Oktyabrski Court for reconsideration. The decision came as a result of the argument made by Bir-Duino's lawyer that Kyrgyz authorities failed to notify either organisation of the decision, stripping ADC Memorial and Bir-Duino of the right to defend themselves in court or appeal the decision. On 16 January 2019 the Oktyabrsky District Court in Bishkek considered the case again and left it without consideration.<sup>64</sup> At the time of writing ADC Memorial is able to act legally in the country.

## **MALAYSIA**

**Rizal Rozhan**, of Persatuan Kesedaran Komuniti Selangor (EMPOWER), and **Numan Afifi**, of

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<sup>62</sup> 'First Information Reports' are core documents that describe a crime that has been committed. 74/2016 of R. M. Bagh Police Station under section 307, 147, 148, 336, 149 RPC.

72/2016 of R. M. Bagh Police Station under section 147, 148, 336, 332 RPC.

78/2016 of R. M. Bagh Police Station under section 147, 148, 336 RPC.

39/2016 of Zadibal Police Station under section 147, 148, 149, 336 RPC.

<sup>63</sup> 'Challan' refers to a preparation document of accusation prepared by law-enforcement agencies that usually refers to one or more First Information Reports (FIRs), and charges an individual or an organization for some or all of the crimes specified in those FIRs.

<sup>64</sup> The Court did not reject it but rather refused to consider it due to the mistakes in the appeal.

the Pelangi Campaign and Challenger, are members of the Coalition of Malaysian NGOs in The UPR Process (COMANGO), the leading rights-based coalition in the UPR process in Malaysia. On 14 March 2019, during the deliberation of Malaysia's UPR Outcome under Item 6 at the 40th session of the Human Rights Council, Numan and Rozhan delivered interventions representing the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and the International Service for Human Rights (ISHR), respectively. On 16 April 2019, Numan was called in by the Royal Malaysian Police Headquarters in Bukit Aman for an investigation related to the intervention in Geneva. Numan was contacted by the "Classified Unit" or "Unit D5", which deal with, inter alia, Sedition Act cases. This is also the same unit that raided EMPOWER Malaysia in 2016. This is also taking place in the context of fundamentalists groups in Malaysia sharing a video on Facebook of a speaker from Alliance Defending Freedom (ADF) vilifying them for 'interfering' into Freedom of Religion and Belief in Malaysia. Numan and Rozhan are visible in the video.<sup>65</sup>

## MEXICO

In September 2016, the UN Committee against Torture took the unprecedented step of requesting protective measures as a consequence of ongoing reprisals and intimidations faced by the complainants and their advocates in a case of arbitrary detention and torture of four individuals by Mexican soldiers.<sup>66</sup> The victims had submitted an individual complaint to the Committee against Torture in March 2012, with the Committee finding violations of several provisions of the Convention Against Torture in August 2015.<sup>67</sup> The Committee had already requested Mexico to adopt interim measures in October 2013 to provide the appropriate specialised medical care and support required by one of the victims for injuries he sustained to his ears, with which Mexico did not comply.

The Mexican authorities have failed to implement the protective measures, as well as the reparation measures set out in the Commission's decision. An update on the status of the implementation of the decision was submitted to the Committee in December 2017. The submission confirmed that the State had not complied with the request to adopt protective measures and urged the Committee to call on the State to adopt and implement those measures given the on-going acts of reprisal and intimidation taking place.

The two victims who remain deprived of liberty have been held in extremely precarious conditions with no regard to their condition as victims of torture, they have been transferred without prior notice to prisons with even harsher conditions, and one has been diagnosed with medical conditions and has not since received any treatment. In regard to the victims that were released, their families continue to face harassment and stigmatisation, to the extent that they were forced to change residences.

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<sup>65</sup> <https://www.facebook.com/watch/?v=698265027255874>

<sup>66</sup> [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MEX/INT\\_CAT\\_JUR\\_MEX\\_59\\_25952\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MEX/INT_CAT_JUR_MEX_59_25952_S.pdf).

<sup>67</sup> CAT/C/55/D/500/2012.

In a hearing at the IACHR session in May 2018 in Santo Domingo, this case featured among the emblematic examples used of criminalisation of torture victims and their defenders in Mexico.<sup>68</sup>

**In terms of follow up there have been security incidents reported which concern one of the victims, Ramiro López, and his sister, Mayra López. Ramiro was detained on two new occasions since October 2018, when he was driving with his work vehicle, by the State police of Baja California and at a joint municipal-state-military check point. He was stopped and asked to show identification and only allowed to proceed after 45 minutes, without giving any valid reason for holding him up. Mayra Lopez reports having been followed and intimidated several times in the last two years, the last time in January 2019, when there was a man outside her house waiting in a vehicle, who seemed to be waiting for her to come out. When she went out to get her car, he followed her. Rodrigo Ramírez, the other victim who is not in jail, was forced to relocate to another state due to constant harassment faced by him and his family. The two victims who remain in pre-trial detention are experiencing serious health issues which are the direct consequence of the acts of torture endured, compounded by the conditions of detention in which they are held with no coverage of their health needs, their condition as torture victims, and very limited family visits and calls. Complaints have been filed in that regard with the State Human Rights Commission.**

## **MOROCCO**

In November 2016, the Committee against Torture (CAT) found that Morocco had breached six provisions of the Convention against Torture and had committed acts of torture against Sahrawi human rights activist **Enaâma Asfari**.<sup>69</sup> Asfari had been campaigning for the self-determination of Western Sahara, a former Spanish colony that remains under Moroccan occupation despite a 1992 UN ruling for a referendum on independence, which has yet to be complied with. In their decision, the CAT requested that Morocco provide redress and compensation to Enaâma Asfari, and ‘refrain from any form of pressure, intimidation or reprisals ... and enable the complainant to receive visits from his family in prison’. However, following the CAT’s decision, the complainant was subjected to a range of vexatious actions, and his relatives were not able to visit him in prison. In a letter to Morocco, the CAT underlined the “seriousness of the allegations” of reprisals and called on Morocco to fully comply with the Committee’s decision.<sup>70</sup>

Naâma Asfari’s wife, **Claude Mangin-Asfari**, was able to visit her husband held in Kenitra prison in the Rabat region of Morocco, on 14 and 15 January. It is hoped this is a first step towards greater respect for the rights of Saharawi detainees. The resumption of visits follows an intense campaign led by Claude Mangin-Asfari since she was banned from entering Morocco in October 2016. She went on a hunger strike for 30 days to protest the ban, stopping only after having obtained the commitment of the French government to mediate with the Moroccan authorities on

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<sup>68</sup> [https://www.youtube.com/watch?v=NhF0JaNk90s&list=PL5QlapyOGhXtsMXZJufgB9OeUbP6\\_I5Gk&index=10](https://www.youtube.com/watch?v=NhF0JaNk90s&list=PL5QlapyOGhXtsMXZJufgB9OeUbP6_I5Gk&index=10)

<sup>69</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/093/43/PDF/G1709343.pdf?OpenElement>.

<sup>70</sup> [https://tbinternet.ohchr.org/Treaties/CAT/Shared Documents/MAR/INT\\_CAT\\_RLE\\_MAR\\_8705\\_F.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MAR/INT_CAT_RLE_MAR_8705_F.pdf).

the resumption of visits.<sup>71</sup>

## PHILLIPPINES

On April 5, 2019, **Karapatan**, a prominent human rights organisation in the Philippines, filed letters of allegation to United Nations Special Rapporteurs over cases of threat, harassment and intimidation, particularly the red-tagging and terrorist-labelling of organizations, in line with the Duterte government's counterinsurgency program.

In the complaints filed, Karapatan said that under the Duterte government, there is a surge in the violations on the right to freedom of association and of human rights defenders, including reprisals on those who engage with UN human rights mechanisms. Karapatan cited defamatory propaganda materials circulated in public places and online, most recently in December 2018 and February 2019. The letter also emphasized the systematic red-tagging of the Duterte government through the issuance of Executive Order No. 70 last December 4, 2018, which created a National Task Force to End Local Communist Armed Conflict (NTF). The NTF has attempted to discredit the reports Karapatan sends to the UN as a basis for smear and vilification campaigns, including efforts to 'defund' the organisations they targeted. Karapatan condemns the NTF's reported conduct starting in February 2019 in Europe, where military and intelligence officials made rounds among diplomatic missions to wrongfully label and vilify the aforementioned Philippine human rights organizations as terrorists and communist fronts.

Karapatan view such actions as clear reprisals for their human rights work, specifically their advocacy and reports regarding the dismal human rights situation under the Duterte administration. Karapatan also views such acts as meant to dissuade international actors from providing resources to human rights work, research and humanitarian support. Thus, this situation imperils the many efforts of human rights defenders and various organizations to access and inform the international community of rights violations and the over-all human rights situation in the Philippines, and their initiatives to provide services for marginalized indigenous, peasant and urban poor communities. More so, these forms of terrorist-labelling and red-tagging have resulted in the killings of human rights defenders, criminalization of their work and beliefs, illegal arrests and detention, torture and other violations of the people's right to uphold and defend rights, to form organizations and to conduct human rights work.

## RUSSIA

**Johannes Rohr**, a German national, is a representative of the International Work Group for Indigenous Affairs (IWGIA in Copenhagen, Denmark), and the Institute for Ecology and Action

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<sup>71</sup> [https://www.acatfrance.fr/bonne-nouvelle/claude-mangin-asfari-a-enfin-pu-rendre-visite-a-son-mari-naama-asfari-?utm\\_source=abonn%25C3%25A9s+newsletter+ACAT-France&utm\\_campaign=e21fb6eb25-EMAIL\\_CAMPAIGN\\_2019\\_02\\_13\\_03\\_07&utm\\_medium=email&utm\\_term=0\\_1959ec8e84-e21fb6eb25-315119357](https://www.acatfrance.fr/bonne-nouvelle/claude-mangin-asfari-a-enfin-pu-rendre-visite-a-son-mari-naama-asfari-?utm_source=abonn%25C3%25A9s+newsletter+ACAT-France&utm_campaign=e21fb6eb25-EMAIL_CAMPAIGN_2019_02_13_03_07&utm_medium=email&utm_term=0_1959ec8e84-e21fb6eb25-315119357).

Anthropology (INFOE in Cologne, Germany). Mr. Rohr has focused since the mid 1990s on the promotion and protection of indigenous peoples' rights in the Russian Federation. In the context of that work he has engaged international human rights mechanisms (CERD, CESCR, CCPR, UPR, FNCM), and regularly submitted shadow reports, parallel reports, stakeholder submissions and others since 1997.

In late November 2018, Mr. Rohr attended the 7th UN Forum on Business and Human Rights, where he made a number of comments on the situation of indigenous peoples. During the session, representatives of the Russian mission were present and took the floor immediately after Mr. Rohr and disputed his comments.

On 19 December 2018, Mr. Rohr flew to Moscow for a work meeting and was denied entry to Russia at Domodedovo airport, despite having received a 12-month humanitarian visa a month earlier. Several hours later, the Federal Security Service (FSB) gave Mr. Rohr a document informing him that he is banned from the country until 23 January 2069, which would be his hundredth birthday. The document gives no reasons and refers to paragraph 27 of Federal Law 114, which contains a list of reasons a person holding a valid visa can be denied entry. The FSB staff did not provide reasons and advised Mr. Rohr to follow up with the Russian embassy in Berlin.

Mr. Rohr's unlocked mobile phone was taken from him for several minutes. Mr. Rohr spent the night and half of the next day together with approximately 10 people also awaiting deportation. There were no beds or mattresses provided, and food was extremely scarce. While a canister of water was provided, the only drinking vessels provided were dirty cups. The next day Mr. Rohr was flown back to Berlin.

In January 2019, Mr. Rohr sent an inquiry to the FSB, asking for the reasons for his deportation. In response the FSB only reiterated that the ban was based on Federal Law 114, paragraph 27 and that its duration was until 23 January 2069. A judicial complaint is currently being considered in Russia. During a first hearing held on 20 March 2019, the judge accepted the FSB's argument that the reasons for the entry ban are a state secret and therefore referred the case to the Moscow City Court.

Because of the sequence of events, Mr. Rohr believes that he has been banned from entering Russia as a reprisal for his work on indigenous peoples' rights, in particular his participation and public statements at the UN Forum on Business and Human Rights.

## **SAUDI ARABIA**

### **Context of arrests of Saudi women human rights defenders since May 2018**

A Royal decree was issued in 2017 announcing that women would be allowed to drive as of 24 June 2018, offering the illusion that Saudi Crown Prince Mohammed bin Salman was a

progressive reformer. However, following the announcement, women's rights activists were specifically warned by the royal court to remain silent and told not to give media interviews or post on social media. Shortly after, at least 19 human rights defenders were arrested since in May 2018. Some of them are facing charges with up to 5 years' imprisonment.

Saudi authorities detained over a dozen of prominent advocates for women's rights, including leaders and supporters of the #Right2Drive and #IAmMyOwnGuardian campaigns who dared to speak openly about human rights violations in the country and are critical of the discrimination against women. On 18 May 2018, ten Saudi women's rights' defenders were arrested and a public smear campaign was launched to discredit them, calling them 'traitors of the State'.

Among the ten arrested women rights defenders was **Loujain al-Hathloul**, who has been campaigning against the ban on women car drivers; **Aziza Yousef**<sup>72</sup> who had been also advocating for abolishing the male guardianship system in Saudi Arabia; and **Dr. Aisha al-Manea**, **Dr. Ibrahim al-Modeimigh**<sup>73</sup> and **Mohammad al-Rabea** who had been campaigning for women's rights issues in Saudi Arabia.

During the same crackdown on women activists **Dr. Eman Al-Nafjan**<sup>74</sup>, founder and author of the Saudiwoman's Weblog, who previously protested the driving ban was also arrested; together with **Abdulaziz Al-Mesha'al**<sup>75</sup>; and **Ibrahim Fahad Al-Nafjan**. Reports have also confirmed the arrests of **Dr. Hessa Al-Sheikh**, **Dr. Madeha Al-Ajroush**, and **Walaa Al-Shubbar**,<sup>76</sup> who participated in the first women's protest movement for the right to drive in 1990, in which 47 women were arrested for driving, had their passports confiscated to ban them from travelling and were fired from their jobs. They are all academics and professionals who supported women's rights and women's survivors of violence. On 23 May, 2018, **Dr. Al-Manae** was released from custody, possibly due to illness.

On 19 May 2018, the official Saudi Press Agency (SPA) publicly acknowledged the arrest of seven of the activists (naming six of them) and accused them of treason and conspiracy against the country, stating that they are charged with 'organising for trespassing the country's religious and national foundations, suspicious communication with foreign entities recruiting people working in government positions, funding hostile groups abroad to undermine Saudi national security, stability, social peace and to destroy the social cohesion.' Shortly after, the media outlets started naming and shaming the detained defenders in print social media platforms calling them 'traitors' and 'embassy's agents'.

In October 2018, a [statement](#) was signed by 179 international and regional human rights organisations, civil society organisations (CSOs) and groups calling for the release of the WHRDs and to hold Saudi Arabia accountable for its human rights violations. The kingdom ignored the

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<sup>72</sup> Aziza Yousef was released in March 2019.

<sup>73</sup> Dr Ibrahim al-Modeimigh was released in December 2018.

<sup>74</sup> Eman Al-Nafjan was released in March 2019.

<sup>75</sup> Abdulaziz Al-Mesha'al was released in January 2019.

<sup>76</sup> Dr. Hessa Al-Sheikh, Dr. Madeha Al-Ajroush, and Walaa Al-Shubbar were later released in May 2018.

protests while continuing to carry out severe violations against the human rights community. In November 2018, human rights organizations began reporting that [Saudi interrogators tortured at least four of the women](#), including by [administering electric shocks, whipping the women on their thighs, and sexually harassing and assaulting them](#).

On 1 March 2019, Saudi Arabia's public prosecution agency announced that the women's rights activists would face charges and be put on trial. A joint statement by 36 countries on 7 March 2019 called on Saudi Arabia to, inter alia, release the women. The statement named 10 defenders arrested last year in the crackdown: **Loujain Al-Hathloul, Eman Al-Nafjan, Aziza Al-Yousef, Nassima Al-Sadah, Samar Badawi, Nouf Abdelaziz, Hatoon Al-Fassi, Mohammed Al-Bajadi, Amal Al-Harbi** and **Shadan al-Anezi**.

The following nine women were referred to trial on 13 March 2019: **Loujain al-Hathloul, Amal Al-Harbi, Shadan Al-Onezi, Miyya Al-Zahrani, Abeer Namankani, Hatoon al-Fassi, Eman al-Nafjan, Aziza al-Yousef** and **Nouf AbdelAziz**. They faced charges related to human rights work and contacts with foreign journalists and diplomats. At least three of the women, including **Hathloul**, were held in solitary confinement for months and subjected to abuse including electric shocks, flogging, and sexual assault. **Nouf Abdelaziz's** health has deteriorated recently and she did not appear in court, though the reason was unclear. **Loujain Hathloul** asked for another month to respond to the charges after being granted only two hours with a lawyer to prepare. A hearing on her case in mid-April 2019 was postponed but the judge didn't give a reason why. **Dr. Rokaya Mohareb** and activists **Aziza al-Youssef** and **Eman al-Nafjan** were temporarily released on 28 March 2019 but the others remain in detention.

### **Cases of reprisals related to engagement with the UN**

Shortly after her return from Geneva, where she attended and contributed to Saudi Arabia's review by the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) in March 2018, **Loujain Al-Hathloul** was kidnapped in the United Arab Emirates and returned to Saudi Arabia against her will.

This takes place in the context of considerable restrictions and attacks against defenders in Saudi Arabia (see context section above).<sup>77</sup> During that session of CEDAW, a report presented by human rights NGOs there found that there has been insufficient progress on women's rights in Saudi Arabia.<sup>78</sup> **Loujain al-Hathloul** has been targeted for her engagement with the CEDAW, has been detained since 18 May 2018, and was tortured while in detention. The charges against her include communicating and providing information to 'entities that are hostile to the King' in reference to her engagement with international human rights organisations, journalists, diplomats and UN mechanisms.

**Yahya Al Assiri** is the director of the Saudi human rights organisation AIQST which reports on

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<sup>77</sup> <https://www.hrw.org/news/2018/05/18/saudi-arabia-womens-rights-advocates-arrested>

<sup>78</sup> <https://www.gc4hr.org/news/view/1804>.

the human rights situation in Saudi Arabia, in particular regarding detainees and activists. Al Assiri regularly engages with the UN Human Rights Council through the delivery of statements and participation in side events. Most recently, in March 2019, he delivered a statement on behalf of the International Federation for Human Rights (FIDH) during the UPR adoption of Saudi Arabia, and spoke as a panellist at a side-event on Saudi Arabia organised by the World Organisation Against Torture (OMCT) on March 4, 2019. As a result of his engagement with UN mechanisms, Al-Assiri receives threats on social media. Some of the detained women human rights defenders were interrogated about Al-Assiri including explicitly regarding his engagement with the UN Human Rights Council.

### **Updates on previous cases**

**Samar Badawi**, a human rights defender and award winning activists advocating for women's rights and the release of her husband, Waleed Abu al-Khair, from prison, was the subject of a communication sent by a number of mandate holders on 6 January 2015 (A/HRC/29/50, case SAU 16/2014). On 16 September 2014, while Ms. Badawi was delivering her statement to the Human Rights Council at its twenty-seventh session, the delegation of Saudi Arabia made two points of order. Following her statement, Ms. Badawi reportedly received threats for having publicly raised the case of her husband before the Council. On 3 December, Ms. Badawi was reportedly prevented by security officials at King Abdulaziz International Airport from boarding a flight to Belgium to participate in a human rights forum, and was informed that a travel ban had been issued against her for an indefinite period.

**Samar Badawi was arrested on 30 July 2018 as part of the crackdown against women's rights activists. She was held in solitary confinement in a prison that is controlled by the State Security Presidency (Dhahban Prison, Jeddah). She was not brought to trial with the other women's rights activists.**

On 22 May 2013, **Fawzan Mohsen Awad Al-Harbi**, a prominent member of the Saudi Association for Civil and Political Rights, who had contributed to the submission of cases of arbitrary detention, torture and ill-treatment to the United Nations human rights mechanisms, was reportedly stopped by airport authorities from boarding a flight to Geneva to attend a human rights conference. In July 2013, Mr. Al-Harbi was asked to sign a pledge to terminate the Association, which he refused to do. On 26 December 2013, Mr. Al-Harbi was arrested and detained at the Al Malaz prison in Riyadh and charged with, among other things, co-founding an unlicensed organization and ignoring judicial decisions ordering its dissolution.

**On July 30, 2018, Amal al-Harbi was arrested at the same time as Samar Badawi. Amal al-Harbi is not an activist and it is believed that she was arrested as a form of pressure and retaliation against her husband, Fawzan Mohsen Awad Al-Harbi.**

## THAILAND

**Maitree Chamroensuksakul** is a human rights defender from the Rak Lahu minority group defending minority rights who has been seeking justice for the death of Chaiyaphum Pasae. Maitree reported receiving a death threat and other forms of intimidation after the killing of Pasae by the military during a checkpoint control on 17 March 2017.

On 29 May 2017, while on his way back from meeting with the Special Rapporteur on the situation of human rights defenders in Bangkok, Maitree's house was raided by policemen and officers from the Narcotics Suppression Bureau. During the raid Nawa Chaoue and Chanthana Pasae were arrested.<sup>79</sup>

Nawa was accused of being complicit in drug related offences for allegedly supplying drugs to Chaiyaphum a day before military personnel shot him. Nawa was incarcerated at the Chiang Mai Correctional Institution on 29 May 2017. Even though she was set bail at the significant amount of 2 million baht (USD20,000) and received the amount from the Justice Fund on 18 July 2017, her request for bail was denied on the basis that her charges related to drug possession and the authorities alleged they feared she would escape. Nawa was eventually acquitted on 24 April 2018. Due to the continued misuse of criminal law by the State, Maitree and other members of the Save Lahu movement continue to face risks restricting them being able to return to their villages.<sup>80</sup>

**In terms of follow up, Maitree and his family have not been able to go back and live normally in their villages due to the pending threats. On May 21, 2019 Maitree and Save Lahu group will assist the Family of Lahu activist and human rights defender Chaiyapoom Pasaes to file the civil suit against the Royal Thai Army. The Chiang Mai Provincial Court in June 2018 concluded that he had died at the hands of a soldier but did not rule on whether the extrajudicial killing was illegal.<sup>81</sup> Maitree, his family, and the Save Lahu group fear they will be subject to increased risk again once the suit is filed and thus still require protection.**

## UNITED ARAB EMIRATES

20 March 2018 marks one year since security forces arbitrarily arrested **Ahmed Mansoor**, winner of the Martin Ennals Award for Human Rights Defenders in 2015, at his home in Ajman. The authorities continue to detain him in an unknown location.<sup>82</sup>

The authorities have announced that he is facing speech-related charges that include using social

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<sup>79</sup> Joint Statement by Protection International (PI) and Asia Pacific Forum on Women, Law and Development (APWLD) on Acquittal of Nawa Chaoue, Indigenous Peoples Human Rights Defender, Co-Founder of Save Lahu Group: <http://apwld.org/joint-statement-by-protection-international-pi-and-asia-pacific-forum-on-women-law-and-development-apwld-on-acquittal-of-nawa-chaoue-indigenous-peoples-human-rights-defender-co-founder-of-save/>.

<sup>80</sup> Protection International (Protection Desk Thailand), Security Incident report latest 15 May 2018

<sup>81</sup> <http://www.nationmultimedia.com/detail/national/30347157>.

<sup>82</sup> <https://www.hrw.org/news/2018/04/09/uae-one-year-award-winning-human-rights-defender-ahmed-mansoor-whereabouts-remain>.

media websites to ‘publish false information that harms national unity.’

In the weeks leading up to his arrest, Mansoor used Twitter to call for the release of the human rights activist Osama Al-Najjar, who remains in prison despite completing a three-year prison sentence in March 2017 for peaceful activities on Twitter, as well as the release of prominent academic and economist Dr Nasser bin Ghaith, sentenced in March 2017 to 10 years for his Twitter posts. Mansoor had also used Twitter to draw attention to human rights violations across the Middle East region, including in Egypt and Yemen, and signed a joint letter with activists in the region calling on Arab League leaders to release political prisoners in their countries. He has a blog, which he used to write on various topics, including about the human rights violations he is subjected to because of his peaceful activities, as well as about the situation of freedom of expression and prisoners of conscience in the UAE.

On 28 March 2017, a group of UN human rights experts called on the UAE government to release Mansoor immediately, describing his arrest as ‘a direct attack on the legitimate work of human rights defenders in the UAE.’ They said that they feared his arrest ‘may constitute an act of reprisal for his engagement with UN human rights mechanisms, for the views he expressed on social media, including Twitter, as well as for being an active member of human rights organisations.’<sup>83</sup>

Since his arrest, Mansoor has not been allowed to make telephone calls to his family and has been allowed only two short visits with his wife, on 3 April and 17 September 2017, both under strict supervision. He was brought from an unknown place of detention to the State Security Prosecutor’s office in Abu Dhabi for both visits. The authorities have refused to inform his family about his place of detention and have ignored their requests for further visits.

In February 2018, a group of international human rights organisations commissioned two lawyers from Ireland to travel to Abu Dhabi to seek access to Mansoor. The UAE authorities gave the lawyers conflicting information about his whereabouts. The Interior Ministry, the body responsible for prisoners, denied any knowledge of his whereabouts referring the lawyers to the police. The police also said they had no information about his whereabouts. The lawyers visited Al-Wathba Prison in Abu Dhabi following statements by the authorities suggesting he was held there. However, the prison authorities told them there was nobody matching Mansoor’s description in the prison. On 29 May 2018, Mansoor was sentenced to 10 years in prison. He was also fined one million Dirhams (USD \$272,294.00) and the court ordered him to be put under surveillance for three years on his release.

**In terms of follow up, on 31 December 2018, the Federal Supreme Court in the UAE upheld the conviction, the 10-year prison term, and the fine. Mansoor is being kept in an isolation ward in Al-Sadr prison in Abu Dhabi, where he is being held in “terrible conditions” in a cell with no bed, no water and no access to a shower. His health has deteriorated greatly and he is in bad shape, moving slowly when he is allowed out of his cell. Also, he is not allowed to have proper and regular family visits. Mansoor began a hunger strike in mid-**

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<sup>83</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E>.

## March to protest poor prison conditions and his unfair trial.

### USA

On 15 March 2019, US Secretary of State, Michael Pompeo, announced that the US would revoke or deny visas to members of the ICC involved in investigations of alleged war crimes and crimes against humanity committed by US nationals in Afghanistan or elsewhere, and threatened to take other measures including economic sanctions.<sup>84</sup> Pompeo's announcement followed threats made by US National Security Advisor John Bolton in a 10 September 2018 speech to the Federalist Society. In that instance, Bolton explicitly threatened ICC judges, prosecutors, and personnel if they proceed with an investigation into alleged war crimes committed by US military and intelligence forces in Afghanistan, as well as any company or State that assists the ICC.<sup>85</sup>

The Special Rapporteur on Human Rights Defenders and the Special Rapporteur on the Independence of Judges and Lawyers said threats against the International Criminal Court must stop. The UN press release mentions that the experts are in touch with the US authorities. The action by the Special Rapporteurs came on the heels of a letter sent to the UN experts on 20 March 2019 by the American Civil Liberties Union (ACLU), the International Commission of Jurists (ICJ) and ISHR underlining that the policy is a blatant effort to intimidate and retaliate against International Criminal Court personnel as well as lawyers and advocates seeking justice for victims of alleged war crimes and crimes against humanity, and urging them to take up the situation with the US.<sup>86</sup>

### VENEZUELA

The case of **Judge María Lourdes Afiuni Mora** was included in previous reports of the Secretary-General on reprisals, from 2010-2016. Judge Afiuni had become the subject of reprisals in the form of arbitrary detention when she ordered the conditional release of Eligio Cedeño, after the Working Group on Arbitrary Detention, in its opinion No. 10/2009, had considered his detention arbitrary.<sup>87</sup> Judge Afiuni was held in prison for 14 months. She was granted house arrest for health reasons in 2011, and two years later granted parole with the condition of not leaving the country and not using social media.

In its concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela, the Human Rights Committee expressed particular concern over her situation, including over claims that she was subjected to ill-treatment and sexual assault during her detention and that those claims were not promptly investigated (see CCPR/C/VEN/CO/4, para.

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<sup>84</sup> Remarks to the Press, Michael R. Pompeo, Secretary of State, Press Briefing Room, Washington, DC, March 15, 2019, <https://www.state.gov/secretary/remarks/2019/03/290394.htm>.

<sup>85</sup> John Bolton made the remarks at the Federalist Society on 10 September 2018 <https://fedsoc.org/events/national-security-advisor-john-r-bolton-address>.

<sup>86</sup> <https://www.ishr.ch/news/reprisals-us-must-stop-threatening-international-criminal-court>.

<sup>87</sup> See A/HRC/14/19, paras. 45-47, A/HRC/18/19, paras. 87-90, A/HRC/21/18, paras. 68-69, A/HRC/24/29 and Corr.1, paras. 46-48, A/HRC/27/38, para. 46, and A/HRC/30/29, annex, para. 7.

15). The High Commissioner, in his statement of 12 November 2015 at the special meeting of the Human Rights Council on the occasion of the visit of the President of the Bolivarian Republic of Venezuela, also referred to the case of Judge Afiuni and urged the Bolivarian Republic of Venezuela to comply with the recommendations of the international human rights bodies.<sup>88</sup> The Working Group on Arbitrary Detention, in its 2015 annual report, also reiterated its concern over the continued detention under house arrest of Judge Afiuni and again called upon the Government to release her immediately and provide her with effective and adequate reparations (see A/HRC/33/50, para. 22).

**On 21 March 2019, Judge Afiuni was sentenced to a further five-year imprisonment for corruption, a move that was condemned by the Special Rapporteur on the independence of judges and lawyers as another act of reprisal against her.**<sup>89</sup>

In September 2018, **Fernando Alban**, a councilman of Primero Justicia—a dissident Venezuelan political party—joined an opposition delegation headed by former President of the National Assembly Julio Borges in New York, in the framework of the General Assembly of the United Nations. Alban was arrested upon his return to Venezuela, tortured, and died in custody under suspicious circumstances 72 hours later. Alban's family members and members of his party believe that his arbitrary detention upon arrival in Caracas was the result of reprisals for his participation in advocacy meetings in New York in the framework of the General Assembly. There is still no formal and credible response from the responsible authorities in Venezuela of what happened. Alban's lawyer, Ramón Alfredo Aguilar is now under surveillance by the Directorate General of Military Counterintelligence (DGCIM).

A team from the OHCHR visited Venezuela between 11-22 March 2019. **El Centro para los Defensores y la Justicia (CDJ)** reported the harassment of health personnel working in the context of the humanitarian emergency as well as human rights defenders and journalists involved in documenting and reporting in the context of the OHCHR visit. On 13 March 2019, Diosdado Cabello Rondón, the first president of the United Socialist Party of Venezuela (PSUV) and president of the constituent national assembly, referred in his weekly program *Con el Mazo Dando* to the blackout on 7 March, saying it was a deliberate act of sabotage timed with the OHCHR visit. He noted among the alleged perpetrators the human rights defender and journalist **Luis Carlos Díaz**, who had been arbitrarily detained and released after several appeals including High Commissioner Bachelet demanding his release. He also accused the deputies **José Manuel Olivares**, and **Gaby Arellano** of disseminating fake news on the state of hospitals throughout Venezuela.

On Monday, 25 March, several human rights organisations, some of them working on the right to health, were attacked on the pro-government news portal *Aporrea*, including the Venezuelan **Observatory of Social Conflict**, **Liliana Ortega of COFAVIC**, **Rafael Uzcátegui de Provea**. The organizations were accused of being financed by the United States, targeted and

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<sup>88</sup> OHCHR, 'Statement by the High Commissioner at the special meeting of the Human Rights Council on the occasion of the visit of the President of the Bolivarian Republic of Venezuela'.

<sup>89</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24405&LangID=E>.

delegitimized by labelling them as opposition, questioned as to their independence, and accused of presenting false information. These accusations are worrying in the context of an increasingly violent and repressive system in which NGOs and human rights defenders are considered enemies of the State. This statement was made in the framework of the visit of the OHCHR and the preliminary report made by High Commissioner Bachelet at the March 2019 session of the Human Rights Council. CDJ also observed harassment against journalists and health professionals who engaged with the OHCHR mission, such as the case of Doctor Ronnie Villasmil, who was harassed and had his house searched. The National Union of Press Workers reported through their social networks various situations of harassment or impediment to their work during the OHCHR mission.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

### **Recommendations to States**

- States must refrain from intimidation and reprisals against those who cooperate or seek to cooperate with the UN or regional human rights bodies and mechanisms.
- States must investigate and ensure that any allegations of such acts, whether perpetrated by State or non-State actors, are subject to a full, independent and impartial investigation, and ensure that perpetrators are held accountable and victims are provided with effective remedies.
- States should develop and implement a comprehensive suite of measures to ensure that all persons are able to exercise, individually or in association with others, the right of unhindered access to, and communication with, international human rights bodies and mechanisms and ensure protection from any form of intimidation or reprisal associated with such cooperation, including by: (a) adopting legislative provisions that specifically enshrine this right and prohibit intimidation or reprisals; and (b) reviewing and repealing legislative provisions that may hinder, restrict or impair the enjoyment of this right.
- States should consistently and publicly acknowledge the vital role played by human rights defenders in establishing and safeguarding democratic institutions and processes, as well as the rule of law, and in the promotion and protection of human rights.
- States should cooperate fully, substantively and promptly with the UN's human rights mechanisms and bodies in cases of alleged intimidation or reprisals, including by providing good faith undertakings to prevent and investigate cases and to report back to the relevant body or mechanism — including the Human Rights Council, its Special Procedures, the General Assembly and the Assistant Secretary-General — as to investigative, protective, prosecutorial and remedial steps taken.
- Candidate States for membership of the Human Rights Council should include in their pledges a commitment to ensuring that civil society organisations can conduct their work —including expressing views critical of State authorities — without undue restriction or fear of reprisal, harassment or intimidation.

- Members of the General Assembly, as States electing the members of the Human Rights Council, should not support any candidate State for membership that has engaged in systematic or widespread reprisals or that has failed to investigate and pursue accountability for cases of reprisals.
- States should use the interactive dialogue at the Human Rights Council called for in resolution 36/21 to ensure adequate attention is focused on the Secretary-General's report on reprisals and to share good practices, challenges and lessons learned and effectively hold other States accountable when the report is presented to the Council.
- States should consider making voluntary contributions and otherwise support and enable the work of the senior official on reprisals.
- States should request that the Secretary-General's report on reprisals at the Third Committee of the General Assembly.

### **Recommendations to UN Bodies and Mechanisms**

- UN bodies and mechanisms must recognise and act in conformity with their legal obligation to respect and protect the right of all persons to communicate with the body or mechanism in all aspects of its work and should take all necessary steps to prevent, protect against, and promote accountability for any alleged acts of intimidation or reprisals.
- UN bodies and mechanisms should be explicit regarding their condemnation of intimidation and reprisals against those who seek to cooperate, and cooperate with them.
- Where relevant, bodies and mechanisms should follow the developing practice of designating a reprisals focal point or rapporteur to coordinate and strengthen the prevention of reprisals as well as ensure effective follow up to allegations.
- Where States fail to adequately investigate and ensure accountability in relation to credible allegations of intimidation and reprisals, the UN should ensure an international, independent investigation into the case, including through pressure or mandates by the Secretary-General, the High Commissioner for Human Rights, the Special Procedures of the Human Rights Council and the Human Rights Council itself.

### **Recommendations to the Assistant Secretary-General in relation to operationalisation of his mandate as the senior official on reprisals**

- Ensure that the position is visible and accessible to rights holders.
- Develop a public facing policy or working method so that rights holders and victims know where and how to submit information and what they can and cannot expect as a response and in terms of follow up.
- Ensure that rights holders and victims are kept regularly apprised of the status of their case – lack of transparency, information, and updates is a common feature of the various human rights communications mechanisms and procedures that needs to be addressed.
- Actively seek inputs and information on allegations of reprisals from the various UN bodies

and agencies.

- Compile and maintain a publicly accessible database of cases and correspondence (with the consent of rights holders and victims), bringing greater visibility to cases and enabling follow-up by NGOs and States, including under the Item 5 General Debate at each Human Rights Council session.
- Use the interactive dialogue at the Human Rights Council called for in resolution 36/21 to ensure adequate attention to the Secretary-General's report on reprisals and to share good practices, challenges and lessons learned and effectively hold States accountable.
- Ensure that the Secretary-General's report, and the presentation thereof, includes all open or unresolved cases, including those in which the State has not responded or provided any follow up information. This is crucial to addressing the current situation in which some States do not respond in the knowledge that if they remain silent long enough the case will no longer be included in the report.

### **Recommendations to the Human Rights Council**

- To more effectively prevent reprisals, the Human Rights Council as a whole and/or its President and Bureau should provide guidance that clearly outlines the steps that the Human Rights Council will take upon receipt of information about credible risks of reprisals to ensure consistency of action across different terms of the presidency and memberships of the bureau.
- When acts of intimidation, harassment and reprisals occur during or in connection with Human Rights Council sessions against individuals who are seeking to participate, or participating, in Human Rights Council sessions or events, the Human Rights Council, acting through the President, has a responsibility to investigate and publicly denounce such acts, in order to ensure the integrity of its processes.
- The President, in consultation with the Bureau, should continue to follow up on cases of alleged reprisals brought to their attention. This should include:
  - Investigating the allegation;
  - Where the allegation is verified and the safety of the defender will not be put at risk, sending a communication to the State concerned which (a) strongly condemns the allegations; (b) sets out what steps are required to prevent recurrence and provide an effective remedy; and (c) requests the State to report back urgently on the steps and measures taken in this regard;
  - Following up on all communications with States in this context; and
  - In accordance with the Human Rights Council's mandate to perform its work in a transparent manner, keeping and making publicly available the minutes of any relevant meetings, together with letters of allegation and correspondence on cases where requested by the victim or their representatives.
- When appropriate, the President of the Human Rights Council and the Bureau should publicly identify and denounce specific instances of reprisals by issuing formal statements, conducting press-briefings, corresponding directly with the State concerned, and publicly releasing such

correspondence with and from victims and States where requested by the victim or their representatives.

- The President of the Human Rights Council and the Bureau should also automatically submit cases brought to their attention to the Office of the Secretary-General for consideration for the annual report.
- The Human Rights Council should adopt resolutions that publicly and unambiguously identify and condemn reprisals, calling on States to uphold their human rights obligations by investigating, ensuring accountability, providing appropriate remedies and reporting back to the Human Rights Council on measures taken.
- To better ensure effective investigation and accountability, the Human Rights Council should seek information concerning actions taken by States to prevent and ensure accountability for reprisals, assess States' compliance with international human rights obligations, and call on States to take further action where they fall short of meeting those obligations.
- The Human Rights Council should require a State concerned to report back by including the discussion of its response to the risk or allegation of reprisals in Item 5 statements and in its next Universal Periodic Review report.
- The Human Rights Council should adequately monitor the very concerning pattern of attacks of a personal nature against mandate holders and Commissions of Inquiries and make clear that attacks of this kind will not be tolerated. These attacks constitute an attack on the Council itself.
- The Human Rights Council should consider strengthening the mandate of the senior official on reprisals, including by requesting more regular reporting, and that the senior official present the annual report of the SG on reprisals to the General Assembly and engage in an interactive dialogue on it.

### **Recommendations to the Special Procedures**

- Special Procedures should ensure full and prompt investigations of allegations of intimidation and reprisals that take into account the victim's protection needs and the respective roles of different parts of the UN. This should include private and/or public discussion with the State concerned to ensure they uphold their obligations to protect against violations.
- Special Procedures should also undertake specific efforts to work with all involved stakeholders, including the State concerned, to ensure non-recurrence and remedy for reprisals. In some cases, this might require extensive engagement and follow-up in order for meaningful action to occur.
- Special Procedures should continue to use public communications as a critical tool in raising the political costs of reprisal for States who would otherwise not be exposed.
- Special Procedures should work with Assistant Secretary-General for Human Rights, Andrew Gilmour, in his role as senior official on reprisals, to ensure a coherent and coordinated UN-wide response to acts of intimidation and reprisal.

- Special Procedures should create and maintain a comprehensive record of all cases of intimidation and reprisals against individuals and groups cooperating with Special Procedures, update the record regularly, and ensure that relevant cases are publicly accessible.
- Special Procedures should communicate cases to the President of the Human Rights Council under Items 3 or 5, so that unresolved or outstanding cases can be discussed in the context of the General Debate under those Items.
- To allow for effective follow up on communications, including related to intimidation or reprisals, State responses should be translated and made public in a timely fashion.

### **Recommendations to the Treaty Bodies**

- All Treaty Bodies should adopt the San José Guidelines on reprisals without further delay.
- Treaty bodies should implement the best practices identified in the Note by the secretariat on the Role of treaty body focal points or rapporteurs on reprisals including:
  - Raising concerns with State party authorities through written communications and follow-up
  - Using early warning and urgent action procedures where appropriate and relevant
  - Raising concerns during dialogues with the State party and in concluding observations, lists of issues, lists of issues prior to reporting, and general comments
  - Coordinating with other procedures
  - Including information on cases of reprisals in reports to the General Assembly and the Economic and Social Council
  - Using protection and interim measures where relevant and appropriate
  - Undertaking awareness-raising activities
  - Reminding States parties of their primary obligation to prevent or refrain from acts of reprisal in the context of State party reviews
  - Making information on reprisals available to the public, including communications with States parties, guidelines or policies, press releases, or other public statements.
  - Using media to highlight specific cases or generalised practices of reprisal.
- Those Treaty Bodies that have adopted the San José Guidelines should work to ensure they are fully and effectively implemented.
- The Treaty Bodies' webpage on reprisals should include information regarding cases received, communications sent to States concerned, responses received and follow-up communications, while seeking to protect the confidentiality of victims when required.
- The annual meeting of Chairpersons should review all cases of reprisals across all Treaty Bodies, assess actions taken by States and the Treaty Body concerned and coordinate on follow up to cases.

- Treaty Bodies should share the information they receive on reprisals with the Secretary-General to feed into his reports on reprisals.

### **Recommendations to the Inter-American Commission on Human Rights**

- Adopt a clear, public policy on how the IACHR will address allegations of reprisals so that rights holders and victims know where and how to submit information and what they can and cannot expect as a response. Any procedure or mechanism that is adopted should not preclude the adoption of a precautionary measure when the requirements have been met.
- Actively seek inputs and information on allegations of reprisals from all parts of the IACHR.
- Compile and maintain a publicly accessible database of cases and correspondence (with the consent of rights holders and victims), bringing greater visibility to cases and enabling better follow up.
- Ensure that rights holders and victims are kept regularly apprised of the status of their case.

### **Recommendations to the African Commission on Human and Peoples' Rights**

- Operationalise the mandate of the Focal Point on reprisals without further delay, in particular publish the 'Information Note' on the Focal Point's mandate, how to submit cases, and working methods so that rights holders and victims know where and how to submit information and what they can and cannot expect as a response and in terms of follow up.
- Document and maintain a database on cases of reprisal.
- Provide resources to the Focal Point on reprisals to effectively implement Africa Commission on Human and Peoples' Rights resolution 273.
- Encourage the Focal Point to present a separate report on documented cases of reprisals at each Ordinary Session of the African Commission on Human and Peoples' Rights to ensure the visibility of those cases, and follow up those cases as called for in resolution 273.
- Interact with civil society, in particular by providing civil society with guidance on how to best engage with the Focal Point on reprisals and submit cases of reprisal to the mandate.

### **Recommendations to the Private Office of the Secretary-General of the Council of Europe / focal point on reprisals**

- Adopt a clear, public policy on how the Council of Europe will address allegations of reprisals so that rights holders and victims know where and how to submit information and what they can and cannot expect as a response.
- Actively seek inputs and information on allegations of reprisals from all parts of the Council of Europe.
- Compile and maintain a publicly accessible database of cases and correspondence (with the consent of rights holders and victims), bringing greater visibility to cases and enabling better follow up.

- Ensure that rights holders and victims are kept regularly apprised of the status of their case.