

# **Ending intimidation and 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**

**May 2020**

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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 intimidation and reprisals during the reporting period (1 June 2019 - 30 April 2020). It also provides details of cases of intimidation and 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 Secretary-General, the Assistant Secretary-General in her capacity as senior official, the President of the Human Rights Council, as well as members of treaty bodies, and special procedure mandate holders, 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

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, Ilze Brands Kehris, leads the UN's efforts to put a stop to all intimidation and reprisals against those cooperating with the UN on human rights.

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, Bishkek in May 2018, and 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. In this regard, the [Fact Sheet No 1](#) produced by the Focal Point on Reprisals of the African Commission on Human and

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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.

<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.

Peoples' Rights provides a useful example.<sup>7</sup>

ISHR acknowledges that the senior official is complementary to existing UN mechanisms to address reprisals and encourages coordination and collaboration amongst mechanisms. We 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 her mandate through private representations, addressing cases of reprisals bilaterally with the relevant State, although she may also make public statements and representations. ISHR notes that her predecessor, Andrew Gilmour, spoke publicly in very few instances. 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>8</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>9</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>10</sup> He also raised IDSN and Alkarama, at a side event at the General Assembly's Third Committee in October 2018,<sup>11</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>12</sup> He mentioned the case of Egyptian defender, **Ibrahim Metwally**, in his closing remarks during his interactive dialogue with the Human Rights Council in September 2019.<sup>13</sup> ISHR reiterates that in relevant circumstances, public statements can play a key role in deterrence, denunciation, prevention and

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<sup>7</sup> **Fact Sheet # 1 on Reprisal in Africa**, African Commission on Human and Peoples' Rights, 2019, available at: <https://www.achpr.org/public/Document/file/English/Fact%20Sheet%20N°1%20on%20Reprisals%20in%20Africa.pdf>

<sup>8</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>9</sup> <https://www.theguardian.com/commentisfree/2018/may/18/imprisoned-threatened-silenced-human-rights-workers-across-asia-are-in-danger>

<sup>10</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>11</sup> <https://www.ohchr.org/Documents/Issues/Reprisals/ReprisalsEvent24Oct2018.docx>.

<sup>12</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23863&LangID=E>; <https://www.ohchr.org/Documents/Issues/Reprisals/ReprisalsEvent24Oct2018.docx>.

<sup>13</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25027&LangID=E>

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>14</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 the right of civil society to participate fully and safely in its work.<sup>15</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 the reporting period do not mention 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. The Presidency should publicly denounce individual acts of intimidation or reprisals and publish allegation letters on the extranet if victims give consent. The Presidency and Bureau should also consider maintaining a publicly accessible register of cases of alleged acts of intimidation and reprisals on the extranet. Furthermore, the HRC Presidency and the Bureau should take a more proactive role in investigating and following-up on cases of intimidation and reprisals. The HRC Presidency should provide short oral updates on cases of alleged intimidation or reprisal, including actions taken, at the start of the Item 5 general debate of each Human Rights Council session and provide States concerned with the opportunity to respond.

At its 36th session, the Human Rights Council adopted resolution 36/21<sup>16</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

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<sup>14</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>15</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>16</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>.

States to raise cases and push other States to ensure the safety of the human rights defenders involved.

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>17</sup>

During the second such dialogue in September 2019, Germany again cited the case of **Ibrahim Metwally**. Costa Rica was the only other country to raise a specific situation of reprisals: it expressed particular concern about acts of intimidation and reprisals in **Nicaragua**. **The Maldives** and **The Bahamas** addressed cases in their own countries. The Maldives shared that an amendment to the Human Rights Commission Act was being considered in parliament, which would guarantee that the **National Human Rights Commission of the Maldives** can communicate with international organisations. The Bahamas addressed the case of **Alicia Wallace**, a woman human rights defender who suffered attacks and threats related to her engagement with the Committee on the Elimination of Discrimination Against Women (CEDAW).

It is hoped the dialogue will be further strengthened in future years and become a space in which a greater number of States call for accountability and constructively address cases in their own countries.

Beyond the interactive dialogue, which only takes place annually at the September session of the Council, some States have brought up cases at other sessions under item 5 of the Council's agenda. In June 2019, the Benelux countries made a statement referencing the following specific cases: **Dora Mesa** and **Juan Antonio Madrazo Luna** from Cuba, **Rizal Rozhan** and **Numan Afifi** from Malaysia, and **Yahya Al Assiri** from Saudi Arabia.

At its 42nd session, the Human Rights Council adopted [resolution 42/28 on reprisals](#) in which it reaffirmed that reprisals can never be justified. Council members rejected attempts to weaken the text including deleting the references to the roles of the Assistant Secretary-General and the Human Rights Council Presidents. The resolution listed key trends such as the patterns of reprisals, increasing self-censorship, the use of national security arguments and counter-terrorism strategies by States as justification for blocking access to the UN, acknowledged the specific risks to individuals in vulnerable situations or belonging to marginalized groups, and called on the UN to implement gender-responsive policies to end reprisals. The Council called on States to combat impunity and to report back to it on how they are preventing reprisals, both online and offline.

## UN GENERAL ASSEMBLY, THIRD COMMITTEE

During the 74th session of the General Assembly, a cross-regional group of countries made a

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<sup>17</sup> <https://www.ishr.ch/news/hrc39-l-states-largely-decline-cite-specific-cases-during-councils-first-discussion-reprisals>



[joint statement](#) in the Third Committee called on all States and the UN to prevent, respond to, and ensure accountability for cases of intimidation and reprisals against those who engage or seek to engage with the UN. Seventy-one countries highlighted that the UN must ensure that civil society organisations and human rights defenders who wish to engage with the UN are able to do so without fear of reprisal or intimidation.<sup>18</sup> This welcome move led by the Permanent Mission of the United Kingdom to the UN is in line with the call made in [resolution 42/28 at the Human Rights Council](#) for the General Assembly to remain seized of all work in this area.

## 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 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 Economic Social and Cultural Rights (CESCR) is the only treaty body that has not formally endorsed or adopted the San Jose Guidelines.

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

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<sup>18</sup> The statement was made by the United Kingdom on behalf of Afghanistan, Albania, Andorra, Australia, Austria, the Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Panama, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Samoa, San Marino, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Tuvalu, Ukraine, the United States, Uruguay and Vanuatu.

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>19</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<sup>20</sup>. 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>21</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 on reprisals.<sup>22</sup> Half of the = ten UN human rights Treaty Bodies have a dedicated webpage or link from their main webpage on reprisals, namely the Committee against Torture, Subcommittee on the Prevention of Torture, Committee on the Rights of Migrant Workers and their families, Committee on the Elimination of Racial Discrimination and Committee on the Rights of Persons with Disabilities.

## **SPECIAL PROCEDURES AND UN EXPERTS**

In line with the commitment made by Special Procedures mandate holders, the annual report on their 26<sup>th</sup> meeting included a section on acts of intimidation and reprisals.<sup>23</sup> The report noted that Special Procedures continued to take up cases concerning acts of intimidation and reprisal, in relation not only to their work, but also to the wider United Nations system in the field of human rights. In 2019, mandate holders continued to use communications (30), public statements, press releases, reports and meetings with various stakeholders to express their serious concern

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<sup>19</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>20</sup>

[https://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/31Meeting/HRI\\_MC\\_2019\\_CRP\\_2.docx](https://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/31Meeting/HRI_MC_2019_CRP_2.docx)

<sup>21</sup> <https://undocs.org/HRI/MC/2019/2>.

<sup>22</sup> <https://www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx>.

<sup>23</sup> [https://www.ohchr.org/Documents/HRBodies/SP/A\\_HRC\\_43\\_64\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/Documents/HRBodies/SP/A_HRC_43_64_AdvanceEditedVersion.pdf)

regarding all such acts. Special procedures also addressed issues related to ensuring access to the UN and raised concerns about the role played by the Committee on NGOs in that context.

Statistics and trends about cases of intimidation and reprisal against those cooperating with the United Nations on human rights addressed by mandate holders were shared with mandate holders, who also discussed ways to consolidate their response to reprisals in line with the internal guidelines they had adopted in 2014. It was recalled that information on cases and special procedures-related actions should be recorded for appropriate action. Reference was also made to the letter dated 20 June 2019 sent by the Coordination Committee sent to the Committee on Non-Governmental Organizations regarding the accreditation process.<sup>24</sup>

### **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>25</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.

### **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>26</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-

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<sup>24</sup> [www.ohchr.org/Documents/HRBodies/SP/CC\\_Chair\\_letter\\_to\\_NGO\\_Committee\\_20062019.pdf](http://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf).

<sup>25</sup> See also <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

<sup>26</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>

based discrimination.

Since applying for accreditation in 2008, the **International Dalit Solidarity Network (IDSN)** has received 93 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.

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>27</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.

On 20 June 2019, the Coordination Committee of the Special Procedures sent a letter to the Committee on NGOs,<sup>28</sup> in which it submitted the following proposals and recommendations to ECOSOC and the Committee for their consideration.

To ECOSOC:

- Strengthen its oversight and coordination role with the Committee by:
  - Ensuring the Committee’s practices and procedures fully comply with international human rights standards as well as the principles, spirit, and purpose of Resolution 1996/31 and the Charter of the United Nations,
  - Reviewing and rejecting its recommendations to defer applications in cases where there are no objectively good reasons for the continued deferral, and
  - Directly intervening in support of NGOs whose applications have been deferred for several years;
- Ensure that the Committee fairly, transparently, and expeditiously assesses applications for consultative status in an apolitical and non-discriminatory manner by, for example, clearly reasserting and explaining the objective criteria it must use to assess applications and by requiring it to justify its decisions, preferably in writing, with regard to deferrals extending beyond three years and all denials of consultative status;

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<sup>27</sup> General Assembly resolution 53/144 (1998)

<http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

<sup>28</sup> [https://www.ohchr.org/Documents/HRBodies/SP/CC\\_Chair\\_letter\\_to\\_NGO\\_Committee\\_20062019.pdf](https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf)

- Create independent grant schemes that fund the participation of civil society organizations to promote and increase the diversity of such organizations in UN fora;
- Consider expanding the membership of the Committee and promoting membership rotation in order to increase participation, inclusiveness, and diversity;
- Study the possibility of establishing a new accreditation system and process, such as a tripartite model similar to the model adopted at the International Labour Organization or an independent expert body;
- Consider instituting a mechanism to expedite applications for consultative status to civil society organizations that have been cooperating with UN bodies and mechanisms for the past five years;
- Establish accountability and grievance mechanisms, including an expeditious process to reconsider any erroneous or arbitrary decisions deferring or denying applications for consultative status by the Committee;
- Impose a limit on the number of times an application can be deferred, after which ECOSOC can then decide whether an application for consultative status should be approved or denied.

To the Committee on NGOs:

- Institute safeguards against arbitrary delays, deferrals or denials of consultative status by, among other things:
  - developing clear, transparent, and publicly available objective eligibility criteria for obtaining consultative status on which applications are to be assessed based on the principles and criteria contained in Resolution 1996/31,
  - ensuring that all applications for consultative status are considered in a fair, transparent, non-discriminatory, and timely manner in accordance with Resolution 1996/31 and that its criteria are uniformly applied with a view towards upholding the rights to freedoms of expression and association, and preventing perpetual deferral of applications for status with repetitive and/or irrelevant questioning and requests for documentation by, for example, allowing the Chair to engage the Committee an in depth review of long differed applications and to require States to justify the relevance of their questions or requests for additional documents;
- Review the Committee's working methods and practices with a view to making them more efficient, effective, and transparent in line with GA resolution 72/305, including, in particular, to reduce the cost and time associated with applying for consultative status;
- Continue enhancing the use of information technology, including by allowing NGOs to participate in the Committee's Q&A sessions via videoconferencing, to foster and increase the participation of, among others, NGOs from developing countries;
- Regularly hold and report on consultations with organizations with consultative status, as mandated in paragraph 61(a) of Resolution 1996/31;
  - Develop additional training materials, webinars, guidelines, and/or an application webpage with frequently asked questions (FAQs) that are clear and user-friendly to assist NGOs with their applications for consultative status;
- Ensure that all NGOs are provided with the right to respond to objections to their applications and allegations lodged against them during the application process before it

takes a decision on suspensions and withdrawals as expressly required by paragraph 15 of Resolution 1996/31.

## **UN SECURITY COUNCIL**

On 21 February 2020, Belgium, the Dominican Republic, Estonia, Germany, and the United Kingdom convened an unprecedented 'Arria-Formula'<sup>1</sup> informal meeting of the Security Council to address reprisals against women human rights defenders and women peacebuilders who engage with the Security Council. States overwhelmingly reaffirmed their responsibility to protect civil society briefers from intimidation and reprisals related to their engagement with the Security Council. However, many recognized that States are failing to uphold these responsibilities, as civil society briefers—especially women human rights defenders (WHRDs) and peacebuilders—all too often face acts of intimidation and reprisals related to their engagement with the Security Council.

A number of the recommendations made in ISHR's [policy brief on reprisals and the Security Council](#) were reflected in the recommendations made by States during the interactive dialogue. These included calls for comprehensive risk assessments for those briefing the Security Council; a reprisals 'docking point', or creation of a focal point within the Security Council Affairs Division for briefers; support for defenders and peacebuilders prior to arrival, during their visits, and after they return; and contingency plans should threats materialise.<sup>29</sup> Member States of the Security Council should build on this first informal meeting and commit to further, concrete steps to combat reprisals against WHRDs and women peacebuilders who engage with the Council.

## **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>30</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).

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<sup>29</sup> <https://www.ishr.ch/news/reprisals-new-ishr-policy-brief-reprisals-and-security-council>

<sup>30</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>.

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>31</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>32</sup> These precautionary measures have been requested in cases where human rights defenders are facing reprisals.<sup>33</sup>

The mechanism for precautionary measures is established in Article 25 of the Rules of Procedure of the IACHR<sup>34</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.

On 5 April 2020, the IACHR passed [Resolution 2/2020](#), to strengthen the follow-up process of the precautionary measures adopted in accordance with Article 25. The IACHR aims to guarantee an efficient follow up of the implementation of the precautionary measures granted, as well as their periodic assessment. To this effect, and in order to comply with the Commission's decision, the Executive Secretariat will deploy a special internal group within the Precautionary Measures Section for the monitoring of the measures in force.<sup>35</sup>

The IACHR also frequently addresses the issue of reprisals in its end of session reports and press releases.<sup>36</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.

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<sup>31</sup> <http://www.oas.org/en/iachr/defenders/default.asp>.

<sup>32</sup> Inter-American Commission on Human Rights, Resolution 8/18, 21 February 2018, <http://www.oas.org/en/iachr/decisions/precautionary.asp>.

<sup>33</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>34</sup> Inter-American Commission on Human Rights, Rules of Procedure, Article 25, available at <http://www.oas.org/en/iachr/mandate/basics/rulesiachr.asp>.

<sup>35</sup> [http://www.oas.org/en/iachr/media\\_center/PReleases/2020/075.asp](http://www.oas.org/en/iachr/media_center/PReleases/2020/075.asp)

<sup>36</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).

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>37</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 October 2020, at the 65th session of the Commission, the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, Prof. Rémy Ngoy Lumbu, launched [Fact Sheet No. 1 on Reprisals](#), which includes an Information and Guidance Note, as well as a Communication Policy between the Focal Point and potential victims and States Parties. The Focal Point has also issued a call for submissions for the mandate's first annual report, on either thematic trends and patterns or individual cases. The reporting period includes incidents that took place from 12 May 2014, when the mandate was created, up to 12 May 2020.

The annual report of the Focal Point on reprisals will summarize main trends and contain a selection of cases brought to the attention of the focal point, with the decision to include cases made on the basis of the principles of do no harm and informed consent.

### **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

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<sup>37</sup> ACHPR/Res.273 (LV) 14 of 12 May, 2014.



the [Commissioner for Human Rights](#) in 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.

On 1 August 2019, the Secretary General announced changes to the procedure for investigating alleged reprisals against human rights defenders as a consequence of their interaction with the Council of Europe, and issued a 'Revised Private Office procedure on human rights defenders interacting with the Council of Europe'.<sup>38</sup>

The procedure will now:

- Allow external direct reporting (e.g. by human rights defenders and non-governmental organisations) in addition to Council of Europe entities;
- Be triggered by information provided to the Secretary General's Private Office focal point ([private.office@coe.int](mailto:private.office@coe.int));
- Seek to determine the accuracy of the allegation and define follow-up action, considering whether the reprisal, or risk of reprisal, meets a minimum level of severity, upon which it will warrant consideration. The assessment of this minimum level will depend on the circumstances of the case; there should be a reasonable degree of causality between the interaction or the intention to interact and the alleged reprisal; a submission that is too vague or general, contains misleading information, makes use of offensive language, is based on inaccurate facts or spurious allegations, or is in any other way unsubstantiated, will not be considered;
- Continue to include the assessment and the proposals for follow-up action being submitted to the Secretary General;
- Result in a report on the types of cases which will be presented annually to the Committee of Ministers (or more regularly, if circumstances require).
- When the original procedure was published by the Secretary General in December 2018, he made clear that human rights defenders should never face retribution for their principled stance. The changes now made to this procedure are designed to ensure that this is the case. They have been made in light of experience of the current procedure and extensive internal and external consultation.

#### **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](#)

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<sup>38</sup><https://www.coe.int/en/web/secretary-general/-/revised-private-office-procedure-on-human-rights-defenders-interacting-with-the-council-of-europe>

[adopted by 28 of the world's leading human rights experts and jurists](#).<sup>39</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.

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>40</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>41</sup>

In 2019, the SG reported that he is particularly concerned at the body of evidence pointing to growing self-censorship by victims and civil society actors who decide not to engage with the UN, both in the field and at Headquarters, out of fear for their safety or in contexts where human rights work is criminalized or publicly vilified.<sup>42</sup> In his dialogue with the Human Rights Council at the 42nd session in September 2019, the ASG said that self-censorship is the aim of States and others who carry out reprisals and intimidation and that it is only when defenders refuse to self-censor that reprisals are taken. The ASG noted that it is a very difficult issue because it is hard to prove if human rights defenders and organizations are so intimidated that they do not even want to engage with the UN.

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<sup>39</sup> <https://www.ishr.ch/news/model-law>.

<sup>40</sup> <https://www.ishr.ch/ishr-submission-sg-report-reprisals-good-practices-legal-and-policy-framework-national-level>

<sup>41</sup> <https://www.ohchr.org/Documents/Issues/Reprisals/CommentsReprisalsEvent24Oct2018.docx>

<sup>42</sup> **A/HRC/42/30**

On 12 March 2020, ISHR launched a new study, '[Intimidation and its Impact on Engagement with the UN Human Rights System: Methodological challenges and opportunities](#)'.<sup>43</sup>

Self-censorship has led to a situation in which there are States not cited in the annual report of the Secretary-General on Reprisals, but where the intimidation has “worked” to sustain inhibition and it is very difficult or impossible for civil society to engage with the UN at all. In other States still, there may be some reported cases of reprisals but these don’t tell the full story because many more defenders are intimidated from engaging. This phenomenon is deeply concerning in and of itself but an additional concern is the difficulty inherent in monitoring it, documenting it, and thus seeking accountability for it.

[ISHR’s study](#) responds to this challenge and proposes methodological approaches to strengthen the future capacity to measure and understand how intimidation tactics – both blunt and subtle – effectively inhibit human rights reporting and action, thus reinforcing impunity for States’ abuses. As a starting point, the study finds that in order to maximize or optimize cooperation with the UN’s human rights mechanisms and address intimidation, we need to understand who uses these mechanisms, why they use them, and how they react to the wide range of obstacles they face in the course of doing so. In that regard, the study recommends that the UN:

- develop more impact analysis that assesses the positive outcomes resulting from the use of UN human rights mechanisms, and disseminate and popularise any impact analysis that exists. The system needs to give defenders a basis for making judgments about whether to go to the trouble of engaging.
- develop and strengthen new tactics for raising awareness about UN mechanisms in more closed and repressed countries. The more repressive the situation, the less information is available to people about the potential of UN mechanisms.
- acknowledge the structural inequities that make it more difficult for some victims and activists to access UN mechanisms and make an extra effort to compensate for them, by encouraging engagement and offering protection to those who are more isolated or marginalised.

The study’s reflections on data-based approaches and limitations point to several initial steps that could strengthen our ability to assess intimidation and its impact on UN cooperation.

- The UN system should systematically track cooperation with its diverse human rights mechanisms, creating a database on cooperation coded by country, year, theme, mechanism approached, type of citizen or organization cooperating, and other relevant parameters. This data should form the basis of regular quantitative reports on cooperation, which could also track deterioration or improvements from year to year.
- Major human rights data-collecting institutions (including OHCHR) should continue to improve the level of collection and management of data on all human rights abuses,

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<sup>43</sup> [https://www.ishr.ch/sites/default/files/documents/final\\_ishr\\_intimidation\\_reportweb.pdf](https://www.ishr.ch/sites/default/files/documents/final_ishr_intimidation_reportweb.pdf)

collaborating with NGO and academic data-based efforts that enable quantification and comparative ranking of abuse levels.

- These two data sources will enable the identification of countries where there is high abuse and low cooperation as well as those with high abuse and high cooperation. Best practice research can then extract lessons learned from countries with high levels of abuse and high levels of cooperation that may assist countries where intimidation has been more successful in sustaining inhibition.
- OHCHR and human rights NGOs should encourage deeper survey-based research into intimidation and inhibition and how it is experienced by citizens and activists in targeted countries of concern. Partnerships with academic institutions should be established to promote research. All such research should follow careful context-based protocols for protecting researchers and participants.
- OHCHR and human rights NGOs should take advantage of existing data and measurement tools on freedom, civil liberties and civic space as proxy measurements of levels of intimidation. This data can also help to identify countries where deeper study is needed.

## **VI. THE ISSUE OF GOVERNMENT ORGANISED NGOS, AKA GONGOS**

Human rights defenders engaging with the UN human rights system face intimidation and reprisals perpetrated by representatives of and individuals affiliated with government parties, in particular at the Human Rights Council and sessions of Treaty Bodies. There have been instances of so-called “GONGOs”—governmental non-governmental organisations—registering for confidential and closed briefings with Committee members, allowing them to monitor civil society during these briefings. There have also been cases of briefings that have been filmed without the permission of NGOs. Governments’ support to GONGOs means that they are often granted consultative status with the UN, while independent NGOs continue to be denied the consultative status through ECOSOC. The proliferation of GONGOs allows them to influence the discourse about human rights in a particular state or region, and minimise the prominence of real issues at stake. This is concerning not only because GONGOs create an atmosphere of fear and self-censorship, but also because human rights defenders who have travelled to Geneva to participate in HRC or Treaty Body sessions have faced reprisals upon their return to their countries as a result of this.

## VII. 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.

### THE 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 LGBTQ+ 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.

**In terms of follow up, The Bahamas responded to the allegations during the interactive dialogue with the ASG for Human Rights during the 41st session of the HRC in September 2019, affirming its commitment to protect human rights defenders and ensure that they can engage freely with the UN. The delegation told the Council that authorities proactively provided assistance to Ms. Wallace to guarantee her safety and that she no longer felt unsafe and was not interested in pursuing legal action.**

**From Ms. Wallace's perspective, the government's actions amounted to a suggestion from the Director of the Department of Gender and Family Affairs that the incident be reported to the police. Ms. Wallace repeatedly asked representatives of the Department of Gender and Family Affairs what was to come of reporting to the police, which law supported her, and how this would be of any benefit. No further assistance was offered despite Ms. Wallace's discomfort with the police based on prior experiences, and no effective actions were taken to protect her safety nor publicly address the situation more generally. Ms. Wallace asserts that it would be more impactful for the government to publicly express its commitment to protect human rights defenders at the national level rather than limiting its statements of support to international spaces. She also recommends that The Bahamas rebuke incidents of reprisal, address perpetrators, and ensure its laws provide protection against hate speech.**

### 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>44</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. On 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 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>45</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.

**In terms of follow up, these cases were inexplicably left out of the 2019 Secretary-General’s report, which was presented to the 41st session of the Human Rights Council.**

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<sup>44</sup> <https://www.theguardian.com/world/2019/jan/24/jean-wyllys-brazils-openly-gay-congressman-leaves-job-country-amid-death-threats>.

<sup>45</sup> <http://www.oas.org/es/cidh/decisiones/pdf/2018/85-18MC1262-18-BR.pdf>.

## BURUNDI

In July 2016, the Public Prosecutor at the Court of Appeal of Bujumbura requested the President of the Bar Association to disbar lawyers **Armél 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.

On 16 January 2017, the Court of Appeal of Bujumbura disbarred Armél 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>46</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 / suspended. 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. In May of 2019, a further retaliation took place when the President of the Burundi Supreme Court ordered the seizure of the victims' personal and real property.<sup>47</sup> On 19 March 2020, the International Service for Human Rights filed a complaint against the Republic of Burundi, on behalf of the victims, with the Committee Against Torture. The complaint alleges that Burundi's actions are contrary to Article 13 of the Convention Against Torture, which prohibits this type of retaliation.**

## 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

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<sup>46</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>47</sup> Declaration on the execution of the RPA 859 Judgment and the seizure of property in case RMPG697 bis/MA/BV/NTH, dated 15 May 2019.

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>48</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 surrounded 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.

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>49</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 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 Mouangue Kabila. She has been regularly and seriously harassed since 2009.

**In terms of follow up, Ms. Maximilienne Ngo Mbe continues to be followed, and to receive anonymous calls and text messages. In addition, officers in plain clothes continue to watch the REDHAC offices. On Sunday, January 26, 2020, REDHAC's offices were burned down. On 9 March 2020, during a press conference, the Minister of Territorial Administration, Mr. M. Paul Atanga Nji threatened to suspend media organs that relay reports by national and international NGOs on the massacres of civilians by the army in English-speaking Cameroon. At the same time, he accused the said NGOs of having received billions of CFA francs to produce false reports with a view to destabilizing Cameroon. He also falsely declared that 5 billion CFA francs were paid to REDHAC to produce false reports with a view to destabilizing Cameroon.**

**Nfor Hanson Nchanji** is a human rights journalist actively involved in investigating and reporting on the Anglophone crisis in Cameroon. He was the Editor-In-Chief of the Douala-based Equinoxe Television and Founder of the Cameroon News Agency, an online news platform created in April

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<sup>48</sup> Governmental Cameroon Tribune published October 10.

<sup>49</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23417>.



2016 to shed more light on the Anglophone crisis and other events. Hanson Nchanji took part in a panel at the 10th session of the Forum on Minority Issues, which took place in Geneva from 30 November – 1 December 2017. The panel was on “Minority youth as agent of change for peace and stability”. Panellists were invited to present on the role of young minority men and women as valuable innovators and agents of change, whose contributions should be seen as an essential part of building peaceful communities. During his intervention he urged the UN to ensure that the government of Cameroon respects the lives of minority citizens in Cameroon, and criticized killings, brutality and the internet shutdown.

Cameroon's President declared war on Anglophone separatist fighters on November 29, 2017. On 2 December 2017, Hanson Nchanji returned to Cameroon and learned that his older brother had received a letter threatening to kill his family if Hanson Nchanji did not “stop whatever he is doing in the UN on the Anglophone problem” and “stop all his activities concerning the Anglophone problem”. Hanson Nchanji and his brother suspected the government, through local administrators, had a hand in it. The next working day, Hanson Nchanji resigned from his job as Editor in Chief of Equinoxe Television.

Shortly after Hanson Nchanji arrived in Geneva in August 2018, rumours were already circulating by government agents on social media that he had been arrested and repatriated to Cameroon from Switzerland. Three days after he had left Cameroon, the police showed up at his home. This led Hanson Nchanji to apply for asylum in Switzerland.

On 14 March, 2019, Hanson Nchanji's family home and livestock in Chup village, a village in Nkambe Central subdivision, Donga Mantung Division in the North West region, were burned down by soldiers and his father had to flee for fear of his safety. Since then, his father has been living as an internally displaced person in Bamenda town, another centre of fighting between separatists and government forces.

Hanson Nchanji is still being tagged a terrorist by pro-regime social media users and there are indications that the government is sponsoring online attacks on him and other journalists who have fled. The reprisals against Hanson Nchanji have taken place in a context of reprisals against human rights and investigative journalists, which have not been addressed by the State. Hanson Nchanji is one of more than six journalists who are now living in exile. Despite repeated calls by the Committee to Protect Journalists (CPJ) for the government to allow journalists so their job, they are working in a climate of fear, and being arrested, monitored or forced to abandon their work.

**Jan Cappelle** is a Belgian national, working as a human rights consultant for The Cameroon Network of Human Rights Organizations (RECODH). Cappelle entered Cameroon on June 12 2015, received a residency permit on July 21 2015, and was forcibly expelled from Cameroon on May 13 2016. Despite being in possession of a long-term visa, he was refused entry and deported from Cameroon on 26 February 2020. During his stay in Mbengwi Sub Division, Jan Cappelle supported the community of Tudig village in the set-up and management of development projects

and the establishment of the farmers' association OFFGO.

**Vincent Awazi** is Tudig's Regent Chief. Shortly after Jan Cappelle's expulsion, the Divisional Officer of Mbengwi Sub Division ordered the demolition of the farms under Jan Cappelle's management, including Tudig's community farm. Tudig's community was threatened and assaulted by gunmen. Jan Cappelle's legal advisor Mr. Luma Mukuna was threatened, his brother kidnapped and tortured in May 2019. Armed gunmen tried to kidnap Mr. Luma Mukuna and tried to burn down his house in September 2019. He was shot twice in the leg during an attempted kidnapping. The gunmen want to persuade Mr. Luma Mukuna to stop working with Jan Cappelle.

An investigation by the National Commission on Human Rights and Freedoms of Cameroon (NCHRF) launched in April 2017 and concluded in October 2018 found that Jan Cappelle was removed from Cameroon in retaliation for his work as a human rights defender, by a group of State officials including from the General Delegation for Presidential Security (DGSN), the Presidential Directorate General for External Research (DGRE) and the Criminal Police of the North West Region of Cameroon. These officials operated together with Cameroon businessman Baba Danpullo. Mr Danpullo is billionaire and member of the Central Committee of RDPC, the ruling party in Cameroon.

The NCHRF provided Cappelle with a copy of the report in January 2019. In response, seven OHCHR mandate holders wrote the Government of Cameroon on 29 May 2019, asking the Government of Cameroon to explain how the various events are consistent with its obligation under international law, including the demolition of Jan Cappelle's farms in Tudig, the persistent pattern of threats against anyone who works with Jan Cappelle, and the impunity enjoyed by perpetrators.

The Government of Cameroon replied to this letter on July 29 2019. The Government failed to justify (1) Jan Cappelle's expulsion, (2) the demolition of Jan Cappelle's farms, Tudig's community farm and other properties, (3) the persistent attacks against anyone that works with Jan Cappelle and (4) the impunity enjoyed by State actors in the violations. In its defence, the State of Cameroon presented a fictitious judgement (in suit No. CRM/01/CGI/2018) of the Court of First Instance Mbengwi, The People v. [redacted names] and NDONG Vincent AWAZI, which alleged that the three accused were prosecuted for having infringed an order of the Divisional Officer of Mbengwi No. 053/SPDBALPA/2015 of 17 October 2015, restraining activities by farmers over a piece of land at Tudig in dispute between graziers and farmers.

Jan Cappelle and Vincent Awazi contend that the judgement has not been signed by any judge at the Mbengwi Court of First Instance, contrary to the obligations in Section 405 of the Law N°2005 of 27 July 2005 on the Criminal Procedure Code, that Vincent Awazi was never summoned for any trial, nor did he receive a judgement. His lawyer Mr. Nkeng made the same declaration during a meeting he had with the OHCHR Regional office based in Yaounde (CNUDHD). The fictitious judgement is dated "11 January 2018". Vincent Awazi has never been summoned or arrested between January 11 2018 and July 29 2019, with the intent to execute the fictitious judgement.

The modus operandi is consistent with the findings of the May 2017 and October 2018 reports of the NCHRF, which demonstrate how administrative and judicial authorities in Mbengwi Sub Division intentionally and wilfully made use of their powers to orchestrate "summary judgements" against Jan Cappelle.

Four OHCHR mandate holders asked the Government of Cameroon on 18 September 2019 to clarify the judgement. The Government never replied to the OHCHR mandate holders. The Regional Secretary of the North West antenna of the NCHRF, Mr Chenwi Chris, communicated on 21 January 2020 to the CNUDHD that the judgement is indeed fictitious and a reprisal for the cooperation with the UN. The CNUDHD asked the NCHRF to put its opinion in a written report. While this request was initially accepted, the Chairman of the NCHRF reportedly decided in March 2020 to block the drafting of this report. The registrar in chief at the Mbengwi court of First Instance informed Jan Cappelle's legal advisor on 9 January 2020 that the fictitious judgement has been forwarded to the legal department of Mbengwi, which is preparing arrest warrants for Vincent Awazi and two other farmers.

The NCHRF concluded that the legal department in the Mbengwi Sub Division was implicated in a number of violations of Jan Cappelle's rights, including trumped up charges, summary judgement and discrimination. Jan Cappelle and Vincent Awazi fear the legal department might use the fictitious judgement to pressure Vincent Awazi into signing false confessions. The legal department has never been punished for its acts of violations against Jan Cappelle and thus might be of opinion that it will not be punished for using such tactics against Vincent Awazi.

The Cameroon Government communicated in its letter No. 205/NV/MPCG/MC/S3 to the UN mandate holders that Jan Cappelle can submit an application for re-entry in Cameroon. The Embassy of Cameroon in Belgium received Jan Cappelle's application for a long-term visa on 17 February 2020. Jan Cappelle's motives for travel have been communicated properly to the Embassy of Cameroon in Belgium and to the Embassy of Belgium in Cameroon. Jan Cappelle intends to continue his: (a) direct dialogue with the community of village Tudig and the diplomatic corps in Cameroon in relation to his communications to the UN; and (b) collaboration with the Cameroon based Network of Human Rights Organisations RECODH on the UN UPR process and on its application for an ECOSOC status. The Embassy of Cameroon in Belgium granted Jan Cappelle a long-term visa on February 17 2020. However, on 26 February 2020, Jan Cappelle travelled to Cameroon and upon arrival, the head of the border police withdrew the entry stamp initially given to him, supposedly on "orders by SMS from his superior" that Jan Cappelle be removed immediately from Cameroon. No charges nor reasons were given for his deportation. Jan Cappelle was refused access to a representative of the Office of the Prosecutor and his defence lawyer, denied the right to file a complaint, and was deported immediately.

Jan Cappelle's partner organisation, The Cameroon Network of Human Rights Organizations (RECODH), wrote to the Government of Cameroon on 9 March 2020. No reply has been received. These acts of reprisal have had a devastating effect on the victims. The Cameroon Government has failed to open an investigation, has done nothing to address the reprisals and to punish the

perpetrators.

## 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>50</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>51</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>52</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>53</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>54</sup>

Jiang's detention was deemed arbitrary by the UN Working Group on Arbitrary Detention in Opinion 62/2018. Jiang's case was included in the Secretary General's report of 2018; despite dialogue with the authorities around Jiang's arrest and indictment, the report states that 'the Government did not address the allegations of reprisals'.

After his formal release from prison on 28 February 2019, Jiang was temporarily disappeared, then returned to his parents' home where he has remained under effective house arrest. He has been surveilled extensively, was blocked from independent medical treatment for months, and has not been allowed to join his wife and daughter in the U.S.

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<sup>50</sup> A/HRC/35/26/Add.2.

<sup>51</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987#sthash.dH7MxnQP.puf>.

<sup>52</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>.

<sup>53</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028>.

<sup>54</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>.

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**On 20 May 2019, Special Procedures mandates on arbitrary detention; disappearances; executions; freedom of expression; human rights defenders; and extreme poverty sent a Communication about the circumstances of Jiang's release. In response, the government stated that Jiang was 'sentenced to two years of prisons and stripped of his political rights for 3 years on 21 November 2017... he is currently serving the period of deprivation of his political rights'.**

**On 24 September 2019, five of these mandates published a press release stating that 'Mr Jiang is not a free man', and raising concerns about surveillance, restrictions on freedom of movement, and his health and well-being. They also noted that these measures were taken in line with his sentence of 'deprivation of political rights'; provisions in domestic law permitting such treatment are, they declared, 'nothing but an instrument of oppression, used to punish human rights defenders for their work'.**

**Jiang continues to live under effective house arrest in Luoshan. While he can communicate somewhat more freely, he remains prevented from traveling and has not yet reunited with his family. He has reported chronic health conditions in part as a result of a lack of access to adequate, independent medical care.**

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>55</sup> In April 2018, media reports covered the wives' commemoration of Wang Quanzhang's 1000 days in detention, highlighting on-going intimidation tactics.<sup>56</sup>

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<sup>55</sup> CHN 5/2017 available at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23092>.

<sup>56</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>.

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.

**In June 2019, Li was finally able to visit Linyi prison and see Wang Quanzhang in person. She reported that he looked gaunt, and suffered from some memory loss. In the intervening months, he repeatedly urged her to stop advocating publicly, including with media on his behalf.**

**Wang was released on 5 April 2020, and returned to his hometown of Jinan under police custody for two weeks of 'quarantine', nominally due to the COVID-19 epidemic. Wang had already been tested five times for coronavirus in prison, with each coming back negative. At the end of the two-week quarantine, Wang continued to face limits on his freedom of movement, and was told he would not be able to travel to Beijing.**

**On 26 April 2020, Li Wenzu was sent to the hospital due to severe abdominal pain and vomiting, and was diagnosed with acute appendicitis. Wang Quanzhang called a cab to return to Beijing when he got the news, but was intercepted by state security agents on the way and taken to the police station. Wang was later released and sent back to his home in Jinan. The day after, on 27 April 2020, Wang was escorted by Jinan police to Beijing. There, he reunited with his wife, son and sister, and has stated to press that he hope he will be able to stay for an extended period of time. He has been informed that he is also subject to 'deprivation of political rights' for five years, although no court documents have been provided to him or his family, and that this entails limits on his freedom of movement, right to work, and ability to communicate freely.**

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>57</sup> Despite Cao's death being included in previous reports of the Secretary-General,<sup>58</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.'

**In terms of follow-up, 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: however, there has been no official response by the government. There continues to have been no steps towards an independent investigation into her death in March 2014.**

In an interview with China Central Television (CCTV) published on 22 December 2018, former UN Under-Secretary-General and 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 Congress 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. His 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.

**In November 2019, Wu Hongbo was appointed China's first envoy for European affairs. There is no information available about repercussions for Wu's statements.**

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

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<sup>57</sup> CAT/C/CHN/CO/5.

<sup>58</sup> A/HRC/27/38 and A/HRC/30/29.

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.

**In terms of follow up, ahead of the Human Rights Council's 42nd session in September 2019, the Chinese mission circulated a letter to the Geneva-based diplomatic community urging them not to take meetings with Dolkun Isa and calling him 'a notorious anti-China secessionist and terrorist' who had committed 'several criminal offences' in China. The letter asserted that taking a meeting with him would violate the UN Charter, and that diplomats should 'reject' meetings with the World Uyghur Congress (WUC). As a result, several delegations reportedly failed to respond to requests for a meeting or cancelled previously arranged meetings with the NGO.**

At the Human Rights Council's 43rd session in March 2020, the Permanent Mission of the People's Republic of China to the UN Offices in Geneva mounted an extensive exhibition entitled *Home: Glimpses of Life of People From Various Ethnic Groups in Xinjiang*. The display was co-sponsored by the ECOSOC-accredited China Society for Human Rights Studies, a 'government-organised non-governmental organisation' (GONGO) affiliated with the state-run Chinese Academy of Social Sciences, and the China Media Group, a 'new broadcasting platform' comprised of state-run television and radio conglomerates.

The exhibition included video footage on continuous loop. In one segment, available online under the title [Western Propaganda on Xinjiang Rebutted](#), China Global Television Network (CGTN) reporter Wang Guan states: 'Many Western sources say China has detained anywhere between one and three million Uyghurs, a figure repeated so many times that it is almost considered a "fact". These claims are largely based on two highly-questionable "studies". The first is the U.S.-backed Network of Chinese Human Rights Defenders. It formed its estimate by interviewing a grand total of just 8 people.' The image accompanying the voiceover is a screenshot from a report prepared by the Network of Chinese Human Rights Defenders (CHRD) on the occasion of the August 2018 review of China by the UN Committee on the Elimination of Racial Discrimination (the CERD Review).

In our view, this constitutes a state-supported effort to smear and discredit independent civil society working to protect and promote human rights in China. Its inclusion in the space of the Palais des Nations is an overt attempt to discourage human rights reporting by independent media and civil society to UN mechanisms, and to intimidate non-governmental actors from criticizing China's human rights record at the Human Rights Council. This case was transmitted to the Human Rights Council President.



## CUBA

**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 defence 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 'Omilio' 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 was 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.'

**In terms of follow up, on March 21, 2019, the CIR had planned to hold their annual Forum, which had previously been interrupted by Political Police agents on January 21, 2019. They planned to give a presentation on the recommendations the Committee for the Elimination of Racial Discrimination had made to the Cuban State. However, early in the morning, Mr. Madrazo Luna was detained by State Security agents when he tried to take a picture of the agents that were stationed at the entrance to his building. One of the agents violently told him that he was not allowed to take pictures and then handcuffed him. The agent struck him in the face and forced him to get into a police car. The agents took him to the Police Operations Unit in the Playa municipality, where he was placed in a cell. Mr. Madrazo Luna was in the cell for six hours. After six hours had passed, the Head of the Section 21 Unit interrogated him for an additional two hours. He told Mr. Madrazo Luna that "the time for large activities is over, we are not going to allow any more activities with more than 15 people," and that every time he tried to hold a large activity, it would be interrupted.**

**On June 24, 2019, Mr. Madrazo Luna had planned to travel to Medellín, Colombia to participate in activities related to the General Assembly of the Organization of American States. However, an official who identified himself as "Alejandro" came to his home and told him that he would not be allowed to leave Cuba. The official ordered him to stay in his house and informed him there would be "no trip to Colombia" for him nor for anyone else who was traveling for the General Assembly. His case was mentioned in a joint statement by the Benelux countries at the 41st session of the Human Rights Council on 3 July 2019.**

**Yamilka Abascal Sanchez** is a founding member of the Cuban Youth Dialogue Table (Mesa de Diaologo de la Juventud Cubana), an independent civil society organization that works to promote democracy in Cuba. In February 2017, she was convicted of the crime of "contempt against an authority" (desacato), along with her husband, Jose Rolando Casares Soto, after the two of them questioned why a police officer was detaining their friend. Their trial was held closed to the public and the couple were not allowed to present any evidence to defend themselves, while the Prosecutor presented eight witnesses who were not present at the scene of the "crime." Ms. Abascal Sanchez served a two-year house arrest sentence and her husband is currently serving a five-year sentence.

Yamilka Abascal Sanchez participated in the advocacy tour in Madrid and Geneva at the end of September and beginning of October and returned to Cuba from Geneva on October 3, 2019. Once she returned to her house in Pinar del Rio, her aunt told her she had been summoned to the Immigration Office the next day. Upon her arrival, two immigration agents asked to examine her passport and questioned her for an hour and a half. They asked her why she had travelled, who paid for her expenses, and also threatened her various times. She was told her husband would suffer the consequences if she continued with these activities and she could return to jail. At the end of the interrogation she was told she could not leave the island. Additionally, while Ms. Abascal Sanchez was traveling, State Security agents went to her house and informed her mother-in-law, who was taking care of her children, that they could take her children away because their mother was outside the country and their father was in prison.

**Jose Ernesto Morales Estrada** is a Cuban independent lawyer based in Pinar del Rio. He is the Director of the independent civil society organization Legal Counselling and Civic Education (Consejería Jurídica e Instrucción Cívica) and has been targeted by Cuban authorities because of his activism. Two United Nations Special Rapporteur Mandate Holders sent a communication to the Cuban State regarding violations of Mr. Morales Estrada's human rights in February 2018.<sup>59</sup> In March 2018, the Inter-American Commission on Human Rights (IACHR) issued precautionary measures on his behalf<sup>60</sup>. The United Nations Assistant Secretary-General for Human Rights included Mr. Morales Estrada's case in the 2018 report on intimidation and reprisals against persons cooperating with the United Nations<sup>61</sup>.

Mr. Morales Estrada also participated in the advocacy tour in Madrid and Geneva at the end of September and beginning of October. On November 15, 2019, members of the State Security force went to Mr. Morales Estrada's house to detain him. Mr. Morales Estrada insisted that he could not be detained unless they presented him with an arrest warrant. The Security agents left but the next day he was accused of threatening a neighbour, a State Security Captain. Following this, he travelled to Miami and upon his return on November 25, State Security agents went to his house and summoned him to the police station.

Mr. Morales Estrada went and two hours later his family and members of his organization went to the police station but were told he was not there. They went to various police stations around the municipality but were told every time that Mr. Morales Estrada was not detained. Around 7pm that night, a neighbour saw that he was being taken to the unit that deals with crimes against the state.

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<sup>59</sup> Letter from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders to the Permanent Mission of Cuba to the United Nations and Other International Organizations in Geneva, AL CUB 1/2018 (Feb. 9, 2018).

<sup>60</sup> Inter-American Commission on Human Rights (IACHR), Resolution No. 22/18, Precautionary Measures No. 954-16, Jose Ernesto Morales Estrada (Cuba), March 18, 2018, *available at* <http://www.oas.org/es/cidh/decisiones/pdf/2018/22-18MC954-16-CB.pdf>.

<sup>61</sup> United Nations Human Rights Council, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary General, A/HRC/39/41, Aug. 13, 2018, ¶ 21-2.

When his family went to the unit, they were told he was being charged with a crime. He was released the next day. This is a frequent tactic that Cuban authorities have used against Mr. Morales Estrada: to detain him and inform him he will be criminally charged and then release him, reminding him that he can be sent to prison at any time.

**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 69 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 (CERD) 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 to CERD.

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 CERD.

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 was 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.

**In terms of follow up, on 30 April 2019, Mr. Mesa Carbonell was arrested by the police without charges, held in a cell overnight without access to necessary medicine or to a phone call, and released the next day, allegedly for planning 'counter-revolutionary activities' for 1 May. His case was mentioned in a joint statement by the Benelux countries at the 41st session of the Human Rights Council on 3 July 2019.**

**In August 2019, an open letter by the Black Brotherhood to the President of the Councils of State and Ministers was issued. Shortly afterwards Mr. Mesa Carbonell received a verbal summons from two political police officers for an interview, which he did not attend because he considered it to be unlawful. One of the officers complained about his non-attendance, to which he responded that they had not provided a document of citation, and they did not insist with the interview.**

**On 1 November 2019, an important political event took place near Mr. Mesa Carbonell's place of work, with the presence of foreign representatives. The same political police officers arrived at his place of work and made him get into a car with a private plate, which took him home. Mr. Mesa Carbonell believes this was to prevent him from attending the event and taking any action, and though unlikely, it served to make him feel that they had him under control through low-intensity repression. Mr. Mesa Carbonell also had the license that allows him to work as a private parking attendant cancelled unexpectedly and without reason in October 2019, which he believes was designed to interfere with his ability to earn a living. He was able to have it restored in 2020 after taking various administrative steps.**

## EGYPT

Law 70/2017 regulating civic associations adopted in mid 2017 over the [strenuous objections of Egyptian rights organisations and political parties](#)<sup>62</sup> was replaced by the new NGO law no. 149/2019 [passed](#) in July 2019. Despite Egypt's passing of a new **NGO law**, which replaced prison sentences with hefty fines, defenders are still facing up to 25 years imprisonment in Case no. 173/2011. This is possible due to an amendment passed in 2014 of Article 78 of the Penal Code on foreign funding.

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. As a result of the "NGO Foreign Funding case", human rights defenders were not able to travel to participate in the UPR in November 2019. NGOs need the minister's approval to "join, affiliate, participate, cooperate and engage with foreign organisations in activities" (art.19). These activities could be interpreted as for example: engaging with the Human Rights Council and its mechanisms such as the UPR and Special Procedures, treaty bodies and other international mechanisms. Its practical effect is to eradicate human rights advocacy. Egyptian civil society have continued to call for NGO law in line with Egypt's international obligations.<sup>63</sup> The law has devastating effects on the engagement of NGOs in Egypt with the UN. ISHR has provided an [analysis of the new NGO law](#).<sup>64</sup>

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](#)

<sup>62</sup> <https://cihrs.org/?lang=en>.

<sup>63</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>64</sup> <https://www.ishr.ch/sites/default/files/documents/new-ngo-law-analysis.pdf>

[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. **On 20 November 2019, Special Procedures urged his immediate release and called his referral to another case with the exact same charges as 'double jeopardy'. Metwally's pre-trial detention continued to be renewed and he was added to another case with identical charges in November 2019.**

## 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 to interrogate 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 7 March 2017, 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 2017, 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 2017, 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.

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>65</sup> On 16 May 2019, four special procedures mandate holders addressed these allegations, expressing serious concerns about the physical and psychological integrity of Ms. Castro and her relatives (HND 2/ 2019).

**In terms of follow-up, in August 2019, Ms. Castro made a complaint to the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and those working in the Judicial System (FEPRODDHH), in regard to six incidents of 'surveillance', 'tracking', 'persecution' and attack, all of which involved a patrol of the national police' which obstructed her work as a human rights defender, impacted on her physical and mental wellbeing, and that of her family and staff of the office of ACI Participa. All this affected Ms. Castro's youngest daughter most particularly, as well as her other children and her elderly mother. There has been no response to the complaint. Since the complaint, Ms. Castro has continued to be followed (November 2019), and had her car sabotaged (December 2019). She was followed and threatened in March 2020 and has continued to receive threatening phone calls (April 2020).**

## 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-

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<sup>65</sup> <https://www.frontlinedefenders.org/en/profile/hedme-castro>.



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 kilometres 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.

**Following his arrest under the PSA, Parvez learned that the government had established First Information Reports (FIRs) against him.<sup>66</sup> Currently three FIRs remain against Parvez. The state has continued to delay the cases for no reason and there appears to be no inclination on part of the state to conclude the investigations, thereby making the process as a punishment for Mr. Parvez.**

**Regarding the first FIR (78/2016), Challan has been produced.<sup>67</sup> The last hearing was on 22 April 2020 during which the case was adjourned due to the ongoing COVID-19 lockdown and the next hearing is set for 1 July 2020. The state has not produced any witnesses so far. In this case, there were seven accused, all of whom have been granted amnesty by the government except Khurram Parvez. The prosecution is yet to produce evidence in this case. In the second FIR (No 74/2016), the case was last heard on 6 April 2020 and the next hearing is on 15 June 2020. Challan has been produced. There are a total of 12 accused in the case and no witnesses have been produced in the case so far. In the third case (FIR No 72/2016), the case was last heard on 6 March 2020 and the next hearing is on 3 June 2020. There are 6 accused in the case. Challan has been produced. No witnesses have been produced in the case so far. At the last hearing, the Station House Officer (SHO) of the concerned police station was directed by the Court for personal appearance. The case has been delayed as two accused have not appeared in Court.**

**Mr. Parvez has faced further reprisals during the reporting period on account of his work. Shortly after 5 August 2019, when the Government of India revoked the special status, or limited autonomy, granted under Article 370 of the Indian Constitution to Jammu and Kashmir, police officials from the Criminal Investigation Department (CID), informed Mr. Parvez, first informally and later formally at his office, that he cannot travel**

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<sup>66</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>67</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.

**internationally due to prohibitory orders issued by the Government of India restricting him, and scores of Kashmiris from travel. The prohibition on travel, in the form of an Exit Fly List, is a direct reprisal against the work of Mr. Parvez and his organization.**

## **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>68</sup> The victims, **Ramiro Ramírez Martínez, Rodrigo Ramírez Martínez, Orlando Santaolaya Villarreal** and **Ramiro López Vásquez** had submitted an individual complaint to the Committee against Torture in March 2012, and the Committee found violations of several provisions of the Convention Against Torture in August 2015.<sup>69</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.

While detained, the victims 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.

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>70</sup>

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 checkpoint. He was stopped and asked to show identification and only

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<sup>68</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>69</sup> CAT/C/55/D/500/2012.

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

allowed to proceed after 45 minutes, without giving any valid reason for holding him up. Mayra Lopez reported having been followed and intimidated several times including 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.

On 30 January 2019, Mexico submitted follow-up information, reporting that criminal investigations were reopened in 2016 in order to bring the perpetrators of torture to justice but that no significant progress in establishing their accountability had been achieved. Mexico noted that evidence in the form of voice recordings has been requested from the military Public Prosecutor's office. Regarding compensation, the victims' names have reportedly been entered into the National Registry of Victims and can therefore receive compensation but the victims have not received any compensation to date, other than legal assistance, and no further explanation in that regard has been provided. No updated information has been provided on the two victims who had been sent back to prison shortly after their release. Mexico did not provide an update on the medical treatment required by the victim who suffered hearing loss in one ear as a result of torture, and updated information on the reform of military jurisdiction was also lacking.

On 12 April 2019, the complainants' counsels requested the Committee Against Torture to: (a) require Mexico to submit information on the measures taken to comply with the recommendations in the August 2015 decision; (b) call on the State party, through the Committee's rapporteur on reprisals, to safeguard the physical and moral integrity of and refrain from any reprisals or retaliation against the complainants, their families and legal representatives; and (c) appoint one or several of its members to proceed with a confidential investigation into the follow-up to its previous visit to Mexico in 2001, in accordance with article 20 of the Convention.

**In terms of follow up, noting that the follow-up to the August 2015 decision was part of a dialogue during the examination of Mexico's seventh periodic report in April 2019, the Committee decided to keep the follow-up dialogue ongoing, and to send out a letter by the Chair of the Committee requesting that Mexico ensure full implementation of the above decision, and to refrain from any further reprisals against the complainants, their families and legal representatives. The Committee also decided to consider further steps in the light of Mexico's response as the follow-up observations and comments have demonstrated a lack of implementation. Mexico's report on follow-up is due 17 May 2020.**

**On 8 September 2019, Rodrigo Ramírez Martínez was on his way home when agents of the National Gendarmerie detained him without providing a reason, and threatened to hand him over to a criminal group. Fearing he would be arbitrarily detained and tortured, as happened in 2009, Rodrigo escaped in his car. When he heard shots coming from the**

agents' cars, Rodrigo lost control of his car and crashed into a traffic island. Rodrigo was beaten, threatened and blackmailed. The Federal Government was notified but has not been able to provide any protection on the basis that Rodrigo is not a human rights defender. There are no provisions in Mexico to guarantee protection to victims who cooperate with the UN system and are subjected to reprisals.

Ramiro Ramírez Martínez (Rodrigo's brother), was released in on 14 February 2020, after 10 years of imprisonment, bringing the total number of releases to three. Orlando Santaolaya remains in prison.

## 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>71</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>72</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 2019. It was hoped this would be a first step towards greater respect for the rights of Saharawi detainees. The resumption of visits followed 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 the resumption of visits.<sup>73</sup>

**In terms of follow up, Naâma Asfari's wife Ms Mangin-Asfari attempted to visit him in early July 2019 and was again denied entry. A large number of books she sent to him in 2020 were returned with no reason. They are only allowed one very brief phone call each week. Asfari has not been permitted to visit an ophthalmologist for nine years. Meanwhile, Asfari's appeal has been stalled for three years.**

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<sup>71</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/093/43/PDF/G1709343.pdf?OpenElement>.

<sup>72</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).

<sup>73</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).

## PHILIPPINES

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 of 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 overall 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.

**In terms of follow up, in May 2019, Karapatan, together with the Rural Missionaries of the Philippines (RMP) and Gabriela, filed a petition for the writs of amparo and habeas data before the Supreme Court of the Philippines to seek protection from red-tagging, military harassment, and human rights violations directed against the organizations, officers and members. Following the filing of the petition in May 2019, National Security Adviser (NSA) Hermogenes Esperon Jr. filed a perjury case against the organisations.**

**In July and September 2019, Karapatan Secretary General, Cristina Palabay, led coalitions of human rights defenders to participate in the 41st and 42nd sessions of the Human**

Rights Council, and specifically to engage on the resolution on the promotion and protection of human rights in the Philippines.

The perjury case against most respondents was dismissed in November 2019 for 'lack of probable cause and/or insufficiency of evidence.' However, the case proceeded against RMP national coordinator Sr. Elenita Belardo. Last month, Belardo pleaded not guilty. In December 2019, Esperon filed a motion for reconsideration of the dismissed perjury case, alleging that perjury was committed in stating that the RMP was a registered non-government organization at the Securities and Exchange Commission.

Karapatan filed complaints regarding the threats and harassment to the Philippine Commission on Human Rights (the Commission) in March 2019, and raised the same concerns with the Commission during its Special Public Inquiry on Human Rights Defenders in September 2019.

In March 2020, Cristina Palabay of Karapatan, along with a coalition of human rights defenders, was conducting advocacy at the 43rd session of the Human Rights Council, specifically on the resolution on the promotion and protection of human rights in the Philippines. While this advocacy was being carried out, on March 2, 2020, Quezon City Prosecutor Vimar Barcellano found probable cause to pursue the case filed by NSA Esperon, reviving the case against officers of the three organisations: Elisa Tita Lubi, Cristina Palabay, Roneo Clamor, Gabriela Krista Dalena, Edita Burgos, Fr. Wilfredo Ruazol, and Jose Mari Callueng of Karapatan; RMP's Sr. Emma Cupin, of RMP; and Joan May Salvador and Gertrudes Libang of Gabriela. The case against Karapatan's officer Reyland Vergara was dismissed for lack of jurisdiction. Nine of the ten respondents posted bail on March 3, 2020. Palabay posted bail when she returned from Geneva in April 2020.

The revival of the perjury case while defenders were actively engaged in advocacy at the Human Rights Council constitutes an effort to intimidate, restrict and discredit independent civil society engaging at the UN to protect and promote human rights in the Philippines. This case and its revival are baseless and malicious and amount to judicial harassment. Esperon has failed to sufficiently establish the elements of the crime of perjury under the Revised Penal Code.

Furthermore, in response to the allegations by the NTF that Karapatan was channelling funds to the communist armed movement in the Philippines, the Belgian Ministry for Development Cooperation conducted an independent audit of Karapatan from September to November 2019. Karapatan is among the partners of the Belgian NGO Viva Salud in the Philippines. On December 17, 2019, the Commission on External Relations of the Belgian parliament had a meeting, wherein Severine de Laveleye, MP of ECOLO, asked a question to Development Cooperation Minister Alexander de Croo on the "security of partners of Belgian NGOs" in the Philippines.<sup>74</sup> De Croo stated that extensive internal financial audits

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<sup>74</sup> <https://www.dekamer.be/doc/CCRI/pdf/55/ic075x.pdf> at page 4.

**were immediately carried out on the four Belgian organizations involved and their nine local partners and no irregularities were found.**

During an informal consultation on a draft Human Rights Council resolution on the Philippines, organised by the Permanent Mission of Iceland, on 27 June 2019, CEDAW member **Ms. Rosario G. Manalo**, was present and took the floor to speak as a 'human rights defender from the Philippines'. When given the floor, Ms. Manalo delivered a lengthy speech, apparently reading from prepared written remarks, during which she repeatedly asserted that **representatives of Filipino civil society** who had come to Geneva to speak in support of Human Rights Council scrutiny of the Philippines were 'treacherous', accusing them of 'being paid to do so' and referring to 'sanctions'. When making these remarks, she gave the impression that they were directed, at least in part to a specific group of Filipino civil society representatives seated near her at the time. Ms. Manalo previously held a high-level role with the Department of Foreign Affairs of the Philippines.

## **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 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 submitted an inquiry to the FSB requesting information on the reasons for his deportation. He also filed a judicial complaint regarding the denial of entry. During the first hearing held at the Moscow City Court on 20 March 2019, the judge accepted the FSB argument that the reasons for the entry ban were a State secret but suspended the hearing given that the FSB did not provide the necessary documentation. During the second hearing held on 20 June 2019, Mr. Rohr's lawyers were reportedly denied access to the evidence and the FSB did not provide an explanation for the length of the visa ban. Mr. Rohr's appeal was rejected.

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.

**In terms of follow up, in July 2019, Mr. Rohr received a written decision of the Moscow City Court to dismiss his claim to challenge the FSB decision. The decision reportedly did not provide an analysis of the circumstances of the case, but again referred to Article 27, para 1, item 1 of the Federal Law 114, which stipulates that entry can be denied in case of a threat to national security.**

**On 27 July 2019, Mr. Rohr's lawyer submitted an appeal to the Supreme Court. On 10 October 2019, he received a written notice informing him that the first appeal hearing would be held on 25 October 2019. He requested the hearing to be rescheduled due to the late notice but the request was rejected. During the session held on 25 October, the Supreme Court rejected the appeal and thus Mr. Rohr has now exhausted all domestic remedies.**

**On 25 November 2019, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights of indigenous peoples sent a communication to the government.<sup>75</sup>**

## **SAUDI ARABIA**

### **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.

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<sup>75</sup> REFERENCE: AL RUS 8/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24932>



This takes place in the context of considerable restrictions and attacks against defenders in Saudi Arabia (see context section above).<sup>76</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>77</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.

**In terms of follow up, Al-Hathloul had a court hearing in February 2020, and another hearing was scheduled for March 2020 but was indefinitely postponed due to COVID-19. The Prosecution continues to deny the torture allegations. Al-Hathloul was moved out of solitary confinement. The charge sheets relating included “undermining public order, religious values, good morals and private life” and “communicating with journalists, UN human rights bodies and human rights organisations” such as Amnesty International, Human Rights Watch and ALQST, groups described as “hostile to the State”. Saudi Arabia has still not publicly released the legal charges being brought against the women's rights activists, including Al-Hathloul, but the punishments being sought by prosecution indicate the nature of the charges. The prosecution is calling for the maximum penalty under Article 6 of Saudi's notorious Cybercrime Law. Article 6 prescribes a prison term of up to five years and/or a fine of 3 million riyals as punishment for “any person who produces, prepares, transmits or stores by means of the Internet or a computer anything that might breach public order, religious values or personal privacy”. In April 2020, Al Hathloul's family was denied their weekly call. Physical visits have been suspended in light of the COVID-19 outbreak.**

**The Committee on the Elimination of Discrimination Against Women (CEDAW), issued a [statement](#) to mark the second anniversary of Al-Hathloul's participation in the review of Saudi Arabia. The statement urges Saudi Arabia to release Al-Hathloul from prolonged pre-trial detention and ensure without further delay her right to a fair trial.**<sup>78</sup>

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

**In terms of follow up, most recently, Assiri spoke at a side-event on Saudi Arabia held on the margins of the 43rd session of the Human Rights Council and sponsored by FIDH and**

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<sup>76</sup> <https://www.hrw.org/news/2018/05/18/saudi-arabia-womens-rights-advocates-arrested>

<sup>77</sup> <https://www.gc4hr.org/news/view/1804>.

<sup>78</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/9045&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/9045&Lang=en)

**the Right-Livelihood Foundation. The charge sheets of Loujain Al-Hathloul, Samar Badawi and other women's rights activists included contacting Al Assiri personally, besides interacting with journalists, UN bodies and human rights organisations.**

**Samar Badawi**, a human rights defender and award-winning activists advocating for women's rights and the release of her ex-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).

**In terms of follow up, on 27 June 2019, Samar Badawi was brought to trial before the Specialized Criminal Court, alongside several other women's rights activists, in relation to charges under the Cybercrime Law. Her appearance before the Court was the first since her arrest and there is no indication that legal representation was present. She had a hearing on 20 February 2020. Throughout the trial, Badawi's hearings have been regularly postponed. Most recently, she was scheduled to attend a hearing on 18 March 2020. However, her hearing date was indefinitely postponed due to the COVID-19 outbreak.**

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.

**In terms of follow up, 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. She was released on 2 May 2019.**

## 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 Chaoue**, an indigenous WHRD 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 her bail was set at the significant amount of 2 million baht (USD20,000) and the amount was posted by 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 after being detained for 331 days.

**In terms of follow up, on May 22, 2019 Maitree and Save Lahu group assisted the families of Lahu activist and human rights defender Chaiyapoom Pasaes, and Abe Saemoo to file a civil suit against the Royal Thai Army for compensation to the Army according to the Liability for Wrongful Act of Officials Act B.E. 2539. Abe Saemoo was extra judicially executed by the army at the same checkpoint as Chaiyaphum. The Chiang Mai Provincial Court in June 2018 concluded that Chaiyapoom Pasaes had died at the hands of a soldier but did not rule on whether the extrajudicial killing was illegal.<sup>80</sup>**

**In the case of Saemoo, on 4 March 2020, the court ordered the army to pay compensation to the plaintiff, which totals 824,180 baht with 7.5% interests per year from 15 February 2017 onwards. However, the defendant requested an extension period to make appeal until 6 May 2020. In the case of Chaiyaphum, his family has filed complaints for compensation demanding 4,188,661.40 baht. The cross examination of the plaintiff's witness took place in Chiang Mai on 29 January 2020 at Chiang Mai Provincial Court, which sent the documentation back to the Civil Court in Ratchada, Bangkok, on 28 February 2020. The court appointed dates for the cross examination of plaintiff witness and defendant witnesses is 4-5 August 2020.**

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

**Due to the continued misuse of criminal law by the State, Maitree, Nawa and other members of the Save Lahu movement continue to face risks restricting them. Nevertheless, given the COVID19 pandemic Maitree, Nawa and other members of Save Lahu movement returned to live in their villages and continue to make security assessments with Protection International.**

The 2017 (A/HRC/36/31, para. 57 and Annex I, paras. 80–81) and 2018 (A/HRC/39/41, Annex II paras. 51–53) reports of the Secretary-General noted that grant recipients of the United Nations Voluntary Fund for Victims of Torture were subject to a legal complaint filed by the Royal Thai Army, dismissed in October 2017, for publishing a report on cases of torture and ill-treatment by military in the Southern Border Provinces. They were also harassed online. In September 2018, following the presentation of the 2018 report of the Secretary-General to the Human Rights Council (A/HRC/39/41), it was reported that **Ms. Anghkhana Neelapaijit** and other defenders were subjected to smearing on social media. For example, a photo of Ms. Neelapaijit was circulated and she was accused of manipulating the truth.

**In 2019 the Secretary-General reported that the Government shared that Ms. Neelapaijit filed two libel complaints on 7 June 2017 and 18 September 2017 and that the Royal Thai Police instructed the competent authorities to treat them as urgent cases, which are still under investigation. Preliminary findings suggest that the incidents involve fake Facebook accounts.<sup>81</sup>**

**In terms of follow up, nothing has changed and Ms. Neelapaijit continues to be attacked on social media. Ms. Neelapaijit has complained at least twice since 2017 to the police at the Technology Crime Suppression Division. In 2018 the police from Police Station near her home visited her and asked her about the online harassment against her but there was no further investigation. The online attacks continue against her and other human rights defenders in Thailand and the police do not sufficiently investigate. Ms. Neelapaijit has complained to social media companies, such as Facebook, directly but this is time consuming and mostly unsuccessful.**

**On 25 February 2020 there was a censure debate in the Parliament, and one of the opposition MPs—Mr. Wiroj Lakkhanaadisorn—called on the Prime Minister to take responsibility for approving a budget to fund an Internal Security Operations Command (ISOC) cyber war on human rights defenders, politicians, and academics working to establish peace in the southernmost region of Thailand. He said that, as an MP scrutinizing budget allocation, he found documents sent by ISOC to request a budget to hire people to post and comment on social media from 2017 to 2019. As the Prime Minister is the Chairman of the ISOC, Mr Lakkhanaadisorn said ISOC's witch-hunt was causing rifts within**

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<sup>81</sup> A/HRC/42/30 at para 102.

society.<sup>82</sup> One example of an IO (Information Operation) is “pulony.blogspot.com” which includes a claim that Ms. Neelapajit as woman human rights defender and former National Human Rights Commissioner colluded to escalate the insurgency situation in the southernmost region to gain international attention.<sup>83</sup> Instead of replying to the MP’s questions, the Thai Prime Minister immediately left the meeting room.

The censure debate on 25 February 2020 revealed several pieces of evidence regarding the allegation that the Military and the Thai Government are running an online IO that targets prominent human rights defenders, political activists, opposition politicians, and public figures. Evidence includes official documents issued by the ISOC under the Office of the Prime Minister including an official military memorandum issued by Second Army Area. There is also a video of an interview with a military officer who took part in the operation, conversation logs from a private online group that discussed using social media to disseminate fabricated information against government critics, and a QR code shared within the private group.<sup>84</sup>

## UNITED ARAB EMIRATES

20 March 2017 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>85</sup> The authorities have announced that he is facing speech-related charges that include using social 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

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<sup>82</sup> <https://www.bangkokpost.com/thailand/politics/1866364/govt-to-probe-cyber-war?fbclid=IwAR2oAu2DYAZGcFes3f-wJ3UTbFry7dnP9OwhJYTnLzghvtquknvEc3b7l>

<sup>83</sup> [http://pulony.blogspot.com/2017/11/3\\_9.html](http://pulony.blogspot.com/2017/11/3_9.html); <http://pulony.blogspot.com/2018/08/ngos.html>;  
<http://pulony.blogspot.com/2019/02/permas.html>;  
<http://pulony.blogspot.com/2018/10/apakah-matlamatnya-untuk-diadakan-ngos.html>;  
[http://pulony.blogspot.com/2019/07/blog-post\\_26.html](http://pulony.blogspot.com/2019/07/blog-post_26.html);  
<http://pulony.blogspot.com/2019/10/hak-asasi-manusia-di-atas-hujung-hulu.html>;  
[http://pulony.blogspot.com/2019/10/blog-post\\_21.html](http://pulony.blogspot.com/2019/10/blog-post_21.html); <http://pulony.blogspot.com/2019/11/blog-post.html>

<sup>84</sup> <https://www.tlhr2014.com/?p=16303&fbclid=IwAR2mmgf-nD-u9aFuZnboJetX3AicvNQIEogchrHSZjSCYkuZjogK3TRjCJA&lang=en>

<sup>85</sup> <https://www.hrw.org/news/2018/04/09/uae-one-year-award-winning-human-rights-defender-ahmed-mansoors-whereabouts-remain>.

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>86</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. On 31 December 2018, the Federal Supreme Court in the UAE upheld the conviction, the 10-year prison term, and the fine.

**In terms of follow-up, Mansoor is still 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. Since his arrest three years ago on 20 March 2017, he has only been permitted to leave his small cell for a handful of family visits, and only once allowed outside for fresh air in the prison’s exercise yard. In protest, he has been on two separate hunger strikes which have seriously damaged his health. In February 2020, more than 60 civil society organisations, writers, and Nobel laureates appealed to the UAE authorities to free detained human rights defenders during the Hay Festival Abu Dhabi. The joint letter was signed by Nobel laureates Wole Soyinka and Ahmed Galai, intellectual Noam Chomsky, British author Stephen Fry, and Egyptian author Ahdaf Soueif.**

**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

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<sup>86</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E>.

against humanity committed by US nationals in Afghanistan or elsewhere, and threatened to take other measures including economic sanctions.<sup>87</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>88</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>89</sup>

**In terms of follow up, the case was inexplicably excluded from the SG's 2019 annual report on reprisals presented to the 42nd session of the Human Rights Council in September 2019. During the interactive dialogue on the report, the Assistant-Secretary General defended this on the basis that the incident did not fall under the reporting mandate of the Secretary-General as the intimidation related to the International Criminal Court. However, ISHR recalls that the Secretary General's 2018 reprisals report stated that 'while recognising the independent judicial character of the International Criminal Court, the Court is regarded as a related organisation in the United Nations' and cases related to the ICC have been included several times previously. Some examples include:**

- **The 2018 reprisals report documented that two defenders in Iraq faced reprisals after attending a preparation meeting for a conference aimed at calling on Iraq to join the Court (para 29).**
- **The 2017 reprisals report included Israel in the reprisals report regarding incidents of reprisals and intimidation of defenders engaging with or promoting engagement with the International Criminal Court (para 39).**
- **In the 2012 reprisals report, the reprisals report included two incidents of reprisals for seeking or engaging with the ICC from Malawi and Sudan (para 33 and para 66, respectively).**

**Furthermore, the intimidation has continued. During a media briefing on 17 March 2020, United States Secretary of State, Michael Pompeo made remarks in relation to an ongoing**

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<sup>87</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>88</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>89</sup> <https://www.ishr.ch/news/reprisals-us-must-stop-threatening-international-criminal-court>.

investigation at the ICC. During the briefing, Secretary Pompeo spoke of the possible implication of US nationals in investigations conducted by the ICC Office of the Prosecutor, derogatorily referring to the ICC as a 'so-called court' and a 'nakedly political body'. Pompeo also named two members of the prosecution's staff and implied measures could be imposed on these individuals, and their families.

## 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>90</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. 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>91</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.

**In terms of follow up, on July 8, 2019, Judge Afiuni received an official notification from the Seventeenth Court of First Instance dated July 4, 2019, announcing that she was granted the cessation of one of the precautionary measures: the obligation to appear regularly before the courts. However, her freedom was conditional and partial as she is still prohibited from leaving the country, communicating with the press, and using social networks. On 18 October 2019 the conviction for corruption and the sentence of five years**

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<sup>90</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.

<sup>91</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'.



**imprisonment was confirmed by the Court of Appeal. The possibility that she will be imprisoned again remains as her case is still awaiting appeal at the Supreme Tribunal of Justice.**

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.

**In terms of follow up, there is still no independent, formal and credible response from the responsible authorities in Venezuela to what happened. Initially, an investigation into Alban’s death by the Office of Prosecutor was started but in the end two officials of the SEBIN were tried for breach of the obligations to keep custody over a person under their charge. Because Alban is not considered a victim of the “breach of duty”, his lawyers have no access to the files. The original complaint about Alban’s death remains at the Prosecution Office, but no investigation has taken place. In December 2018, a request was made to the Prosecutor’s Office and the Ombudsman for an independent and autonomous investigation but it was never processed and was not assigned a complaint number. Furthermore, Alban’s lawyer, Ramón Alfredo Aguilar remains under surveillance by the Directorate General of Military Counterintelligence (DGCIM). On March 28, 2019, a complaint was submitted electronically to the Venezuelan ombudsman regarding these acts of persecution and harassment against. No response has been received to this complaint, and the lawyers who submitted it have not been contacted.**

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 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 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.

**In terms of follow up, during the period June 2019-April 2020, CDJ has registered a new increase in attacks and accusations against people and organisations that defend human rights, as well as against people who are carrying out humanitarian work and union leaders. This occurs in an increasingly restrictive environment for the defence of rights and the levels of risk continue to increase, especially due to advocacy actions relating to, or reception of, international cooperation. Due to the situation in Venezuela, different regional and international mechanisms have monitored the human rights situation, including the exploratory mission by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in March 2019, the subsequent visit by the High Commissioner, Ms. Michelle Bachelet in June 2019 and the report presented by her office after the visit on July 5, 2019, as mandated by the Human Rights Council, subsequent oral updates in September and December 2019, as well as March 2020, the renewal of the mandate by the Human Rights Council to continue monitoring the situation in Venezuela, as well as the establishment of a Fact-Finding Mission to establish accountability and advance truth and justice processes for victims.**

Within this framework, human rights defenders and organizations have continued their work of documenting, denouncing, and disseminating violations, contributing to the various mechanisms for providing information and making violations visible. The State's response has been to stigmatize and harass them.

**5.07.2079: The government news portal 'Misión Verdad' publishes an investigative article questioning the content of the report of the OHCHR. It is found in the section called "The War in Venezuela" and the article is titled "The Bachelet Report will be another Instrument for Attempting Regime Change (Special Analysis)".<sup>92</sup> The article questions the participation of the independent human rights organizations that cooperated in the preparation of the report, calling them "privileged" and claiming that no interviews were held with others affected by the government.**

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<sup>92</sup> En: <http://misionverdad.com/la-guerra-en-venezuela/informe-bachelet>

**8.7.2019.** The web portal of the government program ‘Con el Mazo Dando’ publishes a note regarding the report of the OHCHR in which it is alleged that the information presented by the human rights organizations for the preparation of the report is false and that they were singled out for receiving international funding: *The NGOs that the very distinguished Dr. Bachelet uses to flood her report with fallacious contradictions are mostly foundations and associations (some of them in a briefcase) that pay them to give testimonies and argue in favour of those who finance them or against whomever they want. The NGOs receive tickets, per diems, accommodation and salaries so that they do not resist the temptation, let alone the pressure of their sponsors or donors. They demand speeches, reports, testimonials and statements to demonize the country in question, which is in the sights of the CIA, Scotland Yard and the MOSAD. What a trio. Whoever pays for the mariachis demands the songs.*<sup>93</sup>

**7.07.2019:** Supreme Court Justice Carmen Zuleta de Merchán, singles out the NGO Provea on Twitter, accusing it of receiving funding and therefore questioning its legitimacy. This mention is made in the context of the presentation of the report of the OHCHR and the complaints made by the organizations.

**8.07.2019:** Supreme Court Justice Carmen Zuleta de Merchán threatens defender Susana Raffalli via Twitter, accusing her of serious misconduct for questioning her position on the contents of the High Commissioner's Report on Women's Rights. This mention is made in the context of the presentation of the OHCHR report and the denunciations by human rights organizations.

**10.07.2019:** The official Diosdado Cabello singled out the organizations Venezuelan Observatory of Social Conflict (OVCS), Provea and Foro Penal in his weekly program with Mazo Dando (Minute 2:43:40 to 2:46:20).<sup>94</sup> This is in response to the criticism and disqualification made by State representatives of the report presented by OHCHR. NGOs are criminalized for receiving international cooperation by pointing to international agencies, and they are also accused of providing biased and politicized information as part of the policy of discrediting them by accusing them of being right-wing political operators. During the four-hour programme, the report was questioned and the High Commissioner and her office were attacked. Reference was made on several occasions to paragraph 34 of the report, which questions the role of her programme and her role as president of the national constituent assembly in the policy of harassment, attack and defamation.

**15.7.2019:** In the context of the presentation of the OHCHR report, spokespersons and officials close to Nicolás Maduro continued to express their rejection by disqualifying and attacking not only the High Commissioner and her team, but also those who had

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<sup>93</sup> <https://www.conelmazodando.com.ve/el-colmo-de-estocolmo-filia-raptoris>

<sup>94</sup> Con el Mazo Dando. 10.07.2019, 10:43pm. Los Mazazos. Minuto 2:43:40 a 2:46:20. En: <https://www.youtube.com/watch?v=HbfEuPSZLUI>

collaborated with them. The page of 'Con el Mazo Dando', includes declarations by former official Roy Chaderton, given to the media on 14.07.2019, where he states: *"I think we have to hit hard at her and all those who slander, defame and offend us. Sometimes you have to undress before the public the human condition of some media characters."*<sup>95</sup>

16.7.2019. A note on the website of 'Con el Mazo Dando' questions the report presented by the OHCHR. It accuses them of presenting "dubious" information because it comes from human rights organizations 'financed by the United States'. It questions and discredits human rights organizations, arguing that their ethical reliability is questionable since they are funded by the US government.<sup>96</sup>

26.7.2019: A press release is published on the Aporrea website which talks about an alleged association of human rights organizations as agents of the CIA and the work they do in the world. Specifically, regarding Venezuela, it says *'Today we pay tribute to the numerous NGOs operate in the country at the service of the empire and serve to make the bed for the liquidation of the Bolivarian revolution, for example, they contributed ideas and false information for the Bachelet report.'* Reference is also made to the need for a law regulating cooperation.<sup>97</sup>

14.8.2019: The president of the national constituent assembly, Diosdado Cabello, in his weekly program 'Con el Mazo Dando', after posting a video of former President Chávez in which he expressed that a very severe law should be created to sanction NGOs who receive funding from 'the empire' (Minute 2:12:36 to 2:17:32).<sup>98</sup> He insisted on the need to advance in the approval of such a law and comply with Chávez's mandate and stated: *'We will approve a law to severely sanction NGOs that receive money for conspiracy.'* The criminalization of international cooperation has been one of the main attacks observed as part of the application of the national security doctrine against human rights defenders. On two previous occasions, the last one in 2015, Cabello as president of the Parliament tried to approve the Law on Cooperation, in order to control and regulate the financing of NGOs and to criminalize those that could be considered enemies of the revolution. These types of threats are made with the intention of intimidating human rights organizations that carry out advocacy and denunciation activities before international human rights protection bodies.

11.09.2019: The government portal La Iguana TV publishes an article entitled *"Venezuela rejects attempt by hostile countries at the UN to form a Human Rights Investigation*

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<sup>95</sup> Con el Mazo Dando. 15.07.2017. ¡La botó de jonrón! Chaderton sobre respuesta de Maduro a Bachelet <https://www.conelmazodando.com.ve/la-boto-de-jonron-chaderton-sobre-respuesta-de-maduro-a-bachelet>

<sup>96</sup> <https://www.conelmazodando.com.ve/jorge-valero-hacia-donde-va-michelle-bachelet>

<sup>97</sup> <https://www.aporrea.org/tiburon/a280800.html>

<sup>98</sup> Con el Mazo Dando | 14/08/2019 <https://www.youtube.com/watch?v=J6aDSevNgaA>  
<https://www.conelmazodando.com.ve/cabello-aprobaremos-ley-para-sancionar-severamente-a-las-ong-that-receive-money-to-conspire>

**Commission.**<sup>99</sup> After the presentation of the second oral update on the situation of human rights in Venezuela by the United Nations High Commissioner and the advocacy by national and international human rights organizations to promote the creation of an International Investigation Commission, Nicolás Maduro's supporters allege that the information presented is biased and not very objective, and also accuse those who make this request of being "openly enemies" of the government of Nicolás Maduro.

**17.10.19:** In the context of Venezuela's election to the United Nations Human Rights Council, Foreign Minister Jorge Arreaza, in public statements, accused the NGOs of being arms of the imperialist agenda, and of having promoted the rejection of Venezuela's membership in the international body.<sup>100</sup>

**12. 17.10.19:** On the web portal 'Misión Verdad', NGOs are accused of being part of the executors of "imperialism" to prevent Venezuela from occupying a seat on the Human Rights Council. The note speaks of a multidimensional war and states: "*The human rights narrative has been important in the multidimensional war that the United States is promoting against Venezuela and other countries where its hegemony does not predominate.*"<sup>101</sup>

**18.10.19:** On the web portal 'Misión Verdad' after winning a seat on the Human Rights Council, authorities close to Nicolás Maduro accuse the NGOs of being "tied to the transmission chain of the State Department and the agencies in charge of reflecting political guidelines." He also disqualifies the work of the organizations with the following allegations: "*It is precisely those organizations, foundations and civil associations financed by the U.S. government that have determined the discourse of criminalization and the record that supported the Bachelet report. The instrumentalization of human rights in favour of the destitution story did not give the expected result before the UN.*"<sup>102</sup>

**20.10.19:** The web portal La Iguana.TV publishes a note in which it asks a series of questions of "right-wing" countries. At the end of the note, it states that Venezuelan NGOs have provided information on the human rights situation to the OHCHR "financed by the political enemies" of the official government.<sup>103</sup>

**20.12.19:** Nicolás Maduro, in a public celebration of the Tenth Anniversary of the Bolivarian National Police, declared the existence of an alleged campaign to discredit the Special Action Forces (FAES), a group attached to the GNP that has served as an extermination

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<sup>99</sup> [www.laiguana.tv/articulos/558238-onu-hostiles-comision-investigacion-ddhh/](http://www.laiguana.tv/articulos/558238-onu-hostiles-comision-investigacion-ddhh/)

<sup>100</sup> <https://twitter.com/CancilleriaVE/status/1184868678086430722?s=20>

<http://francia.embajada.gob.ve/?tag=ministro-del-poder-popular-para-relaciones-exteriores-jorge-arreaza>

<sup>101</sup> <http://misionverdad.com/TENDENCIAS/venezuela-logra-un-escano-en-el-consejo-de-ddhh-de-la-onu>

<sup>102</sup> <http://misionverdad.com/la-guerra-en-venezuela/bloqueo-total-a-venezuela>

<sup>103</sup> <https://www.laiguana.tv/articulos/584567-clodovaldo-contraste-ultimos-sucesos-paises-derecha-venezuela-exercise-sunday/>

group and has been responsible for committing extrajudicial executions, as denounced by various NGOs, the OHCHR and the OAS. In this speech, he indicated that *'there has been a worldwide campaign against the Bolivarian National Police, against the FAES, led by the U.S. government, financed by the U.S. government. A campaign for us to eliminate the Bolivarian National Police, to eliminate the FAES. A campaign where we saw last week the trash of Luis Almagro testifying against the Bolivarian National Police, testifying against the FAES. A campaign where they finance NGOs that pose as independent NGOs to attack and target our Bolivarian National Police and the FAES. If any official steps out of line and eats the light, let the law catch him. The GNP and the FAES are a necessity for peace, security and the union of Venezuela to protect our people and have all my institutional, legal, constitutional support to develop their functions in the Peace Quadrants.'*<sup>104</sup> Once again, senior officials discredit and attack human rights organizations for their work in denouncing and making visible human rights violations, thus criminalizing their work.

19.02.20: In his weekly programme 'Con El Mazo Dando', Diosdado Cabello made a new threat regarding the creation or reform of a law that would severely sanction NGOs or private individuals that receive foreign funding. This threat occurred at the same time that he was reading a tweet from the NGO Provea where he gave his opinion about the military exercises that had taken place during the previous weeks. The attack culminated in a direct threat to this NGO: *"[Show tweet on screen] Provea... [Addresses audience] Compañero Pedro Carreño and comrades of the Constituent National Assembly (ANC); there are some here right, there are several right? several are the comrades motorized? Next week we are going to introduce in the ANC the revision of the laws that have to do with the financing of NGOs or private persons from other countries and that this be used (...) Rodolfo, you help us there Rodolfo, you help us there Rodolfo is a lawyer and knows about this issue. We are going to apply all the sanctions, the maximum of sanctions that can be applied to those who receive financing from the United States to conspire against the homeland, that's enough, that's enough. Then they are going to say that they are being persecuted, that's fine. [Applause] You agree with that? We're going to put it to a vote: do you agree with that? [Applause and applause from the audience] Approved by a clear majority! [Reads Provea's tweet in which it denounces public spending on military exercises and not on investing to improve the living conditions of Venezuelans] No they don't say that if the national government is going to buy medicines, the United States blocks the transaction, sanctions the laboratories that sell us medicines, the companies that want to sell us medicines... they don't say that, the fault lies with the national government. This is one of the ones that receives funding from USAID, from the United States directly. We'll see. We'll see."*<sup>105</sup> The policy of criminalization of human rights defence, specifically the possibility of receiving cooperation, continues to be based on the national security doctrine and, based on this threat, civil society is faced with increasing levels of risk and operating in

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<sup>104</sup> President Maduro rejects US-led smear campaign against FAES and PNB  
Caracas, December 20, 2019 Venezolana de Televisión: <https://www.vtv.gob.ve/maduro-denuncia-eeuu-bell-credit-pnb-final/> Minutes 1:52 to 2:40 of the video

<sup>105</sup> Con el Mazo Dando, program 289. Minute 59:00:00 to 1:01:10. Available at:  
[https://www.youtube.com/watch?v=0bOU\\_oXX73M](https://www.youtube.com/watch?v=0bOU_oXX73M)

an even more restrictive legal framework, due to arbitrary restrictions supported by channels with the appearance of legality.

**27.02.20:** Nicolás Maduro, during a national speech<sup>106</sup> created, by presidential decree no. 4.135, the National Counter-Terrorism Corps,<sup>107</sup> following the guidelines of the Plan de la Patria 2019-2025. This body would be empowered to carry out tactical, intelligence and counterintelligence operations for the prevention of crimes of corruption, organized crime, drug trafficking and terrorism and may carry out tactical operations necessary to "prevent, repress, neutralize and combat" these crimes. In relation to the work of human rights defenders, taking into account the application of the National Security Doctrine as part of the policy of criminalization and attack, coupled with threats made by various officials, the CDJ is particularly concerned about Article 4.5 and 4. 7 due to the broad discretionary powers given to the agency to monitor, search, investigate, and detain persons deemed to be terrorists, because those who defend human rights are stigmatized and labelled as terrorists and interventionists, as well as criminalized for receiving international cooperation or for cooperating with international mechanisms for the protection of human rights.

**28.02.20:** The news portal Sputnik, a Russian media outlet that is attached to the ideology of the official Venezuelan state party, published on its website an article with declarations by the Constituent Deputy, María Alejandra Díaz, who is the president of the human rights commission of the ANC.<sup>108</sup> In the aforementioned article, Diaz questions and discredits the annual report of the non-governmental organization Amnesty International, specifically its chapter on Venezuela. It should be noted that the official has made various public statements attacking various human rights organizations in Venezuela for their work or for cooperating with international mechanisms, especially the OHCHR. This attack once again represents the way in which the human rights movement in Venezuela continues to be subject to stigmatization, intimidation, and criminalization as part of the application of the National Security Doctrine, where NGOs are considered interventionists and internal enemies of the State.

**28.03. 20:** In a special program of 'Con el Mazo Dando', on the occasion of the accusation of the US Department of Justice, the president of the ANC, Diosdado Cabello, transmitted a video of the late President Hugo Chávez in which he points out the need for the creation of a law to prevent foreign funding of NGOs which he cites: "*How is it that we are going to allow political parties, NGOs, counterrevolutionary personalities to continue to be financed*

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<sup>106</sup> <https://www.vtv.gob.ve/venezuela-crea-cuerpo-contra-terrorismo/>

<sup>107</sup> Official Gazette No. 41.828 of February 27, 2020. At; [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_a](http://spgoin.imprentanacional.gob.ve/cgi-win/be_a)

<sup>108</sup> Sputnik. 28.02.20. "Constituyente asegura que Amnistía Internacional criminaliza a Venezuela por interés de EEUU". Disponible en: <https://mundo.sputniknews.com/politica/202002281090631972-constituyente-asegura-que- amnistia-internacional-criminaliza-a-venezuela-por-interes-de-eeuu/>

***with millions and millions of dollars from the Yankee empire and go around using full freedom to abuse and violate our constitution and try to destabilize the country. I implore that a very severe law be made to prevent this. That should be the way we should respond to imperial aggression, to imperial threat. By radicalizing positions, by not loosening up on anything. Adjusting positions, setting the pace, consolidating revolutionary unity."***

***At the end of the video, Cabello commented: "Well, my commander, that order you gave, a little late, but we are going to carry it out as soon as the ANC meets, we are going to approve that law you are talking about where political parties, NGOs, counterrevolutionary personalities continue to be financed with millions and millions from any country in the world, they are going to have to account for it. And if not, they will be considered criminals as they should be, because nobody allows that. To the United States 'No Venezuela is going to send an NGO in the United States to conspire against President Trump. They shoot the NGOs man and immediately declare to us that we are meddling in the internal affairs of the United States'. You're not going to be able to take us on, gentlemen of the opposition. They got you in a lot of trouble."***<sup>109</sup>

No actions have been taken to promote the non-repetition of these actions, nor have the corresponding investigations been opened to prosecute those responsible for the attacks. Human rights defenders in Venezuela must be able to carry out their peaceful and legitimate activities without undue restrictions and without fear of harassment, threats, or reprisals.

### **Trends and patterns**

In addition to the specific acts of reprisals for cooperating with United Nations mechanisms, generally speaking, the Center for Defenders and Justice (CDJ), during the period under study, documented a total of 149 attacks of which have been characterized as follows: 78 acts of stigmatization, 45 acts of intimidation and harassment, 11 threats, including death threats, 7 digital attacks, 4 arbitrary arrests, 2 raids, and 2 judicial proceedings. Of these acts, 16 are directly and indirectly associated with civil society cooperation with the United Nations. Specifically, these were carried out after the publication of High Commissioner Michelle Bachelet's report and later after oral updates of the same; there were also indications when Venezuela was elected to a seat on the Human Rights Council, and after the adoption of Human Rights Council resolution 42/25, which created a Fact-Finding Mission for Venezuela.

**Attacks and reprisals for cooperating with the United Nations increased compared to 2018, when only two attacks were recorded. This is closely related to the actions taken by the**

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<sup>109</sup> Con en el Mazo dando, program 294. 28.03.20. Minute 1:30:22 to 1:32:35. Available at:

<https://www.youtube.com/watch?v=UFmNCoigjdk&pbjreload=10>

Note on the Con el Mazo Dando website. 28.03.20. Available at:

<https://www.conelmazodando.com.ve/cabello-soon-we'll-approve-a-finance-from-foreign-against-law>



**United Nations human rights bodies in Venezuela, which are increasingly being highlighted in their forcefulness against the massive and systematic violation of human rights in Venezuela.**

## **YEMEN**

On 25 June 2018, special procedures mandate holders addressed the reported arbitrary detention of **Mr. Abdulrasheed Al-Faqih** and **Ms. Radhia Al-Mutawake** of the **Mwatana Organization for Human Rights** during their attempts to fly from Say'un airport, in apparent reprisal for their cooperation with United Nations human rights mechanisms (YEM 4/2018). Actions taken against them were based on orders reportedly received from the Saudi-led coalition in Yemen (See also Saudi Arabia SAU 8/2018).

**In terms of follow up, between 1 June 2019 to 30 April 2020, eight incidents of detention, intimidation and threats occurred against Mwatana field research and legal support assistants, carried out by Ansar Allah group (Houthis), Security Belt Forces (SBF), and forces loyal to President Abdrabu Mansur Hadi. In January 2020, there was a smear campaign against Mwatana on social media launched by supporters of the internationally recognized government of Yemen and the Saudi/UAE-led coalition. The campaign was based on the false accusation that Mwatana stole \$700,000. In the course of [this Twitter campaign](#), the Minister of Information in Hadi's government, Moammar Al-Eryani, accused Mwatana of working for Houthis. The question of the \$700,000 was addressed by the representative of India in the UN ECOSOC Committee on NGOs when Mwatana applied for consultative status. Mwatana responded to the query.**

## VIII. 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 hold other States accountable by raising specific cases of intimidation and reprisals in the Human Rights Council. In particular, States should use item 5, and 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 be presented at the Third Committee of the General Assembly.
- States should provide OHCHR with adequate resourcing to strengthen its capacity for data collection and analysis on cooperation.
- Member States that use intimidating tactics to deter cooperation with UN mechanisms need to be more thoroughly investigated and held accountable. This accountability needs to look beyond the high-profile severe attacks and reprisals, and the visible actions states take in New York or Geneva-based forums. States also need to be called to account for quieter approaches they are using inside their country every day to sustain an atmosphere of fear and inhibition.
- States should encourage and fund OHCHR to expand its field presences; and apply greater political pressure to rights-abusing states who refuse to allow such monitoring or seek to cut resources to support it. OHCHR (or DPKO) human rights monitoring presences help to overcome the remoteness of the UN's human rights system and can provide a more accessible and trustworthy way to bring a local human rights problem to the UN's attention.
- States should demand the implementation of the UN's Human Rights Up Front (HRUF) doctrine by UN Country Teams witnessing human rights abuse and intimidation.
- All Member States should issue standing invitations to Special Procedures and facilitate country visits, and they should encourage other states to do so as well. States should be held accountable whenever they prevent access to such visits, or impede contacts with the experts on the ground.
- States should make non-cooperation more politically costly, for instance, by opposing the election of uncooperative states to the Human Rights Council or other human rights-related bodies.

**Recommendations to human rights actors, including the UN, NGOs, academics, States:**

- Study and understand the psychological dynamics that underlie individual decisions about risk-taking.
- Encourage much more impact analysis that assesses the positive outcomes resulting from the use of UN human rights mechanisms, and disseminate and popularize any impact analysis that exists. The system needs to give people on the ground a basis for making judgments about whether to go to the trouble of engaging.
- Develop and strengthen new tactics for raising awareness about UN mechanisms in more closed and repressed countries. The more repressive the situation, the less information is available to people about the potential of UN mechanisms.
- Acknowledge the structural inequities that make it more difficult for some victims and activists to access UN mechanisms and make an extra effort to compensate for them, by encouraging engagement and offering protection to those who are more isolated or marginalized.

- Improve the collection and management of data on all human rights abuses. This demands more collaboration among UN, NGO and academic data-based efforts that enable
- quantification and comparative ranking of abuse levels.
- Use data on abuses together with data on cooperation with the UN to identify countries where there is high abuse and low cooperation as well as those with high abuse and high cooperation. Best practice research should then extract lessons learned from countries with high levels of abuse and high levels of cooperation that may assist countries where intimidation has been more successful in sustaining inhibition.
- Recognise and prioritise intimidation as an invisible harm needing more careful measurement. Investigations going beyond high-level severe abuses should assess the more subtle and pernicious forms of intimidation that are more prevalent and have a constant inhibiting effect on the broader population.
- Implement careful survey-based studies to document the prevalence and patterns of incidents of State intimidation, as well as the consequent levels of inhibition of human rights action, resulting in a more quantified understanding of the scale of the problem. Where possible this could be a joint initiative involving the UN, NGOs and relevant and qualified academic institutions.
- Take advantage as much as possible of existing measurements of political space, civil liberties, and freedom, acknowledging some of the limitations of this existing data. These broader patterns of 'closed space' are linked to the dynamics of intimidation faced by local human rights actors and can serve as proxy measurements.

### **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.
- The UN human rights bodies and mechanisms should systematically gather evidence of incidents in which citizens were deterred in any way from cooperating during country visits,

including violent as well as more subtle intimidations, and should publicize these obstacles and hold states accountable.

### **To OHCHR and UN human rights mechanisms:**

- Strengthen the feedback mechanisms so that those who use UN mechanisms receive prompt and adequate feedback about the progress of their case or information. Sometimes people make a substantial effort (and take risks) to provide information to the UN, but can then feel like it has disappeared into a black hole. The UN mechanisms that are more systematic and rigorous about feedback are more likely to build trust and encourage further engagement.
- Recognizing that many victims and defenders consider any attention paid to their plight by the UN to be potentially protective in its impact, the UN mechanisms that rely on cooperation should implement more rigorous follow-up advocacy for those at risk to ensure that this protection is real and not just imagined, at both the case level and the policy level.
- Systematically track individual and civil society engagement with the Human Rights Council, Universal Periodic Review, Special Procedures, treaty bodies, field presences, country visits and other UN modalities of contact. This data should include tracking attempts to cooperate with the UN, and not limit itself to the subset of cases that UN mechanisms acted on.
- If adequate financial and human resources for an exhaustive data-gathering initiative on cooperation are not forthcoming, the ASG and OHCHR could begin by creating a partial database for the mechanisms for which gathering the data is most feasible.
- Once this data on cooperation is collated, produce a summary report each year analysing how many citizens of different countries are trying to make use of the UN system and enabling comparisons to assess whether that engagement is increasing or decreasing.
- Encourage all states to develop and implement stronger domestic policies and practices for the protection of human rights defenders and the investigation of threats and intimidation.
- Where there is no substantial UN human rights presence, other UN agencies should develop relationships with human rights defenders, help them to use UN human rights mechanisms, and offer follow-up and protection (through advocacy or other support) to those who do. When human rights monitoring is needed, the UN Country Team has an obligation to seek to fill this need, even when a country is blocking access to OHCHR.

### **Recommendations to the Assistant Secretary-General in relation to operationalisation of her 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.

### **Recommendations to the Secretary-General**

- Uphold the moral authority and values of the UN by speaking out strongly and consistently against attacks on defenders and restrictions on civil society space and in support of vibrant, independent civil society at the UN. Such statements are important to show solidarity with defenders, and increase public awareness and support for their work.
- Ensure that all UN staff, particularly senior staff, understand and champion the legitimate and important work of human rights defenders and provide all necessary protection and support to defenders at risk.
- Recognize that the work of human rights defenders is essential to international peace and security and that widespread and systematic attacks and restrictions on defenders may undermine international peace and security.
- 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.
- The UNSG, ASG, OHCHR and other UN actors must resist member State pressures to censor or expunge any critique from UN documents or statements. UN actors who make unacceptable compromises in order to avoid friction with powerful member states need to be held accountable for not upholding UN principles.
- Recognize that systematic attacks and restrictions on human rights defenders may be an early warning sign of more widespread gross and systematic violations and take steps to promote prevention when such signs arise, including by bringing such situations to the attention of the Security Council through Article of the UN Charter.
- Adopt a UN-wide policy on the participation, promotion and protection of human rights defenders.

## **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**

- 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.

## **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.

## **To the Security Council**

- Act in conformity with its moral obligation to respect and protect the right of all persons to communicate with it and its mandated peace operations, and should take all necessary steps to prevent, protect against, and promote accountability for any alleged acts of intimidation or reprisals.
- Be explicit regarding its condemnation of intimidation and reprisals against those who seek to cooperate, and cooperate with it and its peace operations.
- Include references to civil society, human rights defenders, and the risks of intimidation and reprisals in Security Council mandates, in order to more systematically consider the issue across the work of the Security Council, and consider threats against defenders, including intimidation and reprisals, as early indicators of conflict and instability.
- Contribute through public statements or language in relevant documents to a positive narrative about civil society representatives, including human rights defenders and victims, and their work, including as they contribute to the attainment of peace and security, with a view to ensuring an enabling environment.
- Where relevant, address issues of reprisals and the imperative of prevention, investigation, accountability and remedy for acts of intimidation or reprisal in resolutions, decisions and statements.
- Consider raising the issue of reprisals in consultations and briefings with a view to increasing awareness and discussion of the issue.
- Raise the issue of intimidation and reprisals in the open debate on working methods with a

view to ensuring that preventing and addressing reprisals are addressed in the compendium of working methods by the Informal Working Group on Documentation and other Procedural Questions (IWG).

- Raise specific cases of intimidation or reprisals, including publicly, in order to increase the political cost for perpetrating States committing them.
- Include an item on reprisals in its annual report and discuss means to prevent and address intimidation and reprisals in its debates on working methods.
- Consider adopting a public policy or guidance document on preventing and addressing intimidation and reprisals.
- Document cases of reprisals to systematically record knowledge of past instances of reprisals and actions taken to address them.
- Engage with the Assistant Secretary-General on strategies to prevent and address intimidation and reprisals. Submit cases to the annual report of the Secretary-General.