

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**

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Madeleine Sinclair

International Service for Human Rights

e: m.sinclair@ishr.ch

w: www.ishr.ch

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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 May 2020 – 30 April 2021). 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.¹

The right to unhindered access to and communication with international bodies is also explicitly recognised in the Declaration on Human Rights Defenders² and is codified in certain UN human rights treaties.³

Enjoyment of this right implies that those accessing or attempting to access or communicate with

¹ 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.

² 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).

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

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.⁴

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.⁵

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.⁶

III. DEVELOPMENTS WITHIN THE UN HUMAN RIGHTS SYSTEM

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 Peoples' Rights provides a useful example.⁷

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.

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

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

⁶ 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.

⁷ 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>

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 2017.⁸ In a May 2018 opinion piece, the ASG also addressed cases of reprisals against human rights defenders in Asia, including against mandate holders.⁹ He addressed cases of reprisals against two NGOs (**Alkarama** and the **International Dalit Solidarity Network (IDSN)**) in his remarks to the 39th session of the Human Rights Council.¹⁰ He also raised IDSN and Alkarama, at a side event at the General Assembly's Third Committee in October 2018,¹¹ 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 2018.¹² He mentioned the case of Egyptian defender, **Ibrahim Metwally**, in his closing remarks during his interactive dialogue with the Human Rights Council in September 2019.¹³ **The current senior official, Ilze Brands Kehris, does not appear to have raised any specific cases publicly. ISHR reiterates that in relevant circumstances, public statements can play a key role in deterrence, denunciation, prevention and protection.**

HUMAN RIGHTS COUNCIL

The Human Rights Council is legally obliged to take action if it possesses information about a credible risk or allegation of reprisals and to protect individuals who communicate, cooperate or seek to engage with the Human Rights Council, its independent experts or the Universal Periodic Review process.¹⁴ 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.¹⁵ Attacks against those that

⁸ A copy of the statement can be found here:

https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/16/OTH/OTH_272_56_416d12d8_bfb74c28_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>.

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

¹⁰ 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.

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

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

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

¹⁴ 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>.

¹⁵ 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>.

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.

The HRC Presidency and the Bureau should take a more proactive role in investigating and following-up on cases of intimidation and reprisals and publicly denouncing acts of intimidation and reprisal. While the practice on the discussion of reprisals in the minutes of the Human Rights Council Bureau meetings, and documentation of those discussions in the Bureau meeting minutes has been inconsistent across Presidencies, despite cases having been systematically brought to the President's attention for action. We strongly urge the Bureau to resume the practice of discussing reprisals and intimidation during meetings, documenting those discussions in Bureau meeting minutes, and reporting on those discussions publicly at the next session. The Presidency and Bureau should maintain a publicly accessible register of cases of alleged acts of intimidation and reprisals on the extranet, including along with allegation letters if victims give consent and documentation of as well as mention any other the actions taken 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 and publicly denouncing acts of intimidation and reprisal. We recommend that the HRC President and Bureau adopt a two-step approach, similar to that of UN Special Procedures communications, depending on the urgency of the case: Urgent Appeals are sent to States privately and then published after 48 hours in the public communication database; and Letters of allegations are sent to States privately and then published after 60 days in the public communication database. 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 36/21¹⁶ on reprisals. Notably, the resolution asks the senior official to present the annual report of the Secretary-General on reprisals to the Council and for it to serve as the basis of an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned. In practice, the Council's discussion of cases in the reprisals report and follow-up to those cases has not been very systematic. The interactive dialogue could theoretically ensure adequate attention to the report and to sharing good practices, challenges and lessons learned and for States to raise cases and push other States to ensure the safety of the human rights defenders

¹⁶ 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>.

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.¹⁷

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).

In September 2020, the Benelux countries named specific cases from Egypt (Mohamed El-Baqer, Ramy Kamel Saied Salib, and Ibrahim Metwally Hegazy), Burundi (Niyongere, Bashirahishize, Nshimirimana, Nigarura, and Laos (Od Sayavong)).¹⁸ Germany raised cases from Egypt (Mohamed El-Baqer, Ibrahim Metwally Hegazy) and the UK raised cases from Egypt (Mohamed El-Baqer and Ibrahim Metwally Hegazy), and China (Li Yuhan, Chen Jiangfang, Xu Yan, and Qin Yongming).¹⁹

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 the resumed 43rd session in June 2020, the Benelux countries raised cases from Saudi Arabia (Samar Badawi and Loujain Al-Hathloul), Bahrain (Sayed Ahmed Al-Wadaei, Nabeel Rajab and Ebtessam Abdulhusain Ali-Alsaegh), Yemen (Huda Al-Sarari), Burundi (Armel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana, and Lambert Nigarura), Venezuela (Medical personnel, human rights defenders and members of students' movements in Venezuela who cooperated with OHCHR during its first visit to the country in March 2019), and China (Chen Jianfang). In March 2021 at the 46th session, the Benelux countries followed up on a number of previously raised cases from Cuba (Dora Mesa, Juan Antonio Madrazo Luna), Saudi Arabia (Samar Badawi), Bahrain (Sayed Ahmed Al-Wadaei, Nabeel Rajab, Ebtessam Abdulhusain Ali-Alsaegh), China (Chen Jianfang), and Egypt (Mohamed El-Baqer, Ramy Kamel Saied Salib).

In November 2020, The Netherlands raised a case from Andorra (Vanessa Mendoza) in the

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

¹⁸ <https://www.permanentrepresentations.nl/documents/speeches/2020/09/30/united-nations-human-rights-council---45th-session>

¹⁹ <https://www.gov.uk/government/speeches/un-human-rights-council-45-interactive-dialogue-with-assistant-secretary-general-ilze-brands-kehris-on-the-secretary-generals-report-on-reprisals>

context of the UPR.²⁰

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 [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.²¹

During the 75th session of the General Assembly, a follow-up joint statement at the Third Committee was delivered on behalf of seventy-five countries.²² 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

²⁰

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F11&Language=E&DeviceType=Desktop>

²¹ 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.

²² <https://www.gov.uk/government/speeches/every-reprisal-diminishes-our-ability-to-deliver-for-the-people-we-serve>

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 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.²³

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 Bodies²⁴. 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.²⁵

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.²⁶

There is still significant divergence between treaty bodies in both the accessibility of information about reprisals and in the response to reprisals. The web pages of the Committee against Torture, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Elimination of Racial Discrimination have dedicated sections on reprisals, on which both general information about cases of reprisals arising from cooperation

²³ https://www.un.org/en/ga/search/view_doc.asp?symbol=a/73/140 at page 16.

²⁴

https://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/31Meeting/HRI_MC_2019_CRP_2.docx

²⁵ <https://undocs.org/HRI/MC/2019/2>.

²⁶ <https://www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx>.

with the Committees and communications with States concerning specific allegations of reprisals may be found. The Committee against Torture and the Committee on the Elimination of Racial Discrimination make their letters publicly available on their web pages, when letters of allegation are sent, an approach that promotes transparency and accountability to the extent that those affected consent to it. The Committee against Torture has posted all letters it has sent concerning cases of reprisals and the replies received from States parties on its web page. The Committee on the Elimination of Racial Discrimination posts the letters from the Committee, but not the response. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Assistant Secretary-General have met with permanent missions to follow up on letters concerning cases of reprisals. The Human Rights Committee and the Committee on the Elimination of Discrimination against Women send letters and receive replies but do not post anything publicly; both Committees have referred cases formally to the Assistant Secretary-General. In addition, the Committee on the Elimination of Discrimination against Women and the Human Rights Committee have also met with permanent missions to follow up on letters concerning cases of reprisals.

In a welcome development, an annual overview of the status of implementation by the treaty bodies of the San José Guidelines and mapping of the practices of treaty bodies on intimidation and reprisals is included as an input to the annual meeting of treaty body chairs.²⁷

SPECIAL PROCEDURES AND UN EXPERTS

Typically, the Special Procedures include a section in their report on their annual meeting. However, due to Covid-19, the annual meeting did not take place.

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 Inquiries²⁸ 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.

In March 2021, media reports emerged that a senior Saudi Arabian official issued what was perceived to be a death threat against then Special Rapporteur on Extrajudicial Executions, Agnès Callamard, after her investigation into the murder of journalist Jamal Khashoggi.²⁹

²⁷ HRI/MC/2020/2/Rev.1

²⁸ See also <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

²⁹ <https://www.theguardian.com/world/2021/mar/23/top-saudi-official-issued-death-threat-against-uns-khashoggi-investigator>

UN COMMITTEE ON NGOS

The UN's Committee on NGOs, which recommends NGOs to the Economic and Social Council (ECOSOC) for consultative status, has 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.³⁰

Due to the Covid-19 pandemic, the Committee on NGOs has not held a session during the reporting period. Thus, applications for accreditation have not been considered for over a year (since January 2020), further deferring consideration of applications for accreditation.

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

Since applying for accreditation in 2008, the **International Dalit Solidarity Network (IDSN)** has received 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.'³¹ 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,³² 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:

³⁰ <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>

³¹ General Assembly resolution 53/144 (1998)

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

³² https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf

- 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;
- 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 in 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'¹ 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.³³ 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.

Also, in line with recommendations made by ISHR in its policy brief, OHCHR is currently developing guidance and capacity building to better mitigate against reprisals associated with Security Council cooperation, in particular by civil society briefers.

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

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

In 2016, ISHR developed in consultation with over 500 defenders from every region a [Model Law for the Recognition and Protection of Human Rights Defenders, which was then settled and adopted by 28 of the world's leading human rights experts and jurists](#).³⁴ 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

³³ <https://www.ishr.ch/news/reprisals-new-ishr-policy-brief-reprisals-and-security-council>

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

rights' outlining Good practices in the legal and policy framework at the national level to ensure the right to participation at the international level.³⁵ 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.³⁶

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.³⁷ 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.

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](#)'.³⁸

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.

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

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

³⁷ **A/HRC/42/30**

³⁸ https://www.ishr.ch/sites/default/files/documents/final_ishr_intimidation_reportweb.pdf

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, 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. DENIAL OF ACCESS TO THE UN

UN WOMEN

Hui-Jung Chi is a well-known Taiwanese activist. On 16 September 2020, Ms. Chi was blocked from participating in a closed-door virtual meeting held by UN Women’s Asia Pacific Regional Office. Ms. Chi is the Chief Executive Officer of The Garden of Hope Foundation (GOH), a social welfare foundation in Taiwan that focuses on women’s and girls’ issues. Ms. Chi is the chair and founder of the Asian Network of Women’s Shelters (ANWS). She is also a pioneer in advocating for the enactment of laws to prevent gender violence. Moreover, she initiated plans to build shelters for domestic violence survivors and founded the Formosan Daughter Awards to encourage girls to challenge gender stereotypes. GOH has cooperated with the UN previously, including on the margins of the Commission on the Status of Women (CSW). However, their more formal engagement was limited due to the organisation having been blocked from attending official CSW meetings. Its members, including Ms Chi, hold Taiwanese passports and were not able to obtain documentation issued by the People’s Republic of China (PRC), as per UN regulations for entry.

On 16 September 2020, Ms. Chi was formally invited by email to share her observations on the issue of domestic violence shelters in the COVID-19 pandemic on behalf of the ANWS, at a virtual meeting held by UN Women’s Asia and Pacific Regional Office. However, two days before the meeting, a staff person from UN Women spoke to one of Ms. Chi’s colleagues on the phone and said neither Ms. Chi, nor anyone from GOH, was permitted to attend the meeting as Taiwanese citizens and foreigners who live in Taiwan were prohibited from attending. The UN Women staff person apologized and said they had received instructions from a ‘higher-level official’ prohibiting the participation of anyone from GOH. GOH was also informed that one of their representatives, a UK national and native English speaker, could not attend. They were told that any other Asian Network of Women’s Shelters (ANWS) organization member from any other country could participate. In the end, a member from Japan agreed to participate on ANWS’ behalf.

UN Women's actions to restrict or withdraw the right to participate in its meeting from independent civil society working to protect human rights are deeply worrying. Such a decision is in clear violation of the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, which forms part of the right to freedom of expression as stipulated in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ('the Declaration on Human Rights Defenders').

Regrettably, UN Women's actions demonstrate implicit support to [documented efforts](#) to restrict and thereby discredit Taiwanese civil society attempting to cooperate with - or simply visit - the UN. In other words, this concerning incident is not isolated, but rather forms part of a larger unjust and discriminatory practice endorsed by the UN, in particular through management structures, rules and processes at UN Headquarters and Offices.

VIII. 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.

ANDORRA

On 20 and 29 November 2019, the Committee on the Elimination of Discrimination against Women (CEDAW) sent confidential letters to Andorra expressing concern about what they considered to be disproportionate measures taken by the Government against Associació Stop Violències Andorra, a women's rights organization which works on sexual and reproductive health and rights and access to abortion services, and its representative, Ms. Vanessa Mendoza Cortés, following her engagement with the Committee in the context of the review of the State party.

Associació Stop Violències Andorra submitted an alternative report to CEDAW, and Ms. Mendoza Cortés made a statement in Geneva that was publicly broadcast. On 8 November 2019, when CEDAW made public its concluding observations on Andorra, Ms. Mendoza Cortés was summoned by the Andorran police. On 17 November 2019, in a press conference, the Spokesperson of the Government reported that it had asked the Public Prosecutor's Office to investigate Ms. Mendoza Cortés' statement before the Committee for possible indications of a criminal offence against the reputation of the Andorran administration.

In terms of follow up, in the context of the UPR of Andorra, the Netherlands noted that 'the case of Vanessa Mendoza Cortés, who faced a prison sentence for a report presented to the Committee on the Elimination of Discrimination against Women, was particularly worrisome.'³⁹ On 17 February 2021 a hearing took place as part of the preliminary criminal proceedings against Cortés that are currently ongoing. The shadow report Stop Violències presented to CEDAW is part of the evidence. Cortés is facing charges of 'slander with publicity', 'slander against the co-princes' and 'crimes against the reputation of the institutions', which carry up to four years imprisonment and a 30.000 Euro fine. During the adoption of the UPR the Government of Andorra also intervened, noting the case remains open (with no intention of closing it) and reiterated that Cortés is under investigation because of the 'accusations' she made against public officials in the CEDAW submission, and asking her to 'prove her accusations.' Furthermore, the Government of Andorra also stated that if 'the president feels threatened she should file a claim. As a consequence of these reprisals, Stop Violències has noted a decrease in women coming to the association for fear of retaliation.

At the 46th session of the Human Rights Council, during the adoption of the UPR report of Andorra, ISHR and Stop Violències delivered a joint statement calling on Andorra to fully implement the recommendations to ensure defenders can work in a safe environment without fear of reprisals.

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<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F11&Language=E&DeviceType=Desktop>

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 LBTQ+ sexual relations and bestiality, the effect of which has been to create an unsafe environment for Ms. Wallace and other women human rights defenders. Mr. Moncur's threats and irresponsible speech and actions have not elicited a response from the government. Mr. Moncur first harassed Ms. Wallace via his Facebook page in 2014, leading to death and rape threats.

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.

In response to the call for submissions to the SG's report on reprisals in 2020, Ms. Wallace shared her perspective that 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 asserted 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 recommended that The Bahamas rebuke incidents of reprisal, address perpetrators, and ensure its laws provide protection against hate speech.

In terms of follow up, these recommendations have not been implemented and the status of the case remains the same.

BAHRAIN

Hassan Mushaima is the leader of the political opposition in Bahrain, who was imprisoned for his peaceful participation in the 2011 pro-democracy protests. His case was included in the 2011 reports of the SG on reprisals⁴⁰, and followed up in the 2012 report of the SG on reprisals,⁴¹ but has not been followed up on in the SG report since. However, he has been in prison since March 17, 2011, and remains in Jau Prison today, with severe underlying health conditions. He currently suffers from diabetes, gout, heart and prostate problems, and is in remission from lymphoma. In spite of these issues, he is routinely denied access to adequate medical care by prison authorities. Throughout his time in prison, he has been the victim of routine violations of his most basic human rights: he has been forcibly strip-searched and made to wear chains and shackles during medical appointments. On six separate occasions, the UNHRC's Special Procedures offices have sent communications to Bahrain, pertaining to the treatment of Hassan Mushaima.

⁴⁰ <https://undocs.org/HRC/18/19>

⁴¹ <https://undocs.org/HRC/21/18>

The abuse he has been made to endure constitutes a violation of international detention standards and several prominent international human rights organisations, including Amnesty International and Human Rights Watch, have raised serious concerns about his case. Similarly, the US State Department's 2021 Country Report on Human Rights Practices in Bahrain – released on March 30th – recognises the widespread use of torture and life-threatening conditions that political prisoners are subjected to in Jau Prison.

Due to Mushaima's age and underlying health conditions, the recent outbreak of COVID-19 in Jau Prison is especially worrying. At present, the number of cases in Jau Prison has increased, with numbers reaching 84 infections. However, Bahraini authorities provide no information about the situation and continue to feed factually incorrect information to the press. The Bahraini authorities' treatment of wrongfully imprisoned persons is in direct violation of the international standards on prisoner treatment and non-derogable rights set out in the International Covenant on Civil and Political Rights, as well as the Nelson Mandela Rules, in which Rule 27 states that "all prisons shall ensure prompt access to medical attention in urgent cases". Furthermore, according to the UN Basic Principles for the Treatment of Prisoners Article 9, "prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation."

By currently failing to adequately deal with the severe outbreak in Jau Prison, the Bahraini Government is effectively violating the Basic Principle for Treatment of Prisoners. It has been reported that, since March 27th, guards have ceased to deliver food to inmates who have tested positive for COVID-19 for periods exceeding twenty-four hours. Due to the prison central heating and cooling systems, the risk of infection is increasing at an alarming rate. The prisoners are not in possession of medical devices or personal equipment that would help prevent the infection, hence posing a health and humanitarian threat to all prisoners within the building. The lack of hygiene and health structures in Bahraini prisons has already been acknowledged and highlighted by the recent Urgent Motion Resolution of the European Parliament on the Human Rights situation in Bahrain, overwhelmingly passed on March 11, 2021.

As of recently, Bahraini citizens and family members of detainees have taken to the streets as an act of peaceful protest against the mistreatment of prisoners, and the lack of transparency received by the Government. Forty-eight demonstrations were recorded on April 2, 2021. The main purpose of these demonstrations was to obtain information on the whereabouts and wellbeing of the imprisoned children and for the families to be allowed to call them. Unfortunately, the press conference that followed did not provide any new information and only served the purpose of appeasing the international community and silencing the protestors. Even worse, around ten family members of detainees that have spoken out about this situation have been arrested.

In April 2020, the UN High Commissioner for Human Rights, Ms Michelle Bachelet, urged states to "release every person detained without sufficient legal basis, including political prisoners, and those detained for critical, dissenting views" in order to precisely avoid an analogue situation to the one we are now witnessing in the Bahraini prisons. Hassan Mushaima, leader of the political opposition and a prisoner of conscience, is at a higher risk of contracting COVID-19, due to him being 73 years old and having severe health conditions.

In light of the recent news of the possible release of 126 prisoners, the international community remains concerned as to the nature of these releases, as alternative sentences are likely to follow. These conditional releases are known to involve continued punishment

and tight restrictions (such as threats of citizenship revocation, travel bans and surveillance) and impediments to future activism. Thus, it is important to restate the need for the unconditional release of all prisoners of conscience, including Hassan Mushaima.

BANGLADESH

Adilur Rahman Khan is a practicing lawyer of the Supreme Court of Bangladesh, and a prominent human rights activist. He is also the Secretary of the human rights organization, Odhikar. ASM Nasiruddin Elan has been acting as the Director of Odhikar for a decade.

The case of Odhikar and its Secretary, Advocate Adilur Rahman Khan were included in the 2011 report of the SG on reprisals. On 14 March 2011, two special procedures mandate holders sent an urgent appeal regarding the situation of Odhikar and, in particular, of Adilur Rahman Khan. Since October 2010, the activities of Odhikar and, in particular, of Mr. Khan, have been increasingly monitored by the Bangladeshi authorities. The increased surveillance of Odhikar followed the submission by the organization of various project proposals to the national NGO Affairs Bureau, an office that regulates activities of non-governmental organizations in Bangladesh. The content of the proposals did not please the authorities.

Despite being included in the 2011 report of the Secretary-General on reprisals, the case was never followed up on in subsequent reports. However, reprisals and intimidation related to UN engagement continue.

At 10:20 pm on 10 August 2013, Mr. Khan was picked up by the Detective Branch of the Police and was detained. On 11 August 2013, at night, the Odhikar office was searched by the DB police and computers and valuable paper information were confiscated. These were never returned.

On 6 November 2013, Mr. ASM Nasiruddin Elan, Director of Odhikar, appeared before the Dhaka Cyber Crimes Tribunal and appealed for bail, a plea that was rejected. Mr. Elan was arrested and taken to Kashimpur Jail. The charges brought against Mr. Khan and Mr. Elan were based on the fact-finding report titled 'Assembly of Hefazat-e Islam Bangladesh and Human Rights Violations' prepared by Odhikar regarding the human rights violations, in particular, the allegations of extrajudicial killings that erupted on 5-6 May 2013, which was uploaded on Odhikar's website.

Mr. Khan and Mr. Elan were detained in Kashimpur Jail for 62 days and 25 days respectively under the (notorious) Information, Communication and Technology Act 2006 (amended in 2009) until they were granted bail. Each court process was hampered due to a dysfunctional and partisan justice system and non-cooperation or harassment from the Government's side. Mr. Khan's family members were monitored and followed wherever they went, cell phones tapped (and remain so) and his home and Odhikar's office remain under constant surveillance.

In 2013-2014, government-supported electronic and print media commenced a smear campaign against Odhikar and Mr. Khan through 'talk shows' and newspaper articles. The Election Commission has, since 2014, refused to give Odhikar permission to monitor local and national elections and between 2013 and 2014 the Anti-Corruption Commission carried out an 'investigation' into Odhikar and has continued to harass Odhikar even after an official report that no inconsistencies could be found. From 2014 all of Odhikar's bank accounts, which were with the Standard Chartered Bank, were made inoperative and the

bank ceased all transactions with Odhikar. The NGO Affairs Bureau (under the Prime Minister's Office) has refused to renew Odhikar's registration since 2015. Odhikar remains operational through the support of victims' families and local and international human rights organisations and friendly entities.

Adilur Rahman Khan and Nasiruddin Elan filed Criminal Appeal before the High Court Division against the charges brought against them. The appeal was admitted and the procedure in the ICT Tribunal was stayed by the High Court Division in its initial Order. However, a Division Bench of the High Court Division heard the Appeal in full and dismissed it. Adilur Rahman Khan and Nasiruddin Elan then Appealed before the Appellate Division of the Supreme Court, against the Order of the High Court. However, the Appellate Division, by its Order dated 14 February 2021, rejected their petition and has sent the ICT Case for Trial before the ICT Tribunal. On 24 March 2021 Adilur Rahman Khan was informed by his lawyer that the Order from the Appellate Division, dated 14 February 2021, had been sent to the Cyber Crimes Tribunal. On 04 April 2021, Mr. Khan and Mr. Elan's lawyer filed a Review Application to the Appellate Division seeking a review of its judgment of 14 February.

Odhikar has held Special Consultative Status of the Economic and Social Council (ECOSOC) of the United Nations since 2012. In 2008, Odhikar submitted information to OHCHR in the context of the universal periodic review of Bangladesh by the Human Rights Council, which took place in February 2009, and has since featured in several international human rights reports. After the engagement with the universal periodic review process, Odhikar was threatened and harassed by Government officials of different levels, and authorities increased the monitoring of its activities.

Since 2010, Odhikar has been submitting cases of enforced and involuntary disappearances to the Working Group on Enforced and Involuntary Disappearances (WGEID). In 2019 Odhikar and several international network organizations jointly submitted a country report on Bangladesh to the Committee Against Torture towards the Committee's review on Bangladesh. Odhikar was also represented at the Review by one of its founding members. Odhikar has also submitted joint alternative reports at the UN Human Rights Council UPR in 2013 and 2018 and a mid-term report in 2020.

Reprisals and intimidation related to UN engagement continue. The monitoring of Odhikar intensified from March 2013, after the UPR session on Bangladesh at the Human Rights Council, where Adilur Rahman Khan had been present. The intense monitoring included increased plainclothes police presence around the office, questioning of Odhikar cleaning staff and Mr. Khan's domestic staff and security guards about Mr. Khan's routine, where his children studied, etc. and a noticeable tapping of cell phones belonging to Mr. Khan, his wife and Odhikar staff. Since 2019, Mr. Khan's wife occasionally gets calls from unknown numbers found to belong to persons in law enforcement.

BURUNDI

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

represented.

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

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

The Committee against Torture considers the verdict of the court as an act of reprisal for their engagement with the Committee and the UN human rights system.⁴² 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.

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.⁴³ 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.

In terms of follow-up, the case was raised by the Benelux countries at the resumed part of the 43rd session of the Human Rights Council in June 2020 and the 45th session of the Human Rights Council in September 2020. On 2 February 2021, three of the four lawyers (Arnel Niyongere, Vital Nshimirimana, et Dieudonné Bashirahishize) were among a group of twelve defenders sentenced in absentia to life imprisonment for insurrection and organising a coup. The judgment also ordered the defendants to pay financial compensation, including the seizure of the financial assets of their families.⁴⁴

CAMEROON

Maximilienne Ngo Mbe and **Alice Nkom**, senior leaders of the Network of Human Rights Defenders in Central Africa (REDHAC) have been intimidated and harassed due to their human rights work in Cameroon. In a press conference on 9 October 2017, the Minister of Communication and Spokesman of the Government of Cameroon publicly threatened REDHAC, Ngo Mbe and Nkom for condemning the violation of human rights in the so-called Anglophone crisis.⁴⁵ 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

⁴² http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_RLE_BDI_26799_F.pdf.

⁴³ 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.

⁴⁴ <https://www.omct.org/fr/ressources/appels-urgents/burundi-condamnation-in-absentia-a-une-peine-de-prison-a-perpetuite-de-douze-defenseurs-des-droits-humains-en-exil>

⁴⁵ Governmental Cameroon Tribune published October 10.

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.⁴⁶ 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.

During the previous reporting period, Ms. Maximilienne Ngo Mbe continued to be followed, and to receive anonymous calls and text messages. In addition, officers in plain clothes continued 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.

In terms of follow up, Ms. Maximilienne Ngo Mbe and REDHAC were the subject of a Special Procedures communication in April 2020.⁴⁷ Since then there have not been any new threats. However, harassment on social media continues.

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 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

⁴⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23417>.

⁴⁷ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25835&LangID=E>

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.

In terms of follow up, 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.

Despite being in exile, the online harassment has not stopped. A pro-government activist called Nkonda Titus runs two Facebook pages called 'My Kontri Pipo Dem' and 'Kontripipo', which he uses as a platform to defame, insult and accuse Hanson Nchanji of being a terrorist.

On 29 May 2019, special procedures mandate holders expressed concern about a defamation campaign against the civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** who had published information about abuses and disputes linked to land and business operations in Cameroon (CMR 3/2019), in particular by the Baba Ahmadou Group (see also OTH 22/2019). They had raised concern about the May 2016 expulsion from the country of **Mr. Jan Joris Capelle**, a Belgian national, and co-founder with **Mr. Prince Vincent Awazi** of OFFGO. They also addressed death threats against Mr. Awazi, the traditional chief of Tudig village (Mbengwi district) and death threats and threats of abduction against **Mr. Elvis Brown Luma Mukuna**, the lawyer of OFFGO.

Following the May 2019 action by special procedures mandate holders on their case, Mr. Luma Mukuma and Mr. Awazi faced serious security risks and had to go into hiding for periods of time. In one of the incidents, on 21 March 2020 Mr. Luma Mukuma was reportedly subject to an attempted kidnapping in Bamenda and on 27 March 2020, he and his brother-in-law were attacked by unidentified armed men. On 18 September 2019, special procedures mandate holders sent a follow-up communication addressing a violent attack on OFFGO’s offices (CMR 5/2019). They noted that on 19 June 2019, a grenade attack reportedly took place in Tudig village by unidentified armed actors in a military truck allegedly targeting OFFGO’s offices and its staff.

On 17 February 2020, Mr. Capelle applied for a visa to travel to Cameroon and, on the same

evening, Mr. Awazi reportedly received text messages and a call the next day threatening to kill him if he continued to associate with Mr. Capelle. In an additional incident on 26 February 2020, Mr. Capelle arrived at Yaoundé international airport, but the same day was forcibly returned to Belgium without an explanation of the expulsion or charges brought against him, or the opportunity to speak to a lawyer or appeal the decision.

In terms of follow up, shortly after Cameroon was sent a note verbale in connection with the 2020 SG report on reprisals, men in military fatigues invaded OFFGO's office on June 26 2020, destroyed OFFGO's property and took away documents and some equipment. The men did not communicate their motives nor whether they were operating in an official capacity. However, their modus operandi was strikingly similar with the incident in which grenades were planted on June 19 2019: (1) the act was carried out by men in military fatigues, (2) it resulted in destruction and damages, (3) it generated a climate of fear, (4) the incident took place shortly after having received a letter from the UN, (5) the identity of the perpetrators is not known. The Cameroon Network of Human Rights Organisations RECODH publicly denounced the incident and declared it a criminal act.⁴⁸

In December 2020, Elvis Brown Luma Mukuna's case was included in the report of the Special Rapporteur on human rights defenders 'Final warning: death threats and killings of human rights defenders' (A/HRC/46/35). One month later, Armed forces of Cameroon entered OFFGO's office in Tudig's Chiefdom Palace and have occupied it since. Their presence in OFFGO's office and the Palace complicates the role of OFFGO and the Chief for dispute resolution and increases the risk of new forms of violence against OFFGO and the Chiefdom as secessionist movements in the North West Region of Cameroon particularly target military facilities and, among others, village Chiefs who may collaborate with the Cameroon State. The situation however generates a climate of fear, its presence in OFFGO's office and the Chiefdom Palace is quite suspicious and seriously undermines OFFGO's ability to work. The provisions are not provided for by law. In fact, by virtue of articles 5 and 11 of Law 68/LF/4 of June 11, 1968 regulating requisitions the military and administrative authorities in Cameroon are entitled to requisition places but said decisions are regulated by an Order and damages as a result of requisitions are compensated. As above-mentioned, said procedures have not been met.

Elvis Brown Luma Mukuna and Jan Cappelle received numerous death threat calls during the months of October 2020 and December 2020. A group of individuals in civilian clothes monitored Mr. Elvis Brown's house during the Christmas and New Year holidays 2020. The callers communicated on October 8 2020 that barrister Elvis Brown 'will be found.' The callers made reference to what happened to Mr Elvis Brown and his family in 2019 - 2020 (i.e. torture of one brother, attempted kidnappings and a shooting incident, as reported in A/HRC/45/36 and AL Cmr 3/2019). The callers communicated on December 7 2020 that 'they are almost finished with Jan Cappelle', and they 'will then focus on Mr Elvis Brown'. They add that it 'will be over soon and that our end will be heavy.'

The first death threat calls in October 2020 came in the same week Jan Cappelle submitted OFFGO's contribution to the online questionnaire on 'Final warning: death threats and killings of human rights defenders'. OFFGO's submission was published on the Special Rapporteur's website in the week of November 3 2020. It is also in October 2020 that the UN Human Rights

⁴⁸ <https://twitter.com/cnhro/status/1276741710341603328>: RECODH/CNHRO @cnhro: Profiter de la situation sécuritaire pour opérer des razzias dans de paisibles villages est criminel. #Tudig sera t il le prochain Ngarbur? @PR_Paul_BIYA, @CameroonPm237, @UeauCameroun, @UkinCameroon, @FrauCameroun, @OFFGocm, @zebyjodes, @diplocam_minrex, @UnescoYaounde, @PNUDCameroun. June 27 2020.

Council discussed the UN Reprisals Report A/HRC/45/36, concretely from September 30 to October 1 2020. The calls in December 2020 came in the same week that Jan Cappelle communicated with the office of the Special Rapporteur on the consent to have OFFGO's submitted information included in said report 'Final warning: death threats and killings of human rights defenders'. The UN Special Rapporteur's report was distributed on 24 December 2020. The timing of the calls indicates that Jan Cappelle's mail account and/or his tools to communicate with his lawyer Elvis Brown Luma Mukuna may be compromised. While the judicial and legal departments in Bamenda fail or refuse to investigate each reported incident and the complaints (see e.g. also reported in AL CMR 3/2019 and AL CMR 5/2019), OFFGO's partner organisation RECODH approached a friendly police officer in another region in Cameroon who checked one of the numbers that has been used to make death threat calls, discovered the name and position of the caller as someone with a very strong network within the Armed Forces of Cameroon, including those located in the North West Region of Cameroon. The callers rarely call with a number that can be traced. It happened twice in October-December 2020. Jan Cappelle called the first number on 8 October 2020. The person spoke French and Fulani and refused any dialogue.

Jan Cappelle and Elvis Brown Luma Mukuna reported each incident to the Cameroon State Human Rights body NCHRF. Due to the security situation in the North West Region, the establishment of a new State Human Rights body in Cameroon in July 2019 and the covid restrictions in Cameroon, the NCHRF has not investigated above-mentioned incidents.

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'.⁴⁹ **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.⁵⁰ 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 2017.⁵¹ 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 2017.⁵²

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,

⁴⁹ A/HRC/35/26/Add.2.

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

⁵¹ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>.

⁵² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028>.

a group of Special Procedures mandate holders expressed deep concern over his deteriorating health.⁵³

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.

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'.

Two years after his release from prison, Jiang continues to live under effective house arrest in Luoshan; his movements in the village are carefully monitored by local public security and state security officers. 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 his detention, but he continues to be denied 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 2017.⁵⁴ In April 2018, media reports covered the wives' commemoration of Wang Quanzhang's 1000 days in detention, highlighting on-going intimidation tactics.⁵⁵

⁵³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>.

⁵⁴ CHN 5/2017 available at

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

⁵⁵ <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/#.Wvn4b6QvwkI>, <https://www.rfa.org/english/news/china/colleagues-04302018113935.html>.

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.

Taking into account time served, Wang was released on 5 April 2020, but was prevented from rejoining his family - nominally due to COVID-19 restrictions - until 27 April 2020. In July 2020, Wang filed a formal complaint accusing two members of the Tianjin Public Security Bureau of torture during his secret detention in 2015. However, according to the NGO Chinese Human Rights Defenders, 'the Tianjin Municipal No. 2 Procuratorate replied that it fell outside the procuratorate's jurisdiction'.

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.⁵⁶ Despite Cao's death being included in previous reports of the Secretary-General,⁵⁷ 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.

Chen Jianfang, who was a close supporter of Cao Shunli and one of the recipients of the

⁵⁶ CAT/C/CHN/CO/5.

⁵⁷ A/HRC/27/38 and A/HRC/30/29.

2018 Cao Shunli Memorial Award for Human Rights Defenders, remained in detention on trumped-up charges of subversion of State power. On 2 March 2021, she was able to see lawyer Zhang Lei for the first time in two years, at the Shanghai Municipal Detention Centre; an earlier visit by another lawyer, in June 2020, was refused by the detention centre on grounds of COVID-19 pandemic-related restrictions. On 8 March 2021, following the visit, the Shanghai court authorities informed lawyer Zhang Lei that he had been dismissed. Chen Jianfang's trial was held on 19 March 2021 at Shanghai No. 1 Intermediate People's Court; the proceedings were not open and the verdict has not been made public.

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 still 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 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. In February 2020, these allegations were [repeated by state media](#), whose report on a WUC event in Geneva - timed to the Human Rights Council's 44th session - described Isa as 'a separatist from Xinjiang' and quoted one scholar describing WUC as 'the scum of [Uyghur] people' and using interchangeably WUC and the East Turkistan Independence Movement (ETIM), formerly designated as a terrorist organisation.

During the period, Chinese diplomatic officials continued their smear campaign against

the WUC. At the Human Rights Council's intersessional meeting on the prevention of genocide on 11 February 2020, a representative of the Chinese mission to the UN in Geneva accused staff of the WUC, accredited via the Society for Threatened Peoples, of engaging in 'anti-China separatist activities' for intervening in the discussion to raise concerns about Xinjiang Uyghur Autonomous Region. The diplomat continued his efforts to attack and discredit the speaker, stating: 'We all know that organisation is a separatist and violent terrorist organisation. Its goal is to separate Xinjiang from China.'

They requested the deletion of the statement from the meeting minutes and the video, effectively

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.

In terms of follow up, there is no record of this case having been addressed by the HRC President. The Secretary General's 2020 report on reprisals states, 'in December 2019 and January 2020, Chinese State media criticized CHRD's research submitted to the Committee on the Elimination of Racial Discrimination (CERD) in 2018'. However, this fails to appreciate the aggravating circumstances of the media report being repeatedly shown, on loop, at an official event of the Permanent Mission of China within the premises of the UN Palais des Nations.

EGYPT

Law 70/2017 regulating civic associations adopted in mid 2017 over the [strenuous objections of Egyptian rights organisations and political parties](#)⁵⁸ was replaced by the new NGO law no.

⁵⁸ <https://cihrs.org/مصر-6-احزاب-و-22-منظمة-يرفضون-قانون-الجمعي/?lang=en>.

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.⁵⁹ 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](#).⁶⁰ **In January 2021, implementing regulations were issued for the NGO law, which impose even greater limits on the work of civil society organizations. The Cairo Institute for Human Rights Studies has [provided](#) a legal commentary on the new regulations and its problematic provisions.**⁶¹

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

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

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

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

⁵⁹ <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>.

⁶⁰ <https://www.ishr.ch/sites/default/files/documents/new-ngo-law-analysis.pdf>

⁶¹ <https://cihrs.org/egypt-legal-commentary-on-regulations-of-ngo-law-n-149-for-2019-on-civic-associations/?lang=en>

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. On September 6, 2020, Metwally was investigated by State Security Prosecution in Case 786/2020 and charged with ‘leading a terror group’, which the authorities accused him of having formed while in preventive detention. This new charge came just after the Criminal Court of Cairo had ordered his release on August 26, 2020 under precautionary measures in State Security Case 1470/2019. Despite the August 26 release decision, Metwally was kept in detention until new charges were brought against him on September 6, manifestly as a way to keep him under preventive detention. Metwally has been under preventive detention since September 10, 2017, which exceeds the permissible legal period of two years under the Egyptian criminal procedure law. He is a victim of Egypt’s practice of ‘rotation’, where the authorities circumvent judicial decisions to release defendants by accusing them with similar charges in new cases. Thirty-two States at the UN Human Rights Council [denounced](#) this pattern on 12 March 2021. He is also still facing charges of ‘founding and leading an illegal organisation’, ‘communicating with foreign entities in order to undermine national security’ and ‘spreading false news’. His case was raised at HRC 45 by Germany, the UK and the Benelux countries.

In October 2019, special procedure mandate holders and the Spokesperson for the High Commissioner addressed the arbitrary arrest, ill-treatment and charges against Mr. Mohamed el-Baqer, of the Adalah Center for Rights and Freedoms, for his engagement during the universal periodic review. He was arrested on 29 September 2019 at the State Security Prosecution premises in Cairo while practicing his job as a human rights lawyer. He was charged with joining a terrorist group and disseminating false news under Case 1356/2019. **It was announced in the Official Gazette on 23 November 2020 that he was added to case 1781/2019 where no charges were announced but it was the basis for adding his name to the ‘terrorists entities’ list for 5 years. On 1 September 2020, he was added to another case 855/2020 on charges of both joining a terrorist organization and also ‘taking part in a criminal agreement to commit a terrorist crime’ which allegedly took place while El-Baqer was in pretrial detention. On 7 April 2021, El-Baqer’s detention was renewed for 45 days under case 1356/2019. El-Baqer was transferred on 6 April 2021 to attend the session in front of the judge but he remained in a separate detention location inside the Police Institute in Tora and was not presented in front of the judge. El-Baqer’s lawyer attended the session and spoke on his behalf. The judge promised to review the case file. The lawyer requested permission to bring El-Baqer so that the other lawyers can see him, to which the judge agreed. However, the guards returned without El-Baqer saying that he was not transferred to the Police Institute in Tora. When the lawyers returned to the judge, he had ended the sessions. El-Baqer’s family later knew from him during the visit that he was indeed transferred but remained in a special detention location inside the institute.**

On 3 May 2017, four mandate holders [expressed](#) concerns about the abduction, detention, torture and ill-treatment of Dr. **Ahmed Shawky Abdelsattar Mohamed Amasha**, reportedly in retaliation for his activities as a human rights defender. Those activities included documenting cases of enforced disappearances for special procedure. He was released on 4 October 2019 with probation measures. He was arrested on 17 June 2020 from his home and re-appeared on 12 July 2020 at the State Security Public Prosecution. He has been held in incommunicado detention since then and is facing charges of joining an illegal organization.

In December 2019, mandate holders addressed the arbitrary arrest, detention and torture of Mr. Ramy Kamel Saied Salib, of the Maspero Youth Foundation, reportedly to prevent his participation at the twelfth session of the Forum on Minority Issues, held in November 2019. On 17 January 2021, the Criminal Court of Cairo renewed the detention of human rights defender Ramy Kamel for an additional 45 days. His health has deteriorated in detention.

Several members of the **Egyptian Coordination for Rights and Freedoms (ECRF)** were arrested in 2018. The ECRF is a Cairo-based non-governmental organisation which engaged with UN mechanisms, provides legal advice to families of victims of enforced disappearance and documents human rights violations. The charges against them include ‘providing international entities with false news’.

Women human rights defender **Hoda Abdel Moneim** is a lawyer and board member of ECRF. On 1 November 2018, Mrs. Abdel Moneim was arrested from her home. Throughout the 21 days of secret detention, Mrs. Abdel Moneim was interrogated frequently in the middle of the night and without any access to legal counsel. Her family was never informed of her whereabouts despite several telegrams sent to the Public Prosecutor and the Ministry of Interior inquiring about her fate, as well as visits to different police stations. All these instances denied knowledge of her whereabouts.

On 21 November 2018, she was brought before the Supreme State Security Prosecution (SSSP) –charged with “joining and funding a terrorist organisation”, as well as “incitement to harm national economy”, under article 12 of the Anti-Terrorism Law (Law No. 94 of 2015) and article 86 of the Penal Code. Such charges are routinely brought against human rights defenders, politicians, and peaceful activists in Egypt. Since 30 January 2019, Mrs. Abdel Moneim has been held in Al Qanater Female Prison, deprived of visits by her relatives or her lawyer. The prison authorities’ responses to her family’s enquiries as to why their visits are being denied are that these are “orders of the state security agency”. All complaints and pleas to the Public Prosecution, Ministry of Interior and several courts, have been disregarded.

On 29 November 2020, Mrs. Abdel Moneim’s family received information from a co-detainee that Mrs. Abdel Moneim suffered sharp pain. transferred to Manyial Hospital and told by doctors that she suffers from kidney failure and was immediately returned to prison. On 7 December 2020, her lawyer filed a complaint before the Supreme State Security Prosecution, outlining the medical negligence Mrs. Abdel Moneim was being subjected to.

Human rights defender **Ezzat Ghoneim** was the executive director of ECRF. On 1 March 2018, Mr. Ghoneim was arrested and disappeared until 4 March 2018, where he re-appeared at the SSSP. He was interrogated without access to his lawyers. He was charged with affiliation to a banned group”, “spreading false news,” as well as “providing international entities with false news”.

On 4 September 2018, the Court ordered his release with precautionary measures, including a requirement to present himself to the police station twice a week. However, he was never released and was added to another case on similar charges. His detention continues to be renewed until today.

EQUATORIAL GUINEA

Mr. Alfredo Okenve is the Vice-President of the NGO Centro de Estudios e Iniciativas para el Desarrollo de Guinea Ecuatorial (CEID, also CEIDGE). Mr. Okenve engaged with the UPR of Equatorial Guinea in May 2019 and the Human Rights Committee's review of the State party's report in July 2019 (GNQ 2/2019). On 3 April 2019, Mr. Okenve made a statement at the UPR pre-session in Geneva and submitted a joint written report. CEID also presented a written report for the 126th session of the Human Rights Committee in July 2019.

On 3 July 2019, CEID received a decision from the Minister of the Interior, dated 11 April 2019, ordering the dissolution of the association due to non-compliance with its statutes for carrying out political-partisan activities.

In its August 2019 concluding observations, the Human Rights Committee expressed concern about reports that human rights defenders are harassed and frequently arrested, and mentioned a past incident involving Mr. Okenve (CCPR/C/GNQ/CO/1, para. 56). On 14 August 2019, the Human Rights Committee sent a confidential letter to the Government, expressing concern at allegations of the broadcast of unauthorized footage and stigmatization by a State television channel of several civil society representatives, who were present in Geneva during the review of the country at its 126th session. On 3 September 2019, special procedures mandate holders sent a communication about these acts of reprisals.

In terms of follow up, the government never responded to the administrative appeal against the dissolution of CEIDGE. Mr. Okenve remains in Spain and fears harassment should he return to Equatorial Guinea.

INDIA

The Centre for Promotion of Social Concerns (also known as People's Watch) appeared in the 2018 report of the UN Secretary General (A/HRC/39/41 para 50 and Annex I, paras 61-62) and the 2019 report of the UN Secretary General (A/HRC/42/30 para 58 and Annex II, para 58).

The Centre for Promotion of Social Concerns (CPSC) is a registered charitable trust functioning for the past 40 years. CPSC has run a program unit called People's Watch (PW), for the past 25 years, which in turn undertakes programs on human rights monitoring, human rights intervention, human rights education, human rights campaigns and rehabilitation. PW also hosted and continues to host several national networks – Institute for Human Rights Education (IHRE), Human Rights Defenders Alert – India (HRDA) and All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI). Until recently, PW also hosted the Working Group on Human Rights in India and the UN (WGHR). All these national networks engaged actively with UN human rights mechanisms, primarily the Universal Periodic Review, Special Procedures and Human Rights Council.

CPSC's license to receive foreign grants under the Foreign Contribution Regulation Act (FCRA) was granted in 1985. CPSC's FCRA license was first suspended by the Ministry of Home Affairs (MHA), Government of India (GoI), under Section 13 of FCRA, on July 16, 2012 for an initial period of 180 days. It was followed by two back-to-back suspensions of 180 days each on February 18, 2013 and September 16, 2013. These suspension orders were arbitrary, unreasonable and in violation of Article 14 (right to equality and equal protection before law) and Article 19 (c) (right to association) of the Indian Constitution. Accordingly, the suspension orders were challenged by CPSC in WP(C) 1594/2014 before the Delhi High Court (DHC). The DHC had issued notice to the MHA on March 12, 2014, and by further order dated May 9, 2014, noted that as the MHA had not passed any fresh suspension order after September 16, 2013, CPSC was at

liberty to operate its FCRA bank account. MHA had also issued a letter dated June 10, 2014, permitting operation of the bank account and by further letter dated July 8, 2014, the remittance of foreign funds was permitted to be credited in CPSC's account. By order dated July 16, 2014, the DHC had directed the bank to allow CPSC to fully operate its FCRA bank account. Since CPSC was permitted to continue its activities in terms of its registration under FCRA, including receiving foreign funds and operating its bank account without any hurdle, it was recorded in DHC's order dated February 02, 2016, that the writ petition had become infructuous as the validity of suspension of registration had lapsed.

CPSC's FCRA registration lapsed on October 31, 2016, as the request for renewal of registration was rejected by the MHA on October 28, 2016, based on 'field agency' reports. CPSC's FCRA non-renewal is challenged before the DHC in Writ Petition(C) No. 10527/2016, filed on November 3, 2016.

The MHA of Gol submitted the reason for refusing CPSC's FCRA renewal in a sealed cover before the DHC. When asked by the DHC to submit the reasons for CPSC's FCRA renewal as a counter-affidavit before the court, the MHA of Gol submitted the following response in para 5 (iii) as a reason for not renewing CPSC's FCRA registration is that:

"In the year 2011-13, **Henri Tiphagne**, Executive Director, People's Watch, was noticed to be receiving foreign contributions. He was found to be providing material and information to UN Special Rapporteurs and US Embassy and British High Commission officials, portraying India's human rights record in negative light, on the basis of that funding. Further, Henri Tiphagne was using foreign contributions to the detriment of India's image. By using foreign money, he marked himself and his organization CPSC as defender of human rights in India and helped foreign forces to project the image of India in a poor light".

In the counter-affidavit the MHA also refers to the CPSC's activities as 'undesirable and detrimental to national interest'. The reason mentioned by the MHA of Gol for CPSC's FCRA non-renewal is a clear case of reprisal for engaging with UN human rights mechanisms including UN Special Rapporteurs and Universal Periodic Review.

The matter in the Delhi High Court was last heard on April 13, 2018, and following it, though it was listed several times, it wasn't taken up by the court thereafter. Before the COVID-19 lockdown commenced in India in March 2020, it was listed and not heard 12 times – on August 18, 2018, October 31, 2018, December 5, 2018, February 7, 2019, April 8, 2019, May 2, 2019, May 22, 2019, July 30, 2019, August 13, 2019, September 19, 2019, January 10, 2020 and March 3, 2020. During the COVID-19 lockdown, Indian judicial institutions also closed but only to resume partial operations remotely. However, during this period also the matter was listed 6 times on April 3, 2020, April 29, 2020, June 29, 2020, August 24, 2020, October 16, 2020, December 22, 2020, February 22, 2021 and April 15, 2021 but the same was not heard.

This case of reprisals related to engagement with the UN, admitted on record by the Gol in the court, is extremely concerning. The extraordinary delay in the DHC is also very concerning given the effect on CPSC's fundamental right to freely associate and access resources.

Furthermore, in the matter before the Indian National Human Rights Commission (NHRC), the NHRC has decided not to act and is awaiting the order of the DHC, despite the fact that the Protection of Human Rights Act (PHRA) empowers them to both intervene independently and intervene in the matter before the DHC.

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

Parvez was detained under a preventive detention law on 16 September 2016 and was sent to Kupwara district jail in Jammu and Kashmir. On 19 September the Srinagar District and Sessions judge quashed the detention, calling it illegal. Upon the release from Kupwara jail, Parvez was re-arrested just outside the jail and brought back to Srinagar where on 20 September, the Deputy Commissioner Srinagar ordered his detention under Jammu and Kashmir Public Safety Act (PSA), the infamous preventive detention law, under which a person can be detained from 6 months to two years. The conditions in jails across Jammu and Kashmir are generally not good and are not disabled friendly. Parvez's family's request for him to be moved to a closer jail was disregarded and he was sent to Kot Bhalwal Jail, Jammu, more than 300 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. For the 2020 SG reprisals report, we reported that there were three FIRs remaining against Parvez and that he was subject to a travel ban. **The cases against him have continued to be delayed.**

ISRAEL

On 13 February 2020, the Ministry for Strategic Affairs and Public Diplomacy published a statement on the Ministry of Foreign Affairs' website referring to human rights organizations that supported the Human Rights Council mandated report on business activities related to settlements (A/HRC/43/71) as having ties to terrorism. In particular, the statement listed Addameer Prisoner Support among others as "terror-linked Delegitimization Organizations Tied to the UNHRC [UN Human Rights Council] Israel Blacklist" in regard to their call for the creation and release of the UN database through public statements, petitions and letters. The statement noted that "the UN High Commissioner for Human Rights released a database of 94 Israeli and 18 foreign companies operating in Judea, Samaria and east Jerusalem. An in-depth Ministry of Strategic Affairs examination of the NGOs involved in its release reveals the ties to terrorist groups these organizations hold." The statement detailed these organizations' engagement with the Human Rights Council and OHCHR.

In terms of follow up, To compound upon ongoing tactics of intimidation and repression of civil society organizations and human rights defenders, Israel, along with non-state actors, launched several public media smear campaigns in direct response to our

organizations' cooperation with UN human rights mechanisms, this includes campaigns targeting Addameer as a whole in its organizational capacity, and individually by its leadership and staff, espousing dangerous, and false, allegations linking Addameer to "terror-linked organization".

These smear campaigns are often launched shortly after published advocacy actions between Addameer and UN human rights mechanisms. Addameer's documentation of torture and ill-treatment of Palestinian prisoners in Israeli interrogation centres, specifically the case of Samer Arbeed,⁶² led to numerous, ongoing, state and non-state media allegations of Addameer's association with and funding of "terrorist activities."⁶³ Addameer's documentation of Samer Arbeed's torture and international advocacy, and subsequent ending of investigations of torture by the Israeli Attorney-General, led to a statement by UN human rights experts stating Israel's failure to prosecute the case, calling for a revision of policies authorizing practices of torture and ill-treatment.⁶⁴ Nevertheless, past and current smear campaigns,⁶⁵ retaliate against such advocacy and cooperation by publishing organizational charts of Addameer employees with allegations of membership to an organization deemed unlawful under Israeli military orders, and more incendiary, involvement in military operations, despite evidence to the contrary.

Such reports disclose international donors and donations, including UN grants and grants sent for activities related to the ICC, to allege the funnelling of funds.⁶⁶ These allegations have been repeated by Israeli government reports,⁶⁷ as well as non-state media reports.⁶⁸ These campaigns serve to isolate Addameer from international participation alleging financial links between Addameer and "terrorist affiliates."

⁶² Addameer, "The Systematic use of Torture and Ill-Treatment at Israeli Interrogation Centers, Cases of Torture Committed at al-Mascobiyya Interrogation Center" 23 January 2020.

<https://www.addameer.org/index.php/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>

⁶³ "Samer Arbid's Alleged Terror Activities, Arrests, and NGO Affiliations "Ngo monitor." Ngo Monitor.

October 02, 2019. Accessed April 08, 2021. <https://www.ngo-monitor.org/samer-arbid/>, "Behind the Headlines: The Terror behind the UNHRC Database." Israel Ministry of Foreign Affairs. 13 February 2020, "Terrorists in Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer." Israel Ministry of Strategic Diplomacy and Public Affairs, May 2020

⁶⁴ United Nations Human Rights Office of the High Commissioner, Israel must end impunity for torture and ill-treatment - UN experts, 8 February 2021,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26729&LangID=E>

⁶⁵ "Addameer's Ties to the PFLP Terror Group " Ngomonitor." Ngo Monitor. January 2020. Accessed April 08, 2021. http://ngo-monitor.org/pdf/Addameer_0120.pdf "Samer Arbid's Alleged Terror Activities, Arrests, and NGO Affiliations Ngo Monitor. October 02, 2019., "Behind the Headlines: The Terror behind the UNHRC Database." Israel Ministry of Foreign Affairs. 13 February 2020, "Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer." Israel Ministry of Strategic Diplomacy and Public Affairs, May 2020

⁶⁶ "Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer." Israel Ministry of Strategic Diplomacy and Public Affairs, May 2020.

⁶⁷ "Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer." Israel Ministry of Strategic Diplomacy and Public Affairs, May 2020.

⁶⁸ "Addameer's Ties to the PFLP Terror Group " Ngomonitor." Ngo Monitor. January 2020., "Samer Arbid's Alleged Terror Activities, Arrests, and NGO Affiliations Ngo Monitor. October 02, 2019. Levick, Adam. "Guardian Promotes Anti-Israel Propaganda by Terrorist Affiliated NGO." CAMERA UK. 9 March 2021. Accessed 08 April 2021. <https://camera-uk.org/2021/03/07/guardian-promotes-anti-israel-propaganda-by-terrorist-affiliated-ngo/>. Mauro, Ryan, and Alex Vanness. "Army of NGOs, Iran-linked Terror Group Uses Fronts to Operate in America & Europe." Clarion Project. 2 March 2021

MALAWI

On 17 March 2012, **John Kapito**, then Chairperson of the Malawi Human Rights Commission, was approached in Lilongwe by approximately 30 police officers who arrested him and searched his car. He was taken to a remote police station where he was interrogated without the presence of legal counsel, despite his request that his lawyer attend. The following day, his house was searched. He was asked by the police what materials he would be taking to Geneva on his forthcoming trip to present information to the International Criminal Court and what reports he would present to the Court. Mr. Kapito explained that he was not going to a meeting of the International Criminal Court but the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (since renamed the Global Alliance of National Human Rights Institutions (GANHRI)), which had the same acronym (ICC) and of which the Malawi Human Rights Commission was an accredited member.

Mr. Kapito was charged with possession of seditious material and foreign currency. He was, however, granted bail and was able to travel to Geneva to attend the meeting. When his case was included in the SG's report in 2012, Mr. Kapito remained on bail on the charge of sedition. Several special procedures sent a communication on the case on 4 May 2012, expressing concern that the case was part of a broader campaign to silence human rights defenders in Malawi.⁶⁹

In terms of follow up, Mr. Kapito's case was never followed up on in the Secretary-General's report. The sedition case was taken to court, but the State was unable to bring any evidence and the court threw it out it was un-prosecutable. However, Mr. Kapito and his family have experienced continuous harassment. This includes an episode wherein his daughter was beaten and arrested by police at her university.

MALDIVES

In a blatant act of reprisal and intimidation, the Human Rights Commission of the Maldives (HRCM) was prosecuted in 2015 by the Supreme Court following a submission made by the HRCM on human rights in the Maldives to the UN's Universal Periodic Review (UPR). The report focused on prominent human rights issues faced by the Maldives, including access to justice and the independence of the judiciary. In particular, the report criticised the Supreme Court of the Maldives' growing powers, suggesting that the Supreme Court controls the judicial system and has weakened judicial powers vested in other superior and lower courts. The Supreme Court ruled that the HRCM's UPR submission was unlawful, biased and undermined judicial independence, and ordered the HRCM to follow a set of guidelines designed to restrict the HRCM's work and its ability to communicate with the UN.

Assisted by ISHR, Ahmed Tholal and Jeehan Mahmood, former Commissioners of the HRCM, filed a communication with the UN's Human Rights Committee to highlight the Maldives' failure to ensure their right to share information freely with the UN without reprisal, in what was the first case filed with the UN on behalf of former members of a national human rights institution.⁷⁰

⁶⁹ MWI 2/2012,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17101>

⁷⁰ https://www.ishr.ch/sites/default/files/documents/09-25-2016-complaint_to_humanrightscommittee_maldives.pdf

In terms of follow up, the UN Human Rights Committee has ruled that the Supreme Court of the Maldives violated the freedom of expression of the two former members of the HRCM.⁷¹ The Committee observed in particular that ‘independent national human rights institutions, in order to fulfil their duty to promote and protect human rights, must have the freedom to responsibly comment in good faith on the compliance of governments with human rights principles and obligations.’ The Committee further noted the context and forum in which the criticism was made, i.e., in a written report submitted to the UPR, whose goal is to improve the human rights situation in every country through a constructive process that includes the submission of reports by States, national human rights institutions, civil society organizations, and other relevant stakeholders. The Committee’s decision firmly preserves in law and practice the right of national human rights institutions (NHRIs) to freely communicate with international human rights mechanisms. The decision of the Supreme Court to restrict the activities and independence of the HRCM were incompatible with the right of safe and unhindered communication with UN bodies, and the prohibition against reprisals for exercising that right, and a clear breach of freedom of expression under international law.

The Maldives government shared at the 42nd session of the HRC 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. It is not clear what the status of this amendment is.

MAURITANIA

Mrs. Maimouna Alpha Sy is the Secretary-General of Collectif des Veuves, **Mrs. Aissata Anne** is the Vice-President of the Collectif des Veuves, **Mrs. Aissata Diallo** is the Spokesperson of the Collectif des Veuves, **Mr. Sy Yaya Ousmane** is the External Relations Officer of the Collectif des Orphelins, and **Mr. Baba Traoré** is the Vice-President of the Collectif des Rescapés. On July 22, 2018, Ms. Maimouna Alpha Sy, Ms. Aissata Anne, Ms. Aissata Diallo, Mr. Sy Yaya Ousmane, and Mr. Baba Traoré, were arrested by police at Oumtounsy International Airport, where they were to board a flight to Geneva to participate in the review of Mauritania's second periodic report to the 64th session of the United Nations Committee Against Torture (CAT). Immediately after the human rights defenders had completed the boarding formalities, the police confiscated their passports, justifying this measure by the need to verify the visas affixed and asking the defenders to provide them with a letter from the Swiss consular authorities in Senegal, attesting to having issued these visas. Due to these delays, the defenders were unable to board their flight and were unable to attend the Mauritania review session, which took place from July 23-25, 2018. Yet the five defenders were in regular possession of their Schengen visas as well as a letter of invitation from an NGO that explained the purpose of their trip. In his February 2019 report to the Human Rights Council, the Special Rapporteur on human rights defenders expressed concern about the reprisals in the form of passport confiscation and travel bans and the lack of response from the Government.⁷² **In terms of follow up, the defenders are still banned from travel.**

OMAN

⁷¹ https://www.ishr.ch/sites/default/files/documents/ccpr-c-130-d-3248-2018_e-.pdf

⁷² A/HRC/40/60/Add.1, para 627

Mohammed al-Fazari's case appeared in the 2015 SG report on reprisals. On 27 March 2015, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, together with two other mandate holders, raised concerns at alleged acts of intimidation and reprisal against Mohammed al-Fazari, a human rights activist and blogger, also for having met with him during his country visit (ibid., OMN 2/2015). On 22 December 2014, Mr. Al-Fazari was reportedly prevented from boarding a flight at Muscat International Airport and subjected to a de facto travel ban when his travel documents, including his passport, were confiscated. He was reportedly summoned to appear before the Special Division of the Omani Police in Muscat, where he was interrogated for eight hours without any information on the reason for his interrogation or de facto travel ban. His passport was not returned to him.

This case was not followed up in subsequent SG reports on reprisals. Al-Fazari sought refugee status in the UK. His Omani documents have still not been returned to him.

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.⁷³ 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.⁷⁴

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.⁷⁵ However, Claude 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 two five minute phone calls each week. Asfari has not been permitted to visit an ophthalmologist for nine years. He is imprisoned in the north of Morocco in Kenitra, 2000 kms from his family. He is not allowed to go to the large courtyard where there is sun, he is not allowed to go to the gym nor the library. Humiliating searches can take place at any time. Naâma Asfari was definitively sentenced by the Court of Cassation in Rabat on 25 November 2020.

⁷³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/093/43/PDF/G1709343.pdf?OpenElement>.

⁷⁴ [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).

⁷⁵ 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.

NICARAGUA

On 7 September 2019, Mr. Aníbal Toruño, who had recently returned to Nicaragua from exile, found threatening graffiti on the walls of his house and on the walls of Radio Darío, which he owns. It is believed that the graffiti was related to the actions taken by the UN in connection with his case, in an attempt to silence and intimidate him. Two weeks earlier, on 26 August 2019, the Special Procedures mandate holders and the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights issued a press release highlighting that Radio Darío workers in León had been victims of harassment, threats, arbitrary detentions and acts of violence, and that their premises had been raided and attacked by pro-government elements. The Special Procedures raised the situation of Mr. Toruño and Radio Darío on 19 August 2019 with the authorities (NIC 5/2019).

In terms of follow-up, persecution and attacks have continued against Mr. Toruño, the staff of Radio Darío and his relatives. On 4 January 2021 his home was raided by the National Police of the city of Leon, parapolice and civilians, together with police dogs. The police asked a domestic worker in his home where the weapons and drugs were, to which she replied there were none. The officer in charge told the domestic worker she should be afraid of Anibal Toruno, and that he was involved in drug trafficking. On 6 January 2021, at least eight heavily armed members of the Directorate of Special Police Operations (DOEP) were stationed in front of the premises of Radio Darío. On 7 January approximately 20 police officers raided Toruno's residence. They searched the rooms, took photos of a passport and suitcases and took his mobile phone. They searched his vehicle and took photos of the documents in it. Toruno and his relatives were also under surveillance at the airport later that day when travelling to the United States. Another raid took place on 4 February 2021 when the home was unoccupied. The police damaged the surveillance system and his truck. His street is under surveillance. On 12 February, the police climbed to the top of his house, tearing out cable and internet connection materials and cameras. Commissioner General Fidel Domingues has been present at these operations, further intimidating Toruno. Other radio workers have been detained, fined and had their drivers licenses suspended, as well as had phones, laptops and hard drives confiscated.

PHILIPPINES

On April 20, 2018, **Karapatan**, a prominent human rights organisation in the Philippines, filed a letter of allegation to UN Special Rapporteurs regarding the threats, terrorist-tagging and judicial harassment against Filipino human rights defenders, including Karapatan human rights workers.

On October 27, 2018, Karapatan submitted comments to the Philippine government's response to the Secretary General's report on reprisals in September 2019. In the letter, Karapatan provided facts regarding the disinformation regarding their NGO registration status, their role in providing important and relevant information on the human rights situation and cases in the Philippines, and the role of a newly formed National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) by the Philippine government that engages in threats and reprisals against human rights defenders.

On April 5, 2019, Karapatan 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 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 December 2019, Karapatan provided a submission to the Office of the High Commissioner for Human Rights in relation to its reporting mandate as specified in the UN HRC resolution on the Philippines.

On February 5, 2020, Karapatan National Council member Engr. Jennefer Aguhob was arrested on trumped up charges of murder. She was released on bail in September 2020. On February 7, 2020, Karapatan National Council member Alexander Philip Abinguna was arrested in a series of police and military raids in Tacloban City. He remains detained at the Palo City Police Station to this day, facing trumped up charges of illegal possession of firearms and explosives.

On March 15, 2020, Karapatan National Council member Teresita Naul was arrested on trumped up charges of kidnapping, robbery and arson.

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 Reylan 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.⁷⁶ De Croo stated that extensive internal financial audits were immediately carried out on the four Belgian organizations involved and their nine local partners and no irregularities were found.

In terms of follow up, since April 2020, the trial in relation to the perjury case continues to this day.

In May 2020, the 'Philippine Human Rights Situationer' was released by the Department of Foreign Affairs to diplomatic missions and international organizations, where reference was again made on Karapatan's role in providing information on the human rights situation, on our alleged false claims of reprisals, and on yet again another false claim that Karapatan is 'one of the NGOs that were unlawfully operating in the country.'

In August 2020, peace consultant Randall Echanis, one of the founding members of Karapatan, and Karapatan-Negros paralegal Zara Alvarez, were killed within a week. In a manifestation filed before the Supreme Court, Karapatan averred that the Court should

⁷⁶ <https://www.dekamer.be/doc/CCRI/pdf/55/ic075x.pdf> at page 4.

immediately review Karapatan's petition for legal protection, lest another Zara Alvarez may be killed again.

After the killing of Echanis and Alvarez, statements of government officials red-tagging and inciting harm to Cristina Palabay and on Karapatan human rights workers continued. Some of the statements were issued in course of the process prior to and after the adoption of the UN Human Rights Council resolution A/HRC/RES/45/33 in October 2020 on technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines.

In his column and statements, Armed Forces of the Philippines Southern Luzon Command Chief and spokesperson of the National Task Force to End Local Communist Armed Conflict, Lt. Gen. Antonio Parlade, Jr. red-tagged Karapatan in relation to its role in providing information to the UN on the human rights situation in the Philippines.

In yet another apparent reference to Karapatan's engagement with the UN Human Rights Council, Undersecretary Severo Catura, executive director of the Presidential Human Rights Committee, in his December 7 speech before the Philippine National Police during the commemoration of National Human Rights Consciousness Week in the Philippines, he cited Karapatan as among the groups allegedly spreading 'a fake narrative abroad', including the UN Human Rights Council.

On February 1, 2021, in its preliminary response to the Joint Communications of Special Procedures JAL/PHL 01/2021 and news release dated 28 January 2021, the Philippine government referred to the above-mentioned 'Philippine Human Rights Situationer' and cited Karapatan in its September 2020 letter to UN High Commissioner for Human Rights Michelle Bachelet, as a 'front organization' of the CPP-NPA (Communist Party of the Philippines-New People's Army) and made reference to Teresita Naul as a finance officer of CPP-NPA-NDF (Communist Party of the Philippines-New People's Army-National Democratic Front).

In January 2021, Karapatan National Council member Daisy 'Jackie' Valencia learned that her name was included in the trumped-up charges of murder together with indigenous people's leader Windel Bolinget. Valencia and her co-accused filed a motion for reinvestigation and suspension of the implementation of the arrest warrants against them. In March 2021, the motion was granted.

On March 7, 2021, police and military raids in offices and homes of activists resulted in the killing and arrests and detention of rights defenders, including 61-year-old Karapatan paralegal Nimfa Lanzanas. She is also a member of Kapatid, a support group for the families and friends of political prisoners, as she is the mother of political prisoner Edward Lanzanas, who was arrested in 2014.

Nimfa together with her three grandchildren aged 12, 9, and 6 were sleeping in their house in Family Subdivision, Brgy. Sampiruhan, Calamba, Laguna, when masked and armed men in black entered their house around 4 a.m. on March 7. Her grandchildren were held at gunpoint and made to go outside while Nimfa was forced to stay inside as the men presented a search warrant. Outside their house, there were more armed men later identified as elements of the PRO 4A, CIDG RFU 4A, CIDG NCRFU, SAF, and the 202nd Brigade and 2nd Infantry Division of the Philippine Army. The armed men stayed with Nimfa inside the house for almost 15 minutes and they turned off the lights when they left. At around 5 a.m. the CIDG personnel called on barangay officials for the official search,

where they supposedly recovered guns and bullet cases under the bed foam in the room of Nimfa's son, while a grenade and a .38 calibre pistol were allegedly seized from their closet.

By 6 a.m., the police laid on the floor all the firearms and explosives they supposedly seized from the search as barangay officials signed documents as witnesses. Nimfa was handcuffed and taken out of the house as the police also confiscated the cell phones used by her grandchildren for their online classes. At 7:30 p.m., she was brought to the Calamba City Police Station. She is currently detained at the PRO 4A headquarters in Camp Vicente Lim, Calamba, Laguna and is also facing charges of illegal possession of firearms and explosives.

It was known later that the search warrant against Lanzanas was issued by Manila RTC Branch 174 Presiding Judge Jason Zapanta. Karapatan asserts that the charges against Lanzanas are baseless, with the perjured testimonies and the planted evidence against her.

At 5 a.m. on March 21, 2021, Karapatan-Caraga paralegal Renalyn Tejero was roused from her sleep in Aries Bldg., Brgy. Lapasan, Cagayan de Oro City when four elements of the Philippine National Police and Philippine Army wearing bullet proof vests entered the apartment where she was staying. They knocked on the room where she was sleeping, turned on the lights and identified her. They took her phone when she insisted on her right to contact a lawyer or her family, and then she was handcuffed. She was shown a warrant, but she was only able to read the words 'homicide' and 'RTC 34, Cabadbaran.' Tejero was then brought to a red car without plates and then to the Lapasan Police Station. After a while, she was taken to the Philippine National Police Regional Office 13 Headquarters at Camp Colonel Rafael Rodriguez in Butuan City, where she arrived at 10:05 a.m. She reiterated her right to contact a lawyer or her family but was once again denied.

At 12 noon on the same day, a police officer who introduced herself as someone from the 'women's desk' talked to Tejero and asked her about some individuals. At 1 p.m., a man, allegedly from the Office of the Presidential Adviser on the Peace Process (OPAPP), interrogated her. She was told that she was lucky that those from PRO13 were the ones who arrested her, because she might have ended up killed. The man called Capt. Aranas of the 9th Special Forces Company, 3rd Special Forces Battalion of the Philippine Army, who told her that she should surrender. The man from OPAPP then told her they have been 'working' on her for a long time. She answered a few questions in relation to her work as a paralegal and said she would not 'surrender' because she didn't commit any offense. The man from OPAPP interrogated her for two hours. At around 3 p.m., the police officer from the women's desk came back to interrogate her. At 9 p.m., she was brought to the Butuan Medical Center and at 11 p.m., she was brought to Butuan Police Station 1.

According to the Philippine National Police, Tejero is facing murder and attempted murder charges. In the court documents on the cases against Tejero, Karapatan observed that the affidavits against her are copy-pasted testimonies and that these testimonies are incredible and illogical. Tejero has been denied her right to due process because she has never received any subpoena on the charges against her.

Elisa 'Tita' Lubi and Jayvee 'Jay' Apiag, Karapatan's National Chairperson and Southern Mindanao Chapter Secretary General respectively, are currently facing an attempted murder charge filed by Corporal Elvin Jay Claud regarding an alleged May 20, 2018 armed encounter between elements of the New People's Army and the Philippine Army's 89th

Infantry Battalion and 10th Infantry Division in Sitio Balite, Brgy. Salapawan, Paquibato District, Davao City. The case was only filed on June 3, 2020 — two years after the alleged encounter. Based on Claud’s sworn statement, the incident occurred at 6:20 p.m. as his unit was already conducting a combat operation but were supposedly ambushed allegedly by an ‘undetermined number of communist terrorist armed groups.’ While taking cover and exchanging fire with alleged rebels, Claud supposedly was able to identify with certainty Lubi and Apiag along with three other individuals implicated in the attempted murder charge.

Karapatan views these charges against Lubi and Apiag as baseless and malicious charges, bereft of any factual basis. In Apiag’s joint motion with Cristony Jun Monzon, secretary general of indigenous people’s confederation Pasaka, filed on March 12 before the Davao City Regional Trial Court Branch 52, he manifested that, at the time of the alleged encounter, he was interviewing the kin of Ariel Maquiran at Brgy. Madaum, Tagum City, Davao del Norte. Maquiran is an industrial worker in a banana plantation who was shot dead by suspected agents of the Philippine Army’s 16th Infantry Battalion on May 17, 2018.

Meanwhile, Lubi manifested in her motion filed before the same court on March 29 that she was in Metro Manila during the date of the encounter and that ‘there is an abundance of evidence showing [her] presence in Metro Manila in the days, weeks and months preceding and following the alleged incident.’ The motion also stated that ‘[i]t is physically implausible for [her] to engage in armed combat’ for she was ‘75 turning 76 years old and suffering from the usual conditions ailing people of such advanced age’ such as being overweight, hypertension, and arthritis.

Both were denied their right to due process, as they did not receive copies of subpoenas to participate in the preliminary investigation on the case to assert their innocence and avail of appropriate remedies for the case’s dismissal.

These cases illustrate the continuing harassment and threats to lives, security and liberty of Karapatan’s human rights workers, whose work as human rights defenders, including with the UN Human Rights mechanisms, is constantly vilified. These acts constitute direct reprisals related to Karapatan’s work within the country and in their engagement and advocacy with international human rights mechanisms of the UN. Karapatan likewise believes that these acts of reprisal are also related to their work to report human rights violations as consequences of laws and policies in relation to the Philippine government’s COVID-19 response to the UN, as they submitted a letter of allegation to UN Special Procedures regarding these cases. These cases are all the more concerning given they are among numerous cases illustrating the increasing shrinking of democratic and civic spaces in the Philippines.

The 2018, 2019 and 2020 Reports of the SG on reprisals cited the surveillance, public stigmatization and calls for resignation of the current Chair and staff of the **Commission on Human Rights of the Philippines** (PHL 12/2017), and the arbitrary detention of its former Chair.⁷⁷ The High Commissioner in her July 2019 report (A/HRC/44/22, para. 58) noted that former Chair and Senator, **Ms. Leila de Lima**, arbitrarily detained for three years, is among the

⁷⁷ 2020 (A/HRC/45/36, Annex II paras 98-99), 2019 (A/HRC/42/30, Annex II paras. 79–80), 2018 (A/HRC/39/41, paras. 61–62 and Annex I, paras. 84–85).

women officials critical of Government policy who faced reprisals.⁷⁸ The Commission continued to be the target of threats, intimidation and public questioning, given its support to, and engagement with, the UN. When the Human Rights Council voted in favour of the resolution on the human rights situation in the Philippines in July 2019 (A/HRC/RES/41/2), newspaper articles condemned statements by the Commission which had advocated for the implementation of the resolution and had called for the Government to cooperate with OHCHR. In November 2019, during the Senate's public deliberations on the Commission's proposed 2020 budget, legislators accused the Commission of favouring criminals. The Senate President reportedly raised questions concerning international organizations with which the Commission had engaged, and requested the list of such organizations to be submitted to the Senate.

In terms of follow up, following **Commissioner Karen Gomez-Dumpit's** participation at the 45th session of the Human Rights Council regarding the HRC resolution on the Technical Assistance and Capacity-Building for domestic efforts on human rights in the Philippines, she was 'red-tagged through a series of posts coming from official Facebook pages run by the Philippine Army. In particular, General Antonio G. Parlade, Jr., then Commanding General of the Southern Luzon Command and the National Task Force to End the Communist Local Armed Conflict (NTF-ELCAC), accused Commissioner Gomez-Dumpit, along with Chairperson Chito Gascon, of supporting the CPP-NPA-NDF, and branded them as "termites trying to destroy our homes from the under."⁷⁹ Consequently, Commissioner Gomez-Dumpit, Chairperson Gascon, CHR Executive Director Jacqueline Ann C. De Guia, and the CHR itself have been red-tagged through a series of YouTube videos uploaded by staunch supporters of the Duterte Administration.⁸⁰

Another specific red-tagging of Commissioner Gomez-Dumpit was by a certain "Ka Eric Almedras" or Jeffrey Celiz, who claims to be a former communist rebel. His red-tagging of the Commissioner emerged after her intervention at the Senate Hearing on Red Tagging held on 1 December 2020, where the CHRP was invited as resource person. A few days later, a fellow human rights defender alerted Commissioner Gomez-Dumpit of a Facebook post of Undersecretary Lorraine Badoy of the Presidential Communications Office and Spokesperson of the National Task Force to End Local Communist Armed Conflict (NTF ELCAC). Undersecretary Badoy's post links to the video of a press conference with "Ka Eric Almedras" or Jeffrey Celiz. The video title states, CHR nadulas ang dila sa [CHR's tongue slips in the] hearing hinubaran ang mukha ni [is unmasked by] KA ERIC, and in that video he mentioned: Nakakabahala po ang [It is disturbing, the] statement ng Commission on Human Rights kanina [earlier] we take serious offense and we put into doubt that statement of Commissioner Dumpit representing Human Rights as if she was speaking this afternoon in the Senate as the extension of the CPP [Communist Party of the Philippines] information bureau.

The allegations of the army general and this certain former rebel, fueled by posts in official social media pages of government officials, are damaging, dangerous and against the law such as the Cybercrime Prevention Act of 2012 but are being encouraged under the guise of another law – Anti-Terrorism Act of 2020. Reprisals against the legitimate work of the CHRP as a national human rights institution does not help in addressing the human rights condition in the country.

Despite impressions of the Philippine government to engage with the United Nations, the situation on the ground has remained unchanged. Language that incites hatred and violence still prevails. This is yet further evidence from a long line of incidents that substantiates the claim of human rights defenders of the continuing shrinking civic space in the country. The CHRP has always

⁷⁸ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_61.pdf; See also PHL 5/2017; A/HRC/40/60/Add.1; A/HRC/40/52.

⁷⁹ <https://www.facebook.com/SouthernLuzonCommandAFP/posts/2698584067068316>

⁸⁰ <https://www.youtube.com/watch?v=mbaCL9n8o-A&t=666s>

stressed that it continues to work with the government in ensuring respect for human rights. It has offered constructive criticism for the government to improve on its human rights record, and at the same time, extended cooperation in attaining the goal of human rights protection in the country.

Stella Matutina is a prominent Filipino human rights and environmental defender and was previously the Secretary-General of Panalidan! Mindanao, a network of environmental and land rights defenders based in Mati, Davao Oriental, in Mindanao. Matutina was involved in grass-roots education and advocacy, and lobbying efforts to defend indigenous communities from commercial logging and large-scale mining projects. Panalidan! also supports environmental rights defenders who receive death threats and are victims of acts of harassment because of their human rights activities. Matutina was subjected to several incidents of threat and harassment. Since she was a member of the Philippine UPR Watch delegation to discuss the human rights situation in Mindanao in the context of a side event during the nineteenth session of the Human Rights Council, members of the Armed Forces of the Philippines accuse Matutina of being a member of the New People's Army, the armed wing of the communist party.

In terms of follow up, Matutina's case was never followed up on since its inclusion in the 2013 report of the Secretary-General on reprisals. However, Matutina has continued to engage with the UN human rights system and to suffer persecutions and vilifications. Matutina made an oral statement at the 26th Session of the HRC 2014, regarding Typhoon Yolanda. In 2015, she participated in a side event to the 4th UN Forum on Business and Human Rights, organised by the World Council of Churches (WCC). In 2019, she organised the Philippines Human Rights Summit in Iceland, following the Iceland-led resolution on human rights in the Philippines.

In November 2020 Matutina's picture was again hung in public places as a wanted terrorist in some towns in Mindanao. Matutina is unable to return to the Philippines because of the trumped-up charges and red tagging.

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 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.⁸¹

In terms of follow up, Mr. Rohr remains banned from entering Russia and unable to carry out his work in that regard. Though Russia has a sovereign right to determine its migration policies, it does not change the fact that in this case Russia has banned Mr. Rohr from entering Russia as a reprisal for his work on indigenous peoples' rights, in particular his participation and public statements at the UN Forum on Business and Human Rights.

SAUDI ARABIA

Cases of reprisals related to engagement with the UN

⁸¹ REFERENCE: AL RUS 8/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24932>

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

This takes place in the context of considerable restrictions and attacks against defenders in Saudi Arabia (see context section above).⁸² 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.⁸³ **Loujain Al-Hathloul** has been targeted for her engagement with the CEDAW, was detained from 18 May 2018 to 10 February 2021, was tortured while in detention, and remains subject to a range of significant restrictions on her freedoms and activities.

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.⁸⁴

In terms of follow-up, on 28 December 2020, Saudi Arabia's Specialised Criminal Court (SCC) sentenced Al-Hathloul to 5 years and 8 months in prison. The sentence includes a suspension of 2 years and 10 months in addition to the time already served. Al-Hathloul is also required to serve three years of probation during which time she could be arrested for any perceived illegal activity. She has also been placed on a 5-year travel ban. Al-Hathloul was conditionally released from prison on 10 February 2021. Loujain's charges had listed her communication with foreign parties which include CEDAW. In the first appeal hearing on 2 March 2021, Loujain noted that the articles of the terrorist law on which the court of the SCC relied on to convict Loujain labelled all foreign entities involved in her case as terrorist entities knowing that these entities are only defined by the Ministry of the Interior and approved by the King. The confirmation of Loujain's sentence means that the Saudi authorities have also confirmed that the Saudi Authorities consider these foreign entities 'terrorist entities' and contacting them a terrorist act. On 10 March 2021, her appeal was rejected, and she filed an appeal to the Supreme Court for the sentence. As part of the Criminal Court proceedings, the Court ordered an investigation into torture to be done. After their non-investigation, the criminal court ruled on 22 December 2020 that

⁸² <https://www.hrw.org/news/2018/05/18/saudi-arabia-womens-rights-advocates-arrested>

⁸³ <https://www.gc4hr.org/news/view/1804>.

⁸⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/9045&Lang=en

no evidence of torture existed, and no torture had taken place. On 1 March 2021, she filed her objection to the Supreme Court against the ruling of the Criminal Court in regard to the torture investigation. Her family in Saudi Arabia is also under an illegal travel ban.

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).

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.

In terms of follow up, ALQST [reported](#) that Samar Badawi remains in detention.

THAILAND

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.⁸⁵

Ms. Neelapaijit has complained at least twice since 2017 to the police at the Technology Crime Suppression Division. In 2018 police visited her and asked her about the online harassment

⁸⁵ A/HRC/42/30 at para 102.

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 society.⁸⁶ One example of an IO (Information Operation) is “pulony.blogspot.com” which includes a claim that Ms. Neelapaijit 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.⁸⁷ 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.⁸⁸

In terms of follow up, Ms. Neelapaijit continues to be attacked on social media. On 4 November 2020, Ms. Neelapaijit filed a civil case against the PM's Office and Royal Thai Army seeking remedy for damages related to ISOC's IO disinformation and smear campaign via the pulony.blogspot.com website using public money to attack women human rights defenders, and to have the fake news, offensive content and disinformation removed. The preliminary hearing is scheduled for May 2021.

UNITED ARAB EMIRATES

On 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

⁸⁶ <https://www.bangkokpost.com/thailand/politics/1866364/govt-to-probe-cyber-war?fbclid=IwAR2oAu2DYAZGcFes3f-wJ3UTbFry7dnP9OwhJYTnLzghvtquknvlvEc3b7l>

⁸⁷ 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/2019/10/hak-asasi-manusia-di-atas-hujung-hulu.html>;
http://pulony.blogspot.com/2019/10/blog-post_21.html; <http://pulony.blogspot.com/2019/11/blog-post.html>

⁸⁸ <https://www.tlhr2014.com/?p=16303&fbclid=IwAR2mmgf-nD-u9aFuZnboJetX3AicvNQIEogchrHSZjSCYkuZjogK3TRjCJA&lang=en>

continue to detain him in an unknown location.⁸⁹ 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 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.'⁹⁰

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 or mattress and no access to a shower. He is also deprived of books and basic necessities. For at least three years after his arrest on 20 March 2017, he was only 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.

In a report issued in January 2021, Human Rights Watch and the Gulf Centre for Human Rights (GCHR) reveal grave violations of Mansoor's rights and demonstrate the State Security Agency's unchecked powers to commit abuses. He is on the advisory boards of

⁸⁹ <https://www.hrw.org/news/2018/04/09/uae-one-year-award-winning-human-rights-defender-ahmed-mansoors-whereabouts-remain>.

⁹⁰ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E>.

both organisations. The 30-page report, "The Persecution of Ahmed Mansoor: How the United Arab Emirates Silenced its Most Famous Human Rights Activist," provides previously unrevealed details of his closed trial on speech-related charges and his appeal hearing, showing grave violations of due process and fair trial guarantees.

As a result of his hunger strikes and international attention, starting in 2020 Mansoor was able to go outside for exercise more regularly, and to have more frequent calls with his family in 2020 (visits were restricted due to Covid-19). His health has suffered after more than four years in prison and he has high blood pressure, which has not been treated.

Mr. Ahmad Ali Mekkaoui, a Lebanese citizen, appeared in the 2019 SG report on reprisals. He faced reprisals after his detention was found arbitrary by the Working Group on Arbitrary Detention (A/HRC/WGAD/2017/47, paras. 23, 34) during its August 2017 session. Mr. Mekkaoui had been arrested on 13 October 2014 and reportedly detained in secret detention and in solitary confinement for seven months, during which he was severely tortured and sustained injuries requiring five surgeries. On 4 December 2016, Mr. Mekkaoui was sentenced to 15 years in prison based on confessions extracted under torture. On 5 December 2018, the Arabic television channel Al Arabi broadcasted a video segment on Mr. Mekkaoui's case, detailing his torture and prosecution in the UAE, and the Opinion issued by the Working Group. The video also featured an interview with Mr. Mekkaoui's sister and his lawyer.

Consequently, as an act of reprisal, on 17 December 2018 Mr. Mekkaoui was moved to solitary confinement and was put in a cell underground, without natural day light. Subsequently, Mr. Mekkaoui was only able to intermittently contact his family. Moreover, in March 2019, the Public Prosecution initiated new legal proceedings against Mr. Mekkaoui, his sister, his nephew and his lawyer, accusing them of "misrepresentation and incitement against the UAE" based on the interviews from 5 December 2018 and his nephew's Facebook page calling for Mr. Mekkaoui's immediate release. His health remains critical.

In terms of follow up, Mr. Mekkaoui remains in detention and had no contact for his family for more than a year. Beginning in February 2021, Mr. Mekkaoui has been allowed to call for a minute or two every two weeks, sometimes once a week.

USA

On 15 March 2019, then US Secretary of State, Michael Pompeo, announced that the US would revoke or deny visas to members of the ICC involved in investigations of alleged war crimes and crimes against humanity committed by US nationals in Afghanistan or elsewhere, and threatened to take other measures including economic sanctions.⁹¹ Pompeo's announcement followed threats made by then 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

⁹¹ 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>.

ICC.⁹²

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.⁹³

The case was inexplicably excluded from the SG's 2019 and 2020 annual reports on reprisals presented to the 42nd and 45th sessions of the Human Rights Council in September 2019 and September 2020. During the interactive dialogue on the report in September 2019, 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 regarding incidents of reprisals and intimidation of defenders engaging with or promoting engagement with the International Criminal Court (para 39).
- The 2012 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 continued. During a media briefing on 17 March 2020, United States Secretary of State, Michael Pompeo made remarks in relation to an ongoing 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.

In terms of follow up, on June 11, 2020, then President Donald Trump issued an executive order authorizing asset freezes and family travel bans against ICC officials and potentially others who assist ICC investigations. In February 2021, more than 80 Non-Governmental Organizations, Faith-Based Groups, and Academic Institutions called for the Biden Administration to Repeal ICC Sanctions and engage constructively with the ICC.⁹⁴ On April 2, 2021, President Biden revoked the June 2020 order by then-President Donald Trump

⁹² John Bolton made the remarks at the Federalist Society on 10 September 2018 <https://fedsoc.org/events/national-security-advisor-john-r-bolton-address>.

⁹³ <https://www.ishr.ch/news/reprisals-us-must-stop-threatening-international-criminal-court>.

⁹⁴

https://www.hrw.org/sites/default/files/media_2021/03/Call%20for%20the%20Biden%20Administration%20to%20Repeal%20ICC%20Sanctions_0.pdf

authorizing asset freezes and entry bans.⁹⁵

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.⁹⁶ 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.⁹⁷ 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.

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 imprisonment was confirmed by the Court of Appeal. Afiuni's lawyers appealed the decision before the Supreme Court and the sentence was also confirmed by that court in August 2020. The judge is still waiting for the final court decision on how to comply with the sentence.

Maria Lourdes was diagnosed with mouth cancer in September 2020. She had very invasive surgery to have part of the cancer removed and is currently under chemotherapy and radiotherapy treatment.

⁹⁵ <https://www.hrw.org/news/2021/04/02/us-rescinds-icc-sanctions#>

⁹⁶ 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.

⁹⁷ 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'.

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.

here 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 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.

In terms of follow up, on October 8, 2020, the Twenty-Ninth Trial Court of the Criminal Judicial Circuit of the Caracas Metropolitan Area decreed the absolute nullity of the conclusive act of accusation filed by the Public Ministry in the case against Miguel David Do Santos Rodríguez and Keiberth José Cibelli Moreno, the two military officers accused by the Public Prosecutor’s Office after the death of Councilman Fernando Albán, for the alleged commission of the crime of breach of custody obligation. The decision was due to the violation of Article 49.1 of the Constitution of the Bolivarian Republic of Venezuela (due process guarantees) and lack of compliance with articles 262 and 263 of the Criminal Code (crimes related to the escape of detainees and the breaking of sentences), bringing the case back to the investigation phase.⁹⁸ The Alban family’s legal representation didn’t have access to this decision. Since Alban’s death, his family has been asking for the application of the Minnesota and Istanbul protocol, which provides for the exhumation of the body in the presence of independent international experts.

Following the presentation of the report of the UN Independent International Fact-Finding Mission on Venezuela (the FFM), which denounced the commission of crimes against humanity in the country, a portal with apparent governmental backing, ‘Misión Verdad’, began a campaign of harassment and accusations against civil society organizations. Since September 24th, the social network account ‘Misión Verdad’ (Truth Mission) has carried out a campaign to criminalize, harass, and stigmatize various Venezuelan non-governmental organizations, accusing them of providing the FFM with false information. The campaign directly targets organizations such as the **Committee of Relatives of the Victims of the Events of February and March 1989 (COFAVIC)**, **Espacio Público**, the **Center for Justice and Peace (CEPAZ)**, the **Venezuelan Observatory for Social Conflict (OVCS)** and **Citizen Control**, all of which are organizations

⁹⁸ TSJ, ‘Tribunal de Caracas anuló acto conclusivo a dos ciudadanos por muerte de Fernando Albán’, (Caracas, 8 October 2020) <http://www.tsj.gob.ve/-/tribunal-de-caracas-anulo-acto-conclusivo-a-dos-ciudadanos-por-muerte-de-fernando-alban> See also, ‘Tribunal anula sentencia contra funcionarios acusados por el caso Fernando Albán’, El Pitazo (Caracas, 8 October 2019) <https://efectococuyo.com/politica/tribunal-anula-sentencia-contra-funcionarios-acusados-por-el-caso-fernando-alban/>

with a recognized track record in documenting and defending human rights in the country.⁹⁹ In the case of COFAVIC, the site links to an article that points to the organization as the main source of information for the UN report and includes a photo of its director, Ms. Lilita Ortega.¹⁰⁰ For several years, "Truth Mission" has been disseminating content that seeks to criminalize the work of organizations and individuals who defend human rights. There are apparent clear connections between the platform and government, with the Minister of Popular Power for Foreign Affairs sharing the content from his personal account.

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**, **Lilita 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.

During the period June 2019-April 2020, CDJ registered an 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.

⁹⁹ <https://omct.org/es/human-rights-defenders/urgent-interventions/venezuela/2020/09/d26094/>

¹⁰⁰ https://twitter.com/mision_verdad/status/1309276631907864576?s=12

Within this framework, human rights defenders and organizations 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.

5.07.2019: 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)".¹⁰¹ 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.

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.*¹⁰²

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).¹⁰³ 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

¹⁰¹ En: <http://misionverdad.com/la-guerra-en-venezuela/informe-bachelet>

¹⁰² <https://www.conelmazodando.com.ve/el-colmo-de-estocolmo-filia-raptoris>

¹⁰³ 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>

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 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.*"¹⁰⁴

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.¹⁰⁵

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.¹⁰⁶

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).¹⁰⁷ 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 Commission.*"¹⁰⁸ 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.

¹⁰⁴ 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>

¹⁰⁵ <https://www.conelmazodando.com.ve/jorge-valero-hacia-donde-va-michelle-bachelet>

¹⁰⁶ <https://www.aporrea.org/tiburon/a280800.html>

¹⁰⁷ 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>

¹⁰⁸ www.laiguana.tv/articulos/558238-onu-hostiles-comision-investigacion-ddhh/

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.¹⁰⁹

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.*"¹¹⁰

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.*"¹¹¹

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.¹¹²

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 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.*"¹¹³ 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

¹⁰⁹ <https://twitter.com/CancilleriaVE/status/1184868678086430722?s=20>

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

¹¹⁰ <http://misionverdad.com/TENDENCIAS/venezuela-logra-un-escano-en-el-consejo-de-ddhh-de-la-onu>

¹¹¹ <http://misionverdad.com/la-guerra-en-venezuela/bloqueo-total-a-venezuela>

¹¹² <https://www.laiguana.tv/articulos/584567-clodovaldo-contraste-ultimos-sucesos-paises-derecha-venezuela-exercise-sunday/>

¹¹³ 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

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."¹¹⁴ 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 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 speech¹¹⁵ created, by presidential decree no. 4.135, the National Counter-Terrorism Corps,¹¹⁶ 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.¹¹⁷ In the aforementioned article, Díaz questions and discredits the annual report of the non-governmental organization Amnesty International, specifically its chapter on Venezuela.

¹¹⁴ Con el Mazo Dando, program 289. Minute 59:00:00 to 1:01:10. Available at: https://www.youtube.com/watch?v=0bOU_oXX73M

¹¹⁵ <https://www.vtv.gob.ve/venezuela-crea-cuerpo-contra-terrorismo/>

¹¹⁶ Official Gazette No. 41.828 of February 27, 2020. At: http://spgoin.imprentanacional.gob.ve/cgi-win/be_a

¹¹⁷ 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/>

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 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."*¹¹⁸

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

¹¹⁸ 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>

only two attacks were recorded. This is closely related to the actions taken by the 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.

In terms of follow up, as reported by Centro Para los Defensores y la Justicia, in 2020, the actions aimed at criminalizing international cooperation worsened, including through threats and acts of stigmatization uttered by officials, the creation of new instruments to limit and control, and even raids.

In 2020, stigmatization was used as the main means of attacking the work of human rights defenders. In order to discredit their work, State officials stigmatized them as promoting interventionism or the destabilization of the country, being associated with the political opposition, and being “thieves”, “mercenaries”, “terrorists”, “enemies”, among others. In addition, new regulations and mechanisms to control international cooperation led to an increase in persecution, threats of inspection and prosecution. Stigmatization and threats with calls for violence have led to aggression.

In September 2020, CDJ documented 29 incidents or attacks in the context of the presentation of the report of the Independent International Fact-Finding Mission on Venezuela and oral updates by the High Commissioner for Human Rights at the 45th session of the Human Rights Council.

High-level public officials that are part of the executive or other government bodies, deputies to the National Constituent Assembly (ANC), and media attached to the national public media system or the State communication platform, have been responsible for statements that question the credibility of the work of organizations and human rights defenders that have cooperated with international human rights protection mechanisms.

Among the main documented cases, CDJ highlights the official statement on behalf of the Venezuelan State during the interactive dialogue with the Independent International Fact-Finding Mission on Venezuela, about the Mission’s report presented on September 16,¹¹⁹ in which the Venezuelan representative, in the middle of his speech, disqualified the report, questioning the Mission’s credibility and sources. He also said: “The Mission’s report has been elaborated by mercenaries. The CIA and institutions from the U.S have provided millions of dollars in order to make it and uses NGOs that have transformed human rights into a profitable business”.¹²⁰ In response, the international expert and Mission member, Mr. Francisco Cox Vial, requested before the Human Rights Council that the Venezuelan State abstain from committing attacks or acts of reprisals against those who collaborated with the Mission, including victims, witnesses, and human rights organizations.¹²¹

Among other documented facts, CDJ highlighted pejorative statements against human

¹¹⁹ A/HRC/45/33 https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_33_AUV.pdf
120 ID: Fact-finding Mission on Venezuela - 16th Meeting, 45th Regular Session Human Rights Council. 23.09.20. Available: <http://webtv.un.org/search?lan=english&cat=Human%20Rights%20Council&sort=date&page=2>

¹²¹ Center for Human Rights Defenders and Justice (CDJ): #HablemosDDHH Venezuelan Representative Claims: “The Mission’s report has been elaborated by mercenaries. The CIA and institutions from the U.S have provided millions of dollars in order to make it and uses NGO to transform Human Rights into a profitable business” #JusticiaParaVenezuela <https://twitter.com/DefensoresDDHH/status/1308751135487000579> Mr. Francisco Cox Vial, Member of the Independent International Fact-Finding (Final Remarks). 23.09.20. Available: <http://webtv.un.org/search/id-fact-finding-mission-on-venezuela-contd-19th-meeting-45th-regular-session-human-rights-council->

rights defenders and accusations against the work of organizations such as the: “systematic and biased use of Human Rights as a political weapon against governments that show independence from the hegemonic powers”;¹²² “Present allegations distorted by their political activism as a result of the loss of their jobs or foreign financing”;¹²³ of “mercenaries”¹²⁴ and manipulate the public opinion;¹²⁵ from being vague, biased, and lacking objectivity and serving “as a front for financing by external entities to destabilize the country - they also participated in this compilation of accusations without support”.¹²⁶

Likewise, the accusations against human rights organizations under the policy of criminalizing international cooperation were reiterated, seeking to discredit the independence and objectivity of the complaints due to the sources of financing that they may have.

During the month of October, the attacks continued. CDJ documented the way in which organizations and individuals are subjected to intimidation, retaliation, or stigmatization when accused of “presenting false information”, of being “politicized”, of being “operators or arms of US foreign policy”, “Opportunists”, to promote destabilizing actions, among others. CDJ also documented the persistence of the criminalization of the receipt of international cooperation to carry out activities and operations of organizations, which has turned out to be, since at least 2006, one of the main forms of attack against the defense of rights.

CDJ is greatly concerned with the criminalization of cooperation through a joint resolution promulgated by the Ministry of Popular Power for Internal Relations, Justice and Peace and the Ministry of Popular Power for Foreign Relations on October 19 of 2020 and published on the official gazette on October 27 of 2020, by means of which a set of special norms were dictated for the “recognition and operation of non-governmental organizations not domiciled in Venezuela”.¹²⁷

VIETNAM

In March 2019, **Ms. Bui Thi Kim Phuong** faced a travel ban as she was planning to visit Geneva to bring the case of her husband, **Mr. Nguyen Bac Truyen**, a human rights defender and independent Hoa Hao Buddhist who faced reprisals after the 2014 visit of the Special Rapporteur on freedom of religion and belief, to the attention of the Human Rights Committee. On 7 March 2019, a few days before Viet Nam was to be reviewed by the Committee at its 125th session, Ms. Bui Thi Kim Phuong was detained and questioned at Tan Son Nhat International Airport in Ho Chi Minh City and banned from traveling to Europe to meet United Nations and European government officials to advocate for the release of her husband. The authorities reportedly cited ‘security reasons’ for the travel ban placed on Ms. Bui Thi Kim Phuong.

In terms of follow up, physical attacks have stopped, but other forms of less obvious

¹²² Con el mazo dando. 18.09.20. Available: <https://www.conelmazodando.com.ve/red-de-intelectuales-rechaza-campana-de-difamacion-contra-gobierno-de-venezuela>

¹²³ Ibid

¹²⁴ Aquí con Ernesto Villegas. 27.09.20. Interview with the General Attorney. Minutes: 41:39 - 42-19. Available: <https://www.youtube.com/watch?v=dKcgXzxs3eQ>

¹²⁵ Aporrea. 22.09.20. “Pompeo en las fronteras de Venezuela”. Available: <https://www.aporrea.org/>

¹²⁶ Ibid.

¹²⁷ Official Gazette No. 41,994 of October 27, 2020

harassment have continued and even increased. Surveillance has increased and her movements have been restricted. Ms. Bui Thi Kim's relatives have also been subjected to economic harassment and intense and constant pressure from security police.

Nguyen Bac Truyen has been mistreated in prison. Several letters Ms. Bui Thi Kim Phuong sent to him were not delivered. An Diem Prison has ignored his requests and has not forwarded his petitions to the proper court authorities. He is not being medically treated for his gout condition. Several letters that he tried to send home asking for supplies were never delivered. The authorities have denied his request to be transferred closer to home.

YEMEN

The case of the **Mwatana Organization for Human Rights** and members of its staff was included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex I, para. 124) on allegations of detention and prevention of travel following engagement with the Security Council and UN human rights mechanisms (SAU 8/2018; YEM 4/2018). The 2020 SG report (A/HRC/45/36, para 149) noted that OHCHR received reports of eight incidents of detention, intimidation and threats against Mwatana staff, field researchers and legal assistants, in relation to the organization's cooperation with the UN, including its public engagement with, and participation in, the 42nd session of the Human Rights Council. These incidents were committed by de facto-authorities, Security Belt forces, and forces loyal to the President of Yemen. In January 2020, in the context of their application for ECOSOC consultative status, a smear campaign against Mwatana was reportedly launched on social media, based on the reportedly false accusation that the organization had stolen money. High-ranking public officials in the internationally recognized Government of Yemen have reportedly been involved in this campaign on Twitter, accusing the organization of being affiliated with the Houthis.

In terms of follow up, a Mwatana lawyer who works actively in Taiz in documenting cases of arbitrary detention and enforced disappearance, received threats in November 2020, in Al-Hawban area in Taiz by a security officer from the Ansar Allah (Houthi) forces who threatened her, warning that she will be detained for following up cases of arbitrarily and political detainees.

In April 2021, a Mwatana lawyer was followed/chased by car by someone working in the Houthi-held Security and Intelligence Agency in the Ibb governorate. The person went to his neighborhood and questioned the neighbors about him and threatened that "his turn will come because he is in relation with people from Daish and mercenaries" warning that the lawyer would face harmful consequences for his work.

IX. 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:
 - o Investigating the allegation;
 - o 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;
 - o Following up on all communications with States in this context; and
 - o 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.
- The HRC President and Bureau adopt a two-step approach, similar to that of UN Special Procedures communications, depending on the urgency of the case: Urgent Appeals are sent to States privately and then published after 48 hours in the public communication database; and Letters of allegations are sent to States privately and then published after 60 days in the public communication database.
- 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 when 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.

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.