



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.**

About the International Service for Human Rights

The International Service for Human Rights is an independent, non-governmental organisation dedicated to promoting and protecting human rights. We achieve this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change.

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ISHR contact Madeleine Sinclair e: M.SINCLAIR@ISHR.CH

Geneva Office

Rue de Varembe 1, 5th Floor, P.O Box 16, CH-1211 Genève 20 CIC Switzerland

New York Office

777 UN Plaza, 7th floor, New York, NY 10017, USA

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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 2021 – 30 April 2022). 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.

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 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

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.

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

DEVELOPMENTS WITHIN HUMAN RIGHTS SYSTEMS

SENIOR OFFICIAL ON REPRISALS

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

ISHR acknowledges on-going efforts to provide clarity on the functioning of this mandate and how defenders can best engage with it, including consultations in Bangkok in February 2018, Bishkek in May 2018, and Nairobi in May 2019. However, ISHR reiterates that a clearer, accessible, public-facing policy on how the senior official addresses cases of reprisals is necessary to ensure that victims can effectively access the protection the senior official can provide. In this regard, the **FACT SHEET NO 1** produced by the Focal Point on Reprisals of the African Commission on Human and 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.

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

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>

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 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 last time a country was named in

⁸ A copy of the statement can be found here:

https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/16/OTH/OTH_272_56_416d12d8_bfb7_4c28_9244_5bd5036fff5f.docx. 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>.

bureau minutes regarding reprisals was Bahrain in 2016. In March 2021, the bureau minutes state that the Bureau took note of information provided concerning instances where possible intimidating language had been directed towards non-government organisations during virtual informal consultations. No country nor organisation was named.

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. 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 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 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, at HRC 45, the **Benelux** countries named specific cases from **Egypt (Mohamed El-Baqer, Ramy Kamel Saied Salib, and Ibrahim Metwally Hegazy)**, **Burundi (Niyongere,**

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>.

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

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 Yuhuan, Chen Jiangfang, Xu Yan, and Qin Yongming).¹⁹

In September 2021, at HRC 48, the UK and Germany both raised the case of NGO **Fundaredes** from Venezuela; and the Benelux countries raised the following case: **Belarus: Sergey Drozdovskiy; Laos: Mr. Chue Youa Vang; Iran: Mr. Manouchehr Bakhtiari, Messrs. Vahid and Habib Afkari; Turkmenistan: Nurgeldi Halykov; Nicaragua: Vilma Nuñez de Escorcía, Anibal Toruño, Marcos Carmona and Jonathan López.**

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, or item 2 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 Ebtesam 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, Ebtesam Abdulhusain Ali-Alsaegh), China (Chen Jianfang), and Egypt (Mohamed El-Baqer, Ramy Kamel Saied Salib).
- In March 2022 at the 49th session of the HRC, the Governments of Belgium, Luxembourg and The Netherlands made an intervention asking the President of the Human Rights Council to follow up on nine unresolved cases of reprisals: **Lao HRD Od Sayavong**, **Chinese women human rights defenders Chen Jianfang, Ebtesam Abdulhusain Ali-Alsaegh**, a woman human rights defender from **Bahrain, Sayed Ahmed Al-Wadaei, Abdulhadi Al-Khawaja** and **Abduljalil Al-Singace**, also from **Bahrain**, and the civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)**, as well as **Jan Joris Capelle, Prince Vincent Awazi** and **Elvis Brown Luma Mukuna**, from **Cameroon**.
- Also, in March 2022 at HRC 49, the USA raised the cases of presidential candidates **Felix Maradiaga** and **Christiana Chamorro** and five others in **Nicaragua**, who were convicted for their activism and criticism of the regime. In Maradiaga's case, his remarks before the UN Security Council were used against him and he was sentenced to 13 years in prison.

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

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>

²⁰

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

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.

At its 49th session, the Human Rights Council adopted **RESOLUTION 48/17** on reprisals by consensus, in which it invites the Secretary-General to submit his annual reprisals report to the General Assembly. ISHR hopes will ensure greater attention to the issue and contribute to a more coherent system-wide response across the UN.

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.

During the 76th session of the General Assembly, the UK delivered another **JOINT STATEMENT AT THE THIRD COMMITTEE ON BEHALF OF 80 COUNTRIES**.

TREATY BODIES

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

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

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>

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 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

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>.

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

In 2022, the Secretariat reported that less reprisals cases have been reported. The transition from largely in-person to almost fully virtual engagement has not been a smooth one for the treaty bodies. During the pandemic, fewer allegations of reprisals or intimidation experienced by those submitting information to, or cooperating with, the treaty bodies were reported to the Secretariat and the treaty body rapporteurs or focal points on reprisals. The overarching obstacles that have contributed to the decline in reporting include lack of clarity and awareness of how to participate through online channels, lack of access to virtual channels by victims, their relatives and lawyers and civil society actors and lack of trust in online channels, in particular with regard to reporting on sensitive issues, or engaging with the treaty bodies thereon, from high-risk environments.²⁸

SPECIAL PROCEDURES AND UN EXPERTS

In their annual report, Special procedures mandate holders reported that they continued to take up cases concerning acts of intimidation and reprisal, in relation not only to their work, but also to the wider United Nations system in the field of human rights. They also reported that they implemented their internal guidelines on reprisals and intimidation in a coherent and systematic manner.

In 2021, mandate holders continued to use communications, public statements, press releases, reports and meetings with various stakeholders to express their serious concern regarding all such acts. The issue was raised with the President of the Human Rights Council and the Chair of the Third Committee of the General Assembly, as appropriate. Mandate holders held a dedicated discussion during their Annual Meeting, in line with their enhanced response to reprisals adopted in 2015. Leigh Toomey, focal point of the Coordination Committee on this issue, led the discussion which allowed for an assessment of the actions taken by the UN on this issue, the identification of trends and as well as possible follow-up action by the Committee. In this context, the importance of a coherent and coordinated approach was once again highlighted.

The most recent report of the Secretary-General on efforts made to address acts of intimidation and reprisal against those seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights²⁹ included information on new allegations from 13 communications concerning nine States, taken up by special procedures mandate holders, and follow-up information on cases concerning 17 States included in previous reports based on the continued work of mandate holders. Mandate holders also addressed issues relating to ensuring access to the United Nations and raised concerns about the role played by the Committee on Non-Governmental Organizations in that context.

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 Inquiries³⁰ by

²⁷ HRI/MC/2020/2/Rev.1

²⁸ <http://undocs.org/HRI/MC/2022/4>

²⁹ A/HRC/48/28.

³⁰ See also <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

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.³¹

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.³²

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 a significantly 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 over 100 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.'³³ 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

³¹ <https://www.theguardian.com/world/2021/mar/23/top-saudi-official-issued-death-threat-against-uns-khashoggi-investigator>

³² <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>

³³ General Assembly resolution 53/144 (1998)
<http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

NGOs when developing and applying its own procedures and practices and making recommendations in relation to NGO consultative status

On 20 June 2019, the Coordination Committee of the Special Procedures sent a letter to the Committee on NGOs,³⁴ in which it submitted the following proposals and recommendations to ECOSOC and the Committee for their consideration.

To ECOSOC:

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

³⁴ https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf

- 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.³⁵ 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.

In January 2022, the Security Council held an open debate on Protecting Women's Participation. This was the first time the Security Council held a formal meeting on reprisals and their effects on women's participation. Kaavya Asoka, of the NGO Working Group on Women, Peace and Security shared a number of civil society recommendations, including that OHCHR be provided with the necessary financial support to carry out its work on reprisals, including better monitoring and reporting and critically, providing support to civil society at risk and proactively following up on individual cases. The burden must be shifted away from individuals who have faced attacks, to the system with the capacity to protect them.³⁶

This year the Secretary-General's report on women, peace and security will be devoted to one of the five goals for the decade: turning the unconditional defence of women's rights into one of the most visible and identifiable markers of the work of the United Nation on peace and security.

³⁵ <https://www.ishr.ch/news/reprisals-new-ishr-policy-brief-reprisals-and-security-council>

³⁶ <https://www.womenpeacesecurity.org/resource/statement-uns-c-wps-open-debate-january-2022/>

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.³⁷ The Model Law provides authoritative guidance to States on how to implement the UN Declaration on Human Rights Defenders at the national level and specifically contains provisions relating to the protection of defenders from reprisals.

In March 2019, ISHR made a Submission to the 2019 UN Secretary-General's report on 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights' outlining Good practices in the legal and policy framework at the national level to ensure the right to participation at the international level.³⁸ 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.

The information below reflects developments since the 2019 submission, up to and including April 2022.

RELEVANT SECTIONS IN NATIONAL LAWS AND POLICIES ON DEFENDERS

While the vast majority of States do not have specific laws or policies on human rights defenders, several States have adopted such laws and policies in recent years (including Brazil, Burkina Faso, Colombia, Côte D'Ivoire, Honduras, Mexico) or are developing or have proposed such laws and policies (including, Mongolia, Nepal, Niger, Paraguay, Peru, Philippines, Sierra Leone, and Uganda).

While much valuable work is being done to evaluate how well defenders are protected by these laws and policies,³⁹ little has been said on the need for them to provide specifically for the right of unhindered access to and communication with international bodies and the State's obligation to protect against intimidation or reprisals.

This section examines the extent to which States that have devised, or are devising, laws or policies for defenders have provided for the relevant rights and obligations in those laws or policies. The aim is to point to some of the characteristics of this evolving legislative landscape, some good practices, as well as gaps remaining to ensure full realisation of these rights.⁴⁰

³⁷ <https://www.ishr.ch/news/model-law>.

³⁸ <https://www.ishr.ch/ishr-submission-sg-report-reprisals-good-practices-legal-and-policy-framework-national-level>

³⁹ 2017 FOCUS report, public policies for the protection of Human Rights Defenders, Protection International (2017); Americas: The Situation of State Protection Mechanisms for Human Rights Defenders, Amnesty International, October 2018.

⁴⁰ Ending Reprisals: The role of national laws and policies in protecting those who cooperate with the United Nations, International Service for Human Rights, 2013, at page 23.

At the outset it is useful to note that several of the older laws and policies on the protection of defenders do not create rights or obligations but rather create protection mechanisms. As such, they do not address the rights and obligations related to engagement with international human rights bodies and mechanisms.⁴¹

Regarding the right to communicate with NGOs, governmental and intergovernmental organisations, as reflected in Section 8 of the Model Law: in the bill being considered in the **Philippines**,⁴² section 10 incorporates the Model Law language; in the **Burkinabe** law, only the right to be affiliated with non-governmental organisations is mentioned in Article 6;⁴³ the **Ivorian** law states that defenders have the right to communicate with persons, associations, governmental organisations, NGOs or international organisations that pursue the same goals (Article 3);⁴⁴ the **Honduran** law speaks of the right to communicate with NGOs and intergovernmental organisations (Article 4[5]);⁴⁵ the law in **Mali** (Article 3[3])⁴⁶ and draft law in **Niger** (Article 4)⁴⁷ both state that defenders have the right to communicate with persons or organisations, including governmental, non-governmental or intergovernmental, pursuing the same goals; a current draft law in **Mexico** which seeks to improve the 2012 law recognises the right to freely communicate with NGOs, governmental and intergovernmental organisations, including subsidiary bodies, mechanisms or experts with a human rights mandate, as well as diplomatic representations. This law also recognises the right to unhindered access and communication with regional and international human rights bodies (Article 7[VI, VII]).⁴⁸

Regarding the right to access, communicate with and cooperate with international and regional human rights bodies and mechanisms, as reflected in Section 9 of the Model Law, the draft law being developed by civil society in **Uganda (Part II [2.1.a.viii])**⁴⁹ and the bill being considered in the **Philippines** (section 10)⁵⁰ incorporate the Model Law language; Article 7 of the **Ivorian** law says that human rights defenders have the right to address competent international institutions and organisations without any restrictions to receive and examine communications related to human rights, while conforming to applicable international procedures and instruments;⁵¹ The law in **Mali** similarly states that in conformity with applicable procedures and international instruments, defenders have the right to communicate without restriction to international bodies competent to submit, receive and examine communications regarding human rights (Article 7);⁵² The recently-adopted **Mongolian** law on HRDs recognises in article 6.1.4 the right of defenders to communicate and cooperate with national, international and regional human rights bodies and networks in charge of human rights protection; furthermore, in article 6.1.10 it recognises the right to refer a complaint about violations of human rights and freedoms perpetrated by state organisations and legal entities, to the competent international human rights body;⁵³ Finally, the draft law being developed by civil society in **Sierra Leone** sets out (Part II, Section 2[VI]) that human rights defenders have the right to submit without restriction communications relating to human rights to international bodies

⁴¹ These include the Mexican [Law for the Protection of Human Rights Defenders and Journalists](#), approved in 2012; the Brazilian Protection Programme for HRDs (PPDDH in Portuguese), established in 2007 and updated in 2019; and the [Colombian National Protection Unit \(UNP in Spanish\)](#), created in 2011.

⁴² [House Bill No. 10576, the Human Rights Defenders Protection Act](#). This is a consolidated draft resulting from two separate drafts that were presented to the House of Representatives (HoR); it passed the HoR on 17 January 2022 and now, the Senate version needs to pass the Senate. Once this occurs, a reconciliation of both accepted bills will become law in the Philippines.

⁴³ [Loi N° 039-2017/AN, Portant Protection des Defenseurs des Droits Humains au Burkina Faso](#), 2017

⁴⁴ [Loi No 2014-388 portant promotion et protection des defenseurs des droits de l'Homme](#), 2014

⁴⁵ [Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials](#), 2015.

⁴⁶ [Loi No2018-003/Du 12 Janvier 2018 Relative aux Defenseurs des Droits de l'Homme](#), 2018.

⁴⁷ [Loi N°2016-_____ / du portant droits et responsabilites des defenseurs des droits humains en Republique Du Niger](#)

⁴⁸ [Initiative of a general law to respect, protect, guarantee and promote the rights of human rights defenders and journalists](#), 2019

⁴⁹ [The human rights defenders' bill](#) 2018.

⁵⁰ [Senate Bill No. 1699. An act to promote and protect the rights of human rights defenders](#), 2018

⁵¹ [Loi No 2014-388 portant promotion et protection des defenseurs des droits de l'Homme](#), 2014

⁵² [Loi No 2018-003/Du 12 Janvier 2018 Relative aux Defenseurs des Droits de l'Homme](#), 2018.

⁵³ [Law of Mongolia on the legal status of human rights defenders](#)

competent to receive and consider such matters in accordance with the applicable international procedures and instruments in .⁵⁴

Regarding freedom from intimidation and reprisals, as set out in Section 15 of the Model Law, the bill being considered in the **Philippines** incorporates the Model Law language in section 17;⁵⁵ Articles 5 and 6 of the law in **Mali** provide that defenders cannot be sued, arrested, detained for opinions and reports issued within the scope of their activities and cannot have their homes searched (except if caught in the act of committing an offence) without the Public Prosecutor's authorization and the relevant ministry having been informed;⁵⁶ The **Mongolian** law contains a provision stating that State organisations, officials and legal entities have an obligation to refrain from interfering in any way with human rights defenders without a ground specified in law (Article 9.1.5).⁵⁷

Regarding the obligation to prevent and to ensure protection against intimidation or reprisals, as set out in Section 26 of the Model Law, the bill being considered in the **Philippines** incorporates the relevant language from the Model Law in section 24,⁵⁸ as does the draft being developed by civil society in **Sierra Leone** (Part IV, Section 11);⁵⁹ the **Burkinabe** law sets out that the government must protect human rights defenders against a range of acts of violence, intimidation and harassment (Articles 12, 13);⁶⁰ the **Ivorian** law merely addresses the protection of women human rights defenders from harassment, violence and/or against all forms of discrimination, as well as the obligation of the State to ensure the protection of HRDs and their families in case of risk arising from their activities (Articles 9, 17);⁶¹ the law in **Mali** has several obligations that relate to the one in the model law. The State has the obligation to: promote and protect the rights of defenders in its territory and to take legislative and regulatory measures to give effect to those rights (Articles 11 and 12) and to protect them, their families and their collaborators from risk arising from their activities (Article 15);⁶² the draft law being developed by civil society in **Niger** contains a range of provisions spelling out the protection obligations of the state, including: the general obligation to promote and protect the rights of HRDs on its territory (Articles 18, 22), to protect those HRDs who refuse to divulge their sources (article 20), to protect them and their families when at risk arising from their activities (article 21), and from non-State actors (article 23);⁶³ the **Mongolian** law imposes common obligations on the State, its officials and other legal entities, which include: avoid violating the rights of HRDs, refrain from interfering with their rights without a legal justification, implement regulations to protect HRDs, and have the police protect HRDs from any assault on their rights (Articles 9.1 and 9.2). .⁶⁴

Regarding the obligation to make intimidation and reprisals an offence, as set out in Section 30 of the Model Law, the bill being considered in the **Philippines** states that violations to the rights of HRDs enunciated in the law committed or permitted by public officials can be sanctioned with prison and fines (Section 36), while any violation to other provisions of the act would be sanction with applicable criminal and administrative sanctions (Section 37); Articles 19-28 of the **Burkinabe** law establish criminal sanctions for different violations to the rights of HRDs;⁶⁵ the law in **Mali** states

⁵⁴ The Human Rights Defenders Bill 2017.

⁵⁵ Senate Bill No. 1699. An act to promote and protect the rights of human rights defenders, 2018

⁵⁶ Loi No2018-003/Du 12 Janvier 2018 Relative aux Defenseurs des Droits de l'Homme, 2018.

⁵⁷ Law of Mongolia on the legal status of human rights defenders Draft Law on the Legal Status of Human Rights Defenders.

⁵⁸ Senate Bill No. 1699. An act to promote and protect the rights of human rights defenders, 2018

⁵⁹ The Human Rights Defenders Bill 2017. The Human Rights Defenders Act, 2017.

⁶⁰ Including: extrajudicial executions, acts of torture or similar practices, arbitrary arrest and detention, enforced disappearance, death threats, harassment, defamation and forcible confinement, arbitrary restrictions to the freedoms of expression, association or reunion, and arbitrary searches and intrusions into their homes and workplaces. Loi N° 039-2017/AN, Portant Protection des Defenseurs des Droits Humains au Burkina Faso, 2017

⁶¹ Loi No 2014-388 portant promotion et protection des defenseurs des droits de l'Homme, 2014

⁶² Loi No 2018-003/Du 12 Janvier 2018 Relative aux Defenseurs des Droits de l'Homme, 2018.

⁶³ Loi N°2016-_____/ du portant droits et responsabilites des defenseurs des droits humains en Republique Du Niger Avant-Projet De Loi De Protection des Defenseurs des Droits Humains en Republique du Niger

⁶⁴ Law of Mongolia on the legal status of human rights defenders

⁶⁵ Including: defamation, harassment, arbitrary arrest or detention, kidnapping, death threats, torture, enforced disappearance, and summary or extrajudicial executions. Loi N° 039-2017/AN, Portant Protection des Defenseurs des Droits Humains au Burkina Faso, 2017

that violations against defenders shall be sanctioned in accordance with applicable laws (article 17);⁶⁶ the law in **Mongolia** states that people who breach the law may be subject to administrative, civil or criminal liability, depending on what each specific law regulates (Article 13);⁶⁷ Part V(10) of the draft law being developed by civil society in **Uganda** makes it an offence to intimidate a human rights defender;⁶⁸ and the draft law in **Sierra Leone** states that violations against defenders shall be sanctioned in accordance with applicable laws (Part IV, Section 11, XIX).⁶⁹

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.⁷⁰

A recent stark example of this is Bahrain, which was omitted the 2021 annual report of the Secretary-General on reprisals, despite the ongoing severe and systemic intimidation and reprisals against members of Bahraini civil society who engage with the UN, which has had a significant chilling effect. It seems OHCHR did not receive information from sources about specific incidents of intimidation or reprisals involving civil society from Bahrain during the reporting period. However, in this context a climate of fear has successfully been imposed by the Bahraini authorities to such an extent that civil society actors including human rights defenders and activists, both in-country and in exile, have ceased to directly engage with UN actors due to fear of reprisals. This serves to underline the limitations of the report methodology.

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.⁷¹ 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’](#).⁷²

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

⁶⁶ Loi No 2018-003/Du 12 Janvier 2018 Relative aux Defenseurs des Droits de l’Homme, 2018.

⁶⁷ Law of Mongolia on the legal status of human rights defenders

⁶⁸ The human rights defenders’ bill, 2018.

⁶⁹ The Human Rights Defenders Bill 2017.

⁷⁰ <https://www.ohchr.org/Documents/Issues/Reprisals/CommentsReprisalsEvent24Oct2018.docx>

⁷¹ A/HRC/42/30

⁷² https://www.ishr.ch/sites/default/files/documents/final_ishr_intimidation_reportweb.pdf

defenders are intimidated from engaging. This phenomenon is deeply concerning in and of itself, but an additional concern is the difficulty inherent in monitoring it, documenting it, and thus seeking accountability for it.

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

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

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

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

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.

DENIAL OF ACCESS TO THE UN

UN Women

Hui-Jung Chi is a well-known Taiwanese activist. Ms. Chi was the Chief Executive Officer of The Garden of Hope Foundation (GOH), from 1992-2020. 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.

Follow up: Regrettably, Ms. Chi's case was not included in the SG's report in 2021, without explanation. In response to a letter sent to UN Women from Ms. Chi and ISHR, UN Women responded in April 2021 that the meeting in question was co-organised by UN Women and ESCAP and ESCAP is not able to partner with GOH due to ESCAP's status as an intergovernmental body in a UN system that does not provide representation to Taiwan. In August 2021, ISHR and Ms. Chi responded arguing that Ms. Chi was invited to join the meeting as a representative of independent civil society and there is no rule precluding relevant NGOs and experts based in Taiwan from participating in informal meetings co-organised by ESCAP. By the reasoning in UN Women's letter, it seems that individuals representing civil society organisations based in Taiwan, or the organisations themselves, would be excluded from attending meetings organised by any UN secretariat body, but presumably could engage with UN agencies and programmes. UN Women did not respond and did not clarify the specific grounds for the distinction.

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 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.'⁷³ 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.

In terms of follow up, the case against Vanessa is still open. She has asked for the formal closure of the casefile but has not received an answer. A report by the Parliamentary Assembly of the Council of Europe, which addresses the case, was released on 21 February 2022.⁷⁴ While the prosecutor has considered dropping defamation charges her case is still open. The report also noted that sexual and reproductive health and rights and abortion lie at the intersection of women's empowerment and human rights, and it is crucial for the authorities to guarantee freedom of

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

⁷⁴ <https://pace.coe.int/en/news/8602>

expression to all those who contribute to the conversation in this area. This freedom should not be curtailed by criminal proceedings or any other form of pressure. The report recommended amending the Criminal Code, as recommended by some human rights groups, which is part of the mandate of legislators. In order to resolve this case, we urge Andorra to take steps to (1) close the case file; and (2) publicly condemn any intimidation or reprisals against human rights defenders engaging at the UN.

THE BAHAMAS

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

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 2021, ISHR reported that these recommendations had not been implemented and the status of the case remained the same. The same is true in 2022. ISHR continues to encourage the government of the Bahamas to take specific actions to resolve this case. In particular, ISHR calls on the Bahamas to: (1) publicly express - at the national level - its commitment to protect human rights defenders, (2) publicly condemn any intimidation or reprisals against human rights defenders engaging at the UN, including by non-state actors; (3) take concrete steps to develop laws to address online harassment; and (4) take concrete steps to develop legislation on hate speech that meets the requirements of legality, necessity and proportionality, and legitimacy. Such legislation should be developed with robust public participation and expressly include sexual orientation and gender identity as protected characteristics.

BAHRAIN

Abdulahdi AlKhawaja and Dr Abduljalil AISingace. Abdulhadi AlKhawaja is a dual Danish-Bahraini citizen, who is currently serving a life sentence in Bahrain for exercising his rights to freedom of expression, association, and peaceful assembly in 2011. Dr Abduljalil AISingace is a Bahraini citizen, respected academic, and human rights defender, who is currently serving a life sentence for his peaceful role in Bahrain's 2011 pro-democracy uprising. Throughout the reporting period,

both AlKhawaja and AlSingace have been subjected to denial of adequate medical care, as well as intimidation and harassment by authorities.

AlKhawaja and AlSingace raised by the United Nations during the reporting period

On 22 June 2021, Ms Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders issued a statement raising the case of AlKhawaja and Dr AlSingace, noting his current hunger strike, and calling for both men's release.⁷⁵

On 1 December 2021, the annual report of the UN Secretary-General on cooperation with the United Nations, its representatives, and mechanisms in the field of human rights was published. The report featured references to the cases of Bahraini political prisoners including AlKhawaja and AlSingace.

- It is noted that the cases of AlKhawaja and AlSingace were included in the 2012 and 2011 reports of the Secretary-General on allegations of reprisals following their engagement with several UN bodies and mechanisms, including the UPR and the treaty bodies.⁷⁶
- It is further noted that on 3 May 2021, special procedures mandate holders addressed concerns about arbitrary detention and sentencing of AlKhawaja and AlSingace, carrying prison sentences of 10 years or more in connection to their human rights work, as well as allegations of torture, ill-treatment and poor conditions of detention. Mandate holders noted that AlKhawaja's health continues to deteriorate while in prison and he has reportedly been denied access to family correspondence, which other inmates allegedly have access to.
- It is noted that on 28 June 2021, the Government responded to mandate holders,⁷⁷ and that on 2 August 2021, the Government responded to the note verbale sent in connection to the report.
- On 30 December 2021, in a communication by three UN special rapporteurs, concerns were raised over the abuse of imprisoned academic Dr AlSingace.⁷⁸ The Bahrain Government responded on 1 February 2022.⁷⁹
- On 4 March 2022, the UN Committee on Economic, Social and Cultural Rights published concluding observations on Bahrain expressing concerns about "the lack of information regarding the situation of several human rights defenders, including Mr. Abduljalil Al Singace and Mr. Abdulhadi AlKhawaja", asking Bahrain to "take measures as soon as possible to ensure the effective protection of the rights human rights defenders including of Mr. Abduljalil Al Singace" and reiterating that their "immediate release" was requested by UN experts.⁸⁰
- On 22 March 2022, during the 49th session of the UN Human Rights Council, the Danish government delivered an oral intervention calling for AlKhawaja's release.⁸¹
- On 24 March 2022, the BENELUX grouping of Belgium, Luxembourg, and the Netherlands made a statement at the UN Human Rights Council (HRC), that called for an end to an end to

⁷⁵ Bahrain: UN expert alarmed by prolonged detention of human rights defenders, UN OHCHR, (22 June 2021). Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27190&LangID=E>

⁷⁶ A/HRC/48/28. Report of the Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Available at:

https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_48_28.docx

⁷⁷ Bahrain Government response, Explanatory note in response to communication No. AL BHR 2/2021.

Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36397>

⁷⁸ AL BHR 5/2021. Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26918>

⁷⁹ The Permanent Mission of the Kingdom of Bahrain to the United Nations Office response to the Office of the

High Commissioner for Human Rights, 1 February 2022. Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36840>

⁸⁰ UN Committee on Economic, Social and Cultural Rights. Concluding observations on the initial report of Bahrain. E/C.12/BHR/CO/1. 4 March 2022. Available at: https://www.adhrb.org/ar/wp-content/uploads/2022/03/E_C-12_BHR_CO_1_48031_E2.docx

⁸¹ Americans for Democracy & Human Right in Bahrain, Twitter, 22 March 2022, 11:43. Available at <https://twitter.com/ADHRB/status/1506235100543041539>

reprisals against rights activists in Bahrain who engage with the UNHRC, including reference to AlKhawaja who was described, alongside Dr AlSingace as “arbitrarily detained for 10 years in connection to their human rights work”.⁸²

Updates on the case of AlKhawaja. According to recent reports, between January 2022 and April 2022, incidents of reprisal against AlKhawaja are reported to have begun. This began with the interruption of phone calls with family members and has subsequently continued with the denial of access to medical treatment, required as a result of the violence he endured from the Bahraini authorities upon his arrest in 2011. Urgently required medical appointments have been delayed or stopped, although AlKhawaja may suffer from Glaucoma.⁸³

Denial of adequate medical care. According to Front Line Defenders, since January 2022, AlKhawaja has reportedly been prevented from attending at least two scheduled appointments concerning his deteriorating eyesight and a third appointment concerning his chronic back and hip pain. Additionally, his physiotherapy sessions have been stopped entirely.⁸⁴ A series of necessary tests, including a blood test, ordered by the doctor in January 2022 has been repeatedly delayed with prison authorities citing coronavirus as an excuse. On 20 March 2022, blood tests were reportedly administered for every inmate in AlKhawaja’s cell block, except for AlKhawaja. Many inmates had no idea why these blood tests were being performed, highlighting the targeted denial of medical treatment to AlKhawaja.

Updates on the case of AlSingace. On 8 July 2021, Dr AlSingace began a [hunger strike](#) in protest at years of medical negligence at Jau Prison, degrading treatment by prison staff and the confiscation by prison authorities of an apolitical book on Bahraini dialects that he spent the last 4 years researching and writing by hand. As of 15 April 2022, Dr AlSingace has been on hunger strike for 282 days (over 9 months), 272 of which he has spent in hospital due to his deteriorating condition in which he has lost over 25kg. As of 15 April 2022, there is still no resolution to this ongoing problem. Between 8 July 2021 and 17 November 2021, Dr AlSingace was permitted one weekly visit from his family and one weekly video call to his family. After 17 November, authorities arbitrarily suspended Dr AlSingace’s video calls without providing any justification. In protest at the arbitrary suspension of his weekly video calls, Dr AlSingace refused his IV, Ensure vitamins, and oral medication. At the end of February, the number of visitors was also reduced to just two individuals, once a week. Since this decision, family members report that AlSingace has lost a considerable amount of weight, appearing more fragile and paler than previously. His sugar levels continue to remain low, and his immunity is weakened due to a low white blood cell count.⁸⁵ This intensified protest continued until 27 March 2022, prior to the commencement of Ramadhan in April. As of 15 April 2022, Dr AlSingace is back on his IV and taking vitamins but remains on hunger strike.

Denial of adequate medical care. Despite being in a medical facility, Dr AlSingace continues to face denial of adequate medical treatment: Despite Dr AlSingace also suffering from medical conditions including severe intermittent headaches, a prostate problem, arthritis in his shoulder joint, tremors, numbness and diminished eyesight, he has not received the expected medical care for them. Dr AlSingace reports that he has still not been informed of the outcome of an MRI scan taken in October 2021 and no progress has been made on giving him a CT scan as requested by his doctor. The last time the doctor responsible for him, Dr Ebrahim AlRumaihi, visited was on 17 January 2022. He is still awaiting an MRI on his head as requested by his doctor on 19 January 2022. Dr AlSingace’s numerous requests to receive adequate medical treatment whilst in a medical

⁸² United Nations Web TV. Presentation of Reports & Item:5 General Debate - 44th meeting, 49th Regular Session of Human Rights Council [Online video] 2022. Available at:

<https://media.un.org/en/asset/k1w/k1wv3jxcg>

⁸³ Maryam AlKhawaja, Twitter, 30 March 2022. Available at:

<https://twitter.com/MARYAMALKHAWAJA/status/1509123909475569668>

⁸⁴ Front Line Defenders, “Call for the immediate release to Ireland on medical grounds of prominent human rights defender and dual Danish-Bahraini citizen, Abdulhadi Al-Khawaja”, 12 April 2022. Available at:

<https://www.frontlinedefenders.org/en/statement-report/call-immediate-release-ireland-medical-grounds-prominent-human-rights-defender-and>

⁸⁵ BIRD receives weekly updates from Dr Abduljalil AlSingace’s family members.

facility over the past few months have been repeatedly ignored despite his fragile condition; this rejection amounts to deliberate failure to provide medical treatment in line with Bahrain's obligations under international law. According to an expert opinion by the US-based Dr Qasim Omran, despite being detained in the Kanoo Medical Centre medical facility, Dr AlSingace is receiving treatment that is "not [...] appropriate[e]".⁸⁶ Prison authorities are refusing his previous requests for painkillers and for well over two months, Dr AlSingace has been excluded from daily medical check-ups by his doctor, the on-duty doctors, and the chief nurse, except in rare emergency situations.

BIRD received information from Dr AlSingace's family that he was visited by a representative from the Bahrain Ministry of Interior (MoI) Ombudsman on 27 March 2022, with two others. The three individuals reportedly barged into his room all holding video cameras and recording without consent. The representative accused Dr AlSingace of writing a manuscript that was incorrectly referenced, contained indecent expressions, and that the research is against the law and if published, would be subject to trial. They wanted Dr AlSingace to sign a paper admitting to these allegations, which he robustly refused to do as he stated that these were "false claims, blatant lies and slander" against him and his work.

For context, on 7 November 2021, BIRD received a note from AlSingace's family stating that on 4 November 2021, an officer visited Dr AlSingace and implied to him that his book had undergone a legal review and was determined to be apolitical. The officer also advised him to end his hunger strike, stating they would be willing to return his notes to the prison if he did so. Dr AlSingace refused this offer and insisted his work should be given to his family. BIRD understands that this review was carried out by a body responsible for publications at the Ministry of Information Affairs.

Now, six months later, authorities have gone back to Dr AlSingace stating that if his research is published, legal action would be taken against him. The MoI Ombudsman released a statement on the 27 March 2022 visit.

BIRD has responded to this statement with the below:

- Dr Abduljalil AlSingace's hunger strike was triggered, not by his inability to publish his manuscript, but by the denial to hand over his papers to his family.
- If Dr AlSingace has been pre-warned that legal action may take place if his work is published - this is thus a decision for him to make and he can deal with any future legal consequences on this issue if he indeed decides to publish this work. At this point, he did not request the authorities to review his work for publication. Why are the authorities concerned with this when it has not been raised with them?
- Dr AlSingace robustly rejects the claims that his work consists of inappropriate language and contests all the points raised against his work; he believes this is a misrepresentation and untrue.
- The circumstances under which this visit by the Ombudsman was conducted was an exercise of intimidation by the way the individuals barged into his room without notice, holding their video cameras and filming Dr AlSingace without his consent.
- The Ombudsman states that "*The papers are available and can be handed over to him at any time if he requested.*" Can the Ombudsman clarify whether Dr AlSingace would be able to receive these papers and then hand them over to his family when they visit him? As stated previously, Dr AlSingace has only requested that his family receive his manuscripts and he would end his hunger strike when his work is given to his family.
- The Ombudsman states that Dr AlSingace "*refused to sign them and refused to receive the papers.*" Can the Ombudsman confirm that Dr AlSingace would be able to receive his work without signing the allegations against his work?

Hassan Mushaima

The oldest Bahraini political prisoner, 74-year-old Hassan Mushaima, was tortured and sentenced to life imprisonment in 2011 for his peaceful role in leading Bahrain's pro-democracy uprising during the Arab Spring. Former leader of the political opposition in Bahrain, Mushaima has now

⁸⁶ Copy of the expert opinion on file with BIRD.

spent over 10 years behind bars in Jau Prison, where he has been subjected to protracted and systematic discrimination, ill and degrading treatment, and medical negligence in violation of his rights, causing his health to deteriorate.

He is in remission from cancer and suffers from diabetes and related complications, including swelling in his legs and feet, causing extreme pain and inhibiting movement. He has also lost the ability to hear in his right ear.

Mushaima raised by the United Nations during the reporting period. On 1 December 2021, the annual report of the UN Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights was published. The report featured references to the cases of Bahraini political prisoners including Mushaima.

Updates on the case of Mushaima. Hassan Mushaima was transferred from prison to an external medical facility on 18 July 2021, where he remains at present, meaning he has now been in hospital for over 270 days.

Denial of adequate medical care. As of 15 April 2022, his family has confirmed that they have still not been provided with access to his medical records, despite repeated requests.⁸⁷ According to Mushaima's family, rather than being intended to treat him, his hospitalisation, he believes, is designed to isolate him from his fellow political leaders. Mushaima believes that being held in the Kanoo Medical Centre is akin to being held in solitary confinement.⁸⁸ Following Mushaima's refusal of an offer for his conditional release, since September 2021, Hassan Mushaima's video and phone calls to his family have been arbitrarily suspended by authorities in what he believes to be retaliation for his decision.⁸⁹

Sayed Ahmed Alwadaei. Sayed Ahmed Alwadaei is a human rights defender who faced persecution and imprisonment in Bahrain for his participation in the 2011 Arab Spring pro-democracy movement. In 2012, he fled from Bahrain to the UK and co-founded BIRD in London where he now lives in exile. In 2015, Alwadaei was stripped of his Bahraini citizenship and today remains stateless. Sayed's family has been targeted with imprisonment in what the UN working group on arbitrary detention described as "unlawful acts of reprisals" over their family connection and reprisals against Alwadaei continue as a result of his engagement with the United Nations and its human rights mechanisms.⁹⁰

Alwadaei raised by the United Nations during the reporting period. On 24 March 2022, the BENELUX grouping of Belgium, Luxembourg, and the Netherlands made a statement at the UNHRC, calling for an end to an end to reprisals against rights activists in Bahrain who engage with the UNHRC, including reference to the case of Sayed Ahmed Alwadaei.

Updates on the case of Alwadaei. Bahrain continued to use cyber repression to restrict civic space and freedoms. In July 2021, *The Guardian* revealed that Alwadaei's mobile number appeared in a leaked list of numbers identified by NSO Group's client governments between 2017 and 2019;⁹¹ a

⁸⁷ Amnesty International, "Ali Mushaima about the Bahrain Uprising and his father Hassan Mushaima", Amnesty International, 17 April 2021. Available at: <https://www.amnesty.org.uk/groups/westminster-bayswater/ali-mushaima-about-bahrain-uprising-and-his-father-hassan-mushaima>

⁸⁸ Ali Mushaima, Twitter, 16 March 2022. Available at: <https://twitter.com/AMushaima/status/1504081412336635909>

⁸⁹ Lisa Barrington, "Bahrain releases some political prisoners under new law", Reuters, September 2021. Available at: <https://www.reuters.com/world/middle-east/bahrain-releases-some-political-prisoners-under-new-law-2021-09-15/>; Ali Mushaima, Twitter, 16 March 2022. Available at: <https://twitter.com/AMushaima/status/1504081410667200516>

⁹⁰ Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session. OHCHR. 20–24 August 2018). Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf

⁹¹ Dan Sabbagh et al, "UAE linked to listing of hundreds of UK phones in Pegasus project leak", *The Guardian*, 21 July 2021. Available at <https://www.theguardian.com/world/2021/jul/21/uae-linked-to-listing-of-hundreds-of-uk-phones-in-pegasus-project-leak>

joint investigation by *The Guardian* and 16 other media organisations revealed that Bahrain and their allies in Saudi Arabia and the United Arab Emirates were among at least 10 governments who had purchased Pegasus Spyware Software from Israeli firm NSO.⁹² In August 2021, *The Guardian* revealed that the phones of nine prominent Bahraini activists, including two UK-based Bahraini exiles who work closely with BIRD, were successfully hacked by Bahrain's government using Pegasus software.⁹³

Reprisals against Alwadaei's wife Duaa Alwadaei. In October 2016, Alwadaei's wife Duaa and son were mistreated at Bahrain airport in reprisals for his activism in the UK.⁹⁴ This incident was followed by judicial harassment. As of 15 April 2022, Duaa remains wrongly convicted to two months imprisonment and a BD100 bail fee to stay out of prison until appeal. This conviction was made based upon fabricated charges in 2018 whilst Duaa was in absentia. This conviction against Duaa was mentioned in the WGAD's decision, published in January 2019, concerning the reprisals case against Alwadaei's family. Paragraph 95 notes: "that Sayed Ahmed Alwadaei himself had been deprived of his liberty and nationality by the Government for his activities, and that his wife, Ms. Alwadaei, had also been detained, tried and convicted for her alleged failure to respond to an airport official in a polite manner."⁹⁵ Change of narrative to the "incident", indicating the fabricated nature of the charges against Duaa: On 29 October 2016, Bahraini Embassy in London stated that Duaa was "briefly detained for questioning, searched and released" as "precautionary security measures were necessary" due to her husband's activities.⁹⁶ On 1 November 2016, following Duaa's arrival in London, the Bahraini Embassy in London issued a series of Tweets, alleging that Duaa had "failed to cooperate" with airport security and "assaulted a female police officer."⁹⁷ In her 2018 conviction, Duaa is charged with being impolite and throwing a boarding pass on the desk of a male immigration officer. Duaa is expected to attend a trial in Bahrain on 17 April 2022 to defend against these fabricated charges.

Reprisals against Alwadaei's brother-in-law Sayed Nizar Alwadaei. Alwadaei's brother-in-law, **Sayed Nizar Alwadaei**, remains in prison after being tortured and jailed⁹⁸ in 2017 (then aged 18) in what the UN WGAD has declared "acts of reprisal" for Alwadaei's human rights work in the UK.⁹⁹ Nizar Alwadaei is convicted in three separate trials and is serving 11 years in prison. He was convicted solely on the basis of confessions extracted under torture and the public prosecution was unable to establish any forensic evidence linking Sayed Nizar to any of his alleged crimes. Nizar Alwadei has been excluded from alternative sentencing.

⁹² Stephanie Kirchgaessner et al, "Revealed: leak uncovers global abuse of cyber-surveillance weapon", *The Guardian*, 18 July 2021. Available at: <https://www.theguardian.com/world/2021/jul/18/revealed-leak-uncovers-global-abuse-of-cyber-surveillance-weapon-nso-group-pegasus>

⁹³ Stephanie Kirchgaessner, "Phones of nine Bahraini activists found to have been hacked with NSO spyware", *The Guardian*, 24 August 2021. Available at: <https://www.theguardian.com/world/2021/aug/24/phones-of-nine-bahraini-activists-found-to-have-been-hacked-with-nso-spyware>

⁹⁴ Jamie Doward, "Bahrain prevents family of dissident from flying to London to join him", *The Guardian*, 29 October 2016. Available at: <https://amp.theguardian.com/world/2016/oct/29/bahrain-london-duaa-sayed-alwadaei>; Human Rights Watch, "Bahrain: Activist's Family Targeted", 6 March 2017. Available at: <https://www.hrw.org/news/2017/03/06/bahrain-activists-family-targeted>

⁹⁵ Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session. OHCHR. 20–24 August 2018). Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf

⁹⁶ Jamie Doward, "Bahrain prevents family of dissident from flying to London to join him", *The Guardian*, 29 October 2016. Available at: <https://www.theguardian.com/world/2016/oct/29/bahrain-london-duaa-sayed-alwadaei>

⁹⁷ Associated Press, "Activist's family departs Bahrain after earlier travel ban", 1 November 2016. Available at: <https://www.dailymail.co.uk/wires/ap/article-3894036/Activists-family-depart-Bahrain-earlier-travel-ban.html>; Bahrain Embassy in the UK, Twitter, 1 November 2016. Available at: <https://twitter.com/BahrainEmbUK/status/793484507882094592>

⁹⁸ Human Rights Watch, "Bahrain: Activists' Kin Convicted in Flawed Trial", 30 October 2017. Available at: <https://www.hrw.org/news/2017/10/30/bahrain-activists-kin-convicted-flawed-trial>

⁹⁹ Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session. OHCHR. 20–24 August 2018). Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_51.pdf

Naji Fateel. Human Rights Defender Naji Fateel is serving a combined prison sentence of twenty-five years and six months in Bahrain's Jau Prison. Prior to his arrest, Fateel was on the Board of Directors of the Bahrain Youth Society for Human Rights (BYSHR). Naji was an active human rights activist who advocated for the documentation of human rights violations and encouraged people to form monitoring committees.¹⁰⁰ On 22 June 2021, Ms Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders issued a [statement](#) reflecting alarm at Fateel's continued detention and calling for his immediate release.¹⁰¹ Despite international calls for Fateel's release, he remains arbitrarily imprisoned.

Ebtisam AlSaegh

Ebtisam AlSaegh is a female Bahraini social activist and human rights defender. Due to her activities, she has been repeatedly targeted by Bahraini authorities. On 18 January 2022, Ms Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders issued a tweet raising concerns over "disturbing reports of Women Human Rights Defenders targeted with #Pegasus in Bahrain", referring to the case of AlSaegh.¹⁰² On 24 March 2022, the BENELUX grouping of Belgium, Luxembourg, and the Netherlands made a statement at the UN Human Rights Council, calling for an end to reprisals against rights activists in Bahrain who engage with the UNHRC, including reference AlSaegh's case. In January 2022, an investigation by the human rights group Front Line Defenders (FLD) and the digital rights non-profit group Access Now found that the mobile phone of AlSaegh, a Bahraini human rights defender, had been hacked using NSO's Pegasus spyware.¹⁰³ According to Citizen Lab's analysis, AlSaegh's mobile device was found to have been hacked at least eight times between August and November 2019 using NSO spyware.

The case of **Mr. Hassan Mushaima**, the former Secretary of the main opposition group Haq Movement for Liberty and Democracy, who was imprisoned and sentenced to life, was included in the 2012 and 2011 reports of the Secretary-General following his engagement with the UN human rights mechanisms, including the Human Rights Council and the Committee against Torture. Special procedures mandate holders addressed his situation on multiple occasions, to which the Government has replied, indicating that Mr. Mushaima, amongst others, formed part of a "terrorist cell." The Government has provided information on his situation including on access to health care, family visits and books, most recently in November 2019.

In terms of follow up, Mr. Mushaima's case was included in the follow up section of the SG's report in 2021. The 74 year old is [serving](#) a life sentence in Bahrain following subsection to serious rights violations including torture and a manifestly unfair trial. He has been held in a medical facility in Bahrain since 18 July 2021 where he is being subjected to the deliberate denial of medical care. His family report they are not given his medical reports despite repeated requests. He suffers from chronic health conditions and is not receiving adequate medical treatment, there is a key health concern regarding his knees and problems with his hearing. His family report that despite his diabetes he is prevented from walking outside of his cell and does not receive specialised treatments; since November he has not received any physiotherapy, he only had few sessions despite his need for physiotherapy. His family further report that his telephone and video calls have been suspended since September when he [rejected](#) the Bahrain authorities' offer for his conditional release due to it being contingent

¹⁰⁰ UN OHCHR, UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) BHR 2/2013 (10 May 2013). Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=13123>.

¹⁰¹ UN OHCHR, "Bahrain: UN expert alarmed by prolonged detention of human rights defenders", 22 June 2021. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27190&LangID=E>

¹⁰² Mary Lawlor, Twitter, 18 January 2022. Available at:

<https://twitter.com/MaryLawlorhrds/status/1483441923214000129>

¹⁰³ Stephanie Kirchgaessner, "Two female activists in Bahrain and Jordan hacked with NSO spyware", The Guardian, 17 January 2022. Available at:

<https://www.theguardian.com/news/2022/jan/17/two-female-activists-in-bahrain-and-jordan-hacked-with-nso-spyware>

on his 'remaining “totally silent and desist from all political activity”'. His son, London-based activist Ali Mushaima, went on a 23 day [hunger strike](#) outside the Bahraini Embassy in London in December 2021 in order to call for the release of his father and other political prisoners in Bahrain.

BANGLADESH

The case of human rights organization Odhikar and its Secretary Advocate, Mr. Adilur Rahman Khan, was included in the 2021, 2020, 2019 and 2011 reports of the Secretary-General on alleged accusations of anti-State and anti-Government activities following their engagement in the first cycle of the UPR of Bangladesh in 2009.

Odhikar's bank account was frozen under the Foreign Donations (Voluntary Activities) Regulations Bill of 2016. Mr. Khan and Odikhar's Executive Director, Mr. Nasiruddin Elan, were detained in August and November 2013, respectively, and charged under the Code of Criminal Procedure and the 2006 Information and Communications Technology Act (amended in 2009 and 2013). They were released on bail in October and December 2013, respectively. Their detention and charges as well as ongoing threats, harassment, surveillance and the killing of one of Odikhar's staff have been addressed by special procedures mandates holders since 2013. The Government has responded regarding the situation of Odhikar and its staff, including noting that the Foreign Donations Regulations Bill applies to all NGOs. Odhikar has continued to engage with the UN, including by submitting joint reports to the 2013 and 2018 UPRs of Bangladesh and to the Committee against Torture in 2019.

In terms of follow up, as of April 2022, Odhikar's bank accounts remain frozen, preventing the organization from making banking transactions or receiving any funds, therefore continuing to limit its capacity to operate. Similarly, Odhikar's application to the NGO Affairs Bureau for the renewal of its registration remains pending since 2015.

On 7 February 2022, the NGO Affairs Bureau sent a letter to Odhikar with the subject: *Renewal of registration of non-government voluntary organization (NGO) 'Odhikar'* and asked for specific information and documents, including source of income and expenditures incurred since the submission of the application for renewal in 2014; list of current staff of the organization; and the entire list and details (name and addresses) of persons killed extra judicially and disappeared between 2009 and 2021. It is to be mentioned here that Odhikar filed a Writ Petition in May 2019 (Writ Petition Number 5402 of 2019) at the High Court Division of the Supreme Court against the inaction of the NGO Affairs Bureau for not renewing Odhikar's registration since 2015. The Court issued a Rule Nisi upon the NGOAB, but the latter has been reluctant in responding to that Rule over the last three years. Odhikar responded to the NGOAB on 28 February 2022, by saying that since this matter of renewal of registration is pending before the Court, it is now a *sub judice* matter and therefore, Odhikar cannot give any new information directly to the NGOAB at this stage. Immediately after receiving Odhikar's response, the NGOAB fixed this matter for hearing through the Attorney General's office at the High Court Division of the Supreme Court, without informing the petitioner Odhikar.)

Odhikar and its staff continue to be under surveillance. Surveillance, intimidation and harassment on Odhikar has intensified following the 10 December 2021 sanctions imposed by the USA on the Rapid Action Battalion (RAB) and its seven former and current top officials, for serious human rights violations in Bangladesh. Such sanctions have revived calls for the United Nations to ban RAB members from deployment in peacekeeping operations. In response to the sanctions, the government has increased reprisals against Odhikar and the members of its Network of Human Rights Defenders and on their families.)

In September 2021, the Cyber Tribunal, Dhaka commenced the trial proceedings against Odhikar's Secretary Mr. Adilur Rahman Khan and its Director Mr. ASM Nasiruddin Elan in the case filed in 2013 under the Information and Communication Technology Act, 2006 (amended 2009). Mr. Khan

and Mr. Elan had previously filed a Criminal Appeal before the High Court Division against the charges brought against them, which was dismissed. They then filed an appeal with the Appellate Division of the Supreme Court, which on 14 February 2021 rejected the petition and sent the case to the Cyber Crimes Tribunal to set a date and commence hearing.

An application for Review (Petition No. 8/2021, dated 04/04/2021) was submitted to the Appellate Division, seeking reconsideration of the February 2021 rejection of the application for dismissal of the case. In the meanwhile, the hearing of the case commenced on 12 September 2021 at the Cyber Tribunal. Mr. Khan and Mr. Elan's lawyer informed the Tribunal about the submission of a Review Application with the Appellate Division and appealed to the Tribunal to take necessary steps after the Review hearing. However, the Cyber Tribunal did not accept that submission and fixed 5 October 2021 as the date for taking evidence and examining witnesses. The court then proceeded to take evidence as usual. To date, Prosecution Witnesses have taken the stand on 9 November, 24 November 2021 and 20 January 2022. Since the designated witness failed to appear before the Tribunal on 20 February 2022, 28 March has been fixed as the next date for the taking and examining of the prosecution witness. Mr. Khan and Mr. Elan have been present in the Tribunal for every hearing.

Meanwhile, Odhikar continued to engage with the UN regarding the human rights situation of Bangladesh. Odhikar submitted written statements to the UN Human Rights Council and Mid-Term Assessment Report on the 3rd Cycle of UPR on Bangladesh. Odhikar consistently submitted individual communications to Special Procedures, in particular the Working Group on Enforced or Involuntary Disappearance (WGEID) and participated in its Sessions. Odhikar also submitted reports to the Treaty Bodies, in particular the Committee Against Torture (CAT) and Human Rights Committee. In addition, Odhikar continuously maintains communications with the relevant staff of the OHCHR based in Geneva and in Dhaka regarding the situation of human rights.

On 8 April 2022, rights groups put out a statement calling on Bangladesh to 'Stop Reprisals Against Victims, Activists: Instead Prioritize Accountability for Human Rights Abuses'.¹⁰⁴

In order to resolve this case of reprisals, we (1) urge authorities in Bangladesh to immediately and unconditionally drop all charges against Adilur Rahman Khan and ASM Nasiruddin Elan, and (2) publicly condemn any intimidation or reprisals against human rights defenders engaging with the UN; (3) take concrete steps to ensure accountability of the perpetrators so that human rights defenders in Bangladesh are able to carry out their legitimate activities without any hindrance and fear of reprisals.

BURUNDI

The cases of human rights lawyers **Mssrs. Arnel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana and Lambert Nigarura** were included in the 2021, 2020, 2019, 2018 and 2017 reports of the Secretary-General following the disbarment of three of the lawyers and suspension of one by the Court of Appeal at the request from the Public Prosecutor following their cooperation with the Committee against Torture during the consideration of a special report on Burundi in July 2016 (CAT/C/BDI/CO/2/Add.1, paras. 33 and 34).

The lawyers had been previously accused of participating in an insurrectional movement and attempted coup d'état and have been living in exile due to fears of being targeted. On 2 February 2021, the Supreme Court's verdict of 23 June 2020 was made public. Mr. Niyongere, Mr. Bashirahishize, and Mr. Nshimirimana were part of a group of twelve individuals sentenced in absentia to life imprisonment for participating in a revolutionary/insurrectional movement and for attempted coup d'état. The judgement, following a trial where the defendants were absent and had no legal representation, also ordered the defendants to pay financial compensation, which included the seizure of financial assets of their families.

¹⁰⁴ <https://www.hrw.org/news/2022/04/07/bangladesh-stop-reprisals-against-victims-activists>

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.¹⁰⁵ 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.

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.

On 2 February 2021, three of the four lawyers (Armel 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 judgement also ordered the defendants to pay financial compensation, including the seizure of the financial assets of their families.¹⁰⁶

To date, the lawyers have not obtained a copy of the judgement, making it difficult to challenge it. Moreover, the claimants' attempt to appeal the judgement from abroad has been dismissed. No reply has been received by the CAT from Burundi. The lawyers remain disbarred / suspended. 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.

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.¹⁰⁷ Furthermore, on 20 October 2017, police surrounded REDHAC offices, and as a result both Ngo Mbe and Nkom were required to go to extraordinary lengths to escape the scrutiny of those that surrounded them to travel to Geneva. On 30 May 2017, Ngo Mbe received death threats, as well as death threats to members of her family. On 8 October 2017, four young men physically assaulted Ngo Mbe. Nkom continues to receive insults from strangers, intimidation and permanent denigration for her work related to the protection of LGBTI people and the fight against the criminalisation of homosexuality. Mbe and Nkom travelled to Geneva to present their report to the UN Human Rights Committee from 23 to 25 October 2017.

On 26 October 2017, special procedures mandate holders expressed concern about the increasingly threatening nature of the physical attacks on and intimidation and harassment of Ms. Maximilienne Ngo Mbe, and Ms. Alice Nkom.¹⁰⁸ 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.

¹⁰⁵ http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_RLE_BDI_26799_F.pdf.

¹⁰⁶ <https://www.omct.org/fr/ressources/appels-urgents/burundi-condamnation-in-absentia-à-une-peine-de-prison-à-perpétuité-de-douze-défenseurs-des-droits-humains-en-exil>

¹⁰⁷ Governmental Cameroon Tribune published October 10.

¹⁰⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23417>.

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. He also falsely declared that 5 billion CFA francs were paid to REDHAC to produce false reports with a view to destabilising Cameroon.

In terms of follow up, Ms. Maximilienne Ngo Mbe and REDHAC were the subject of a Special Procedures communication in April 2020.¹⁰⁹ Harassment on social media continued. At the end of December 2021, Maximilienne Ngo Mbe was summoned to Yaoundé and told she would be taken there if she did not comply. She was later told she should come at the end of February, and lives in fear and anxiety because she doesn't know when she will be summoned again. REDHAC is still denied authorisation to host important meetings.

In order to resolve this case, (1) the Secretary General should continue to raise this case with Cameroon and include it in the annual report until the State demonstrates its political will to remedy this case or others, (2) OHCHR should encourage and accompany the State of Cameroon to adopt a law on the promotion and protection of human rights defenders, a draft of which is before the Senate office, (3) the opening of the civic space by removing the requirement to obtain an authorization for their activities, and (4) the effective implementation of the recommendations of the ACHPR report on women defenders.¹¹⁰

Nfor Hanson Nchanji's case was included in the 2020 report of the SG. 24. Nfor Hanson Nchanji and his close relatives suffered reprisals following his participation in the 10th session of the Forum on Minority Issues in Geneva from 30 November to 1 December 2017. Harassment and vilification of Mr. Hanson Nchanji began in December 2017 and has continued, including online attacks by some pro-government social media users portraying him as a terrorist. One post called him "a traitor to the republic of Cameroon" and stated: "You went to the UN to sell us, but God punished you." On 2 December 2017, when Mr. Hanson Nchanji returned to Cameroon after the Forum, a close relative had received a letter with death threats. In March 2019, Mr. Hanson Nchanji's family home was burned down by soldiers and his close relatives relocated. The incidents were reported to OHCHR at the time but could not be publicly reported due to protection concerns. Mr Hanson Nchanji is currently in exile.

Nfor Hanson Nchanji's case was not included in the follow up section of the SG's report, despite it not being resolved. The status of the case remains the same. ISHR continues to encourage the government of Cameroon to take specific actions to resolve this case. In particular, ISHR calls on Cameroon to: (1) publicly express - at the national and international level - its commitment to protect human rights defenders and journalists; (2) publicly condemn any intimidation or reprisals against human rights defenders engaging at the UN, including by non-state actors; and (3) publicly commit to ensuring the protection of human rights defenders and journalists currently in exile, should they decide to return to Cameroon.

The case of the civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** was included in the 2020 and 2021 report of the Secretary-General. OFFGO suffered reprisals following a communication by special procedures (CMR 3/2019), including expulsion from the country of Mr. Jan Joris Capelle, a Belgian national and co-founder of the organization, threats against traditional chief, Mr. Prince Vincent Awazi, and death threats and attacks against Mr. Elvis Brown Luma

¹⁰⁹ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25835&LangID=E>

¹¹⁰ <https://www.achpr.org/presspublic/publication?id=19>

Mukuna, the organization's lawyer, and his relatives (CMR 5/2019). On 26 June 2020, men in military outfits raided OFFGO's offices located in Tudig's Chiefdom Palace, destroying equipment and confiscating documents. The motive of the raid remains unknown and confiscated documents have not been returned. The case of Mr. Brown Luma Mukuma was documented in the report of the Special Rapporteur on the situation of human rights defenders in 2021 to the Human Rights Council on death threats and killings of human rights defenders (A/HRC/46/35, para. 76), which noted continued threats and physical attacks against his relatives, including as a warning against him to stop his human rights activities.

Further, Mr. Brown Luma Mukuma and Mr. Capelle received numerous death threats via telephone between October and December 2020 following their public submission to the Special Rapporteur. A group of individuals in civilian clothes reportedly monitored Mr. Brown Luma Mukuma's house during the holidays in December 2020. These and other incidents have regularly been reported to the National Commission on Human Rights of Cameroon.

Mr. Mukuna is one of the lawyers at the Posterity Law Office and handles the OFFGO/Jan Cappelle case in Cameroon. At the time of these events, the Posterity Law Office was headed by Mr. Kemende Henry. On behalf of Jan Cappelle, Mr. Kemende also wrote to the Cameroon State Human Rights body (NCHRF) on several occasions, including on the use of death threats with the intent to force Tudig's community and Mr Mukuna to take distance from Jan Cappelle.

In November 2019, the NCHRF confirmed the use of violence against Mr. Mukuna with the intent to force Jan Cappelle to end his pursuit for justice and redress. Despite numerous complaints to the local police and State prosecutor, no investigations were carried out and the Government never replied to the allegations in the UN SG's Reprisals reports.

In terms of follow up, on the night of January 11, 2022, Barrister and Senator Henry Kemende Gamsey was pulled from his car and stabbed to death by unidentified men in Bamenda. He died on the way to the hospital.

The diplomatic community has reacted publicly to the murder, calling for a fair, prompt, thorough investigation. A number of civil society organizations also published press releases.

No one has claimed responsibility. Mr Kemende had received a multitude of threats against his life including from armed separatist fighters and government forces alike at the beginning of the armed crisis (i.e., 2017, 2018) in the region. While this had stopped, he received threats in relation to the OFFGO/Elvis Brown Luma Mukuna/ Jan Cappelle file that is handled by the Posterity Law Office. The gendarmerie said they would speak with Mr. Mukuna and his colleagues at the Posterity Law Office on 14 January 2022 but did not and have not proposed a new date.

On November 6, 2021, unidentified armed men tried to kidnap Mr. Mukuna at his residence in Bamenda. Mr. Mukuna and one of Kemende's family members received warnings and threats on 15 and 16 January 2022, not to talk publicly or to the UN about the OFFGO/Elvis Brown Luma Mukuna/Jan Cappelle case, or they may be next.

This case was raised publicly at the 49th session of the HRC by the Benelux countries.

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'.¹¹¹ **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

¹¹¹ A/HRC/35/26/Add.2.

rights work, and in part due to his efforts to cooperate with the UN human rights mechanisms, including the Special Procedures.¹¹² 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 2017.¹¹³ 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 2017.¹¹⁴

Jiang was found guilty of the incitement charge on 21 November 2017 by the Changsha Intermediate People's Court and sentenced to two years in prison. A group of Special Procedures mandate holders condemned the verdict. That month, a group of Special Procedures mandate holders appealed to the Government of China to unconditionally release him. In March of 2018, a group of Special Procedures mandate holders expressed deep concern over his deteriorating health.¹¹⁵

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

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

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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 prison 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'.

Three 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

¹¹² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987#sthash.dH7MxnQP.puf>.

¹¹³ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>.

¹¹⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028>.

¹¹⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>.

travelling 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.

On 28 February 2022, Jiang formally completed his three-year sentence of 'deprivation of political rights.' Yet, his wife Jin Bianling reports that State Security police (guobao) told Jiang's parents on 23 February that he still cannot go to Beijing nor leave the country, and that he will continue under house arrest. After March 1, the authorities demolished the small house across his building used to guard him and surveil his movements for three years and gave him a 'notice of expiry of the period of deprivation of political rights.' Jiang was told that he would not be followed anymore, but that every time he left his locality, he would need to notify the police for their record, and that he was not allowed to leave the country.

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 2017.¹¹⁶ In April 2018, media reports covered the wives' commemoration of Wang Quanzhang's 1000 days in detention, highlighting on-going intimidation tactics.¹¹⁷

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 re-joining 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'. **This case remains unresolved.**¹¹⁸

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

¹¹⁶ CHN 5/2017 available at

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

¹¹⁷ <https://www.theguardian.com/world/2018/apr/06/its-been-1000-days-wife-of-jailed-chinese-lawyer-on-march-for-answers>; <https://www.japantimes.co.jp/news/2018/04/11/asia-pacific/li-wenzu-wife-detained-chinese-rights-lawyer-wang-quanzhang-house-arrest/#.Wvn4b6Qvwkl>, <https://www.rfa.org/english/news/china/colleagues-04302018113935.html>.

¹¹⁸ <https://www.rfa.org/english/news/china/elections-11012021105830.html>

investigation.¹¹⁹ Despite Cao's death being included in previous reports of the Secretary-General,¹²⁰ 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.'

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. **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 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 terms of follow up, there has been no progress on Chen Jianfang's case, and she remains in detention.**

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

¹¹⁹ CAT/C/CHN/CO/5.

¹²⁰ A/HRC/27/38 and A/HRC/30/29.

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.

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.

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.

The case of Dolkun Isa was not included in the 2021 report of the SG, despite any evidence that it has been resolved. In May 2021, a member of the Chinese delegation to the UN accused Dolkun Isa of being a terrorist in the chat of a virtual side event, stating 'Dolkun Isa is a terrorist recognized by the Chinese Government. Your involvement with a terrorist will only shoot yourself in the foot. SHAME ON YOU!'

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. **This case was not included in the SG report in 2021, despite any evidence that it has been resolved.**

EGYPT

Law 70/2017 regulating civic associations adopted in mid 2017 over the [strenuous objections of Egyptian rights organisations and political parties](#)¹²¹ was replaced by the new NGO law no. 149/2019 [passed](#) in July 2019. Despite Egypt's passing of a new NGO law, which replaced prison sentences with hefty fines, defenders are still facing up to 25 years imprisonment in Case no. 173/2011. This is possible due to an amendment passed in 2014 of Article 78 of the Penal Code on foreign funding.

A particular effect of the law is to severely curtail the ability of Egyptian NGOs to engage with the UN, which is considered a reprisal for their engagement in the country's UPR in 2014. As a result of the "NGO Foreign Funding case", human rights defenders were not able to travel to participate in the UPR in November 2019. NGOs need the minister's approval to "join, affiliate, participate, cooperate and engage with foreign organisations in activities" (art.19). These activities could be interpreted as for example: engaging with the Human Rights Council and its mechanisms such as the UPR and Special Procedures, treaty bodies and other international mechanisms. Its practical effect is to eradicate human rights advocacy. Egyptian civil society have continued to call for NGO law in line with Egypt's international obligations.¹²² 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.¹²³ 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.¹²⁴

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

¹²¹ <https://cihrs.org/مصر-6-احزاب-و-22-منظمة-يرفضون-قانون-الجمعي/?lang=en>.

¹²² <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>.

¹²³ <https://www.ishr.ch/sites/default/files/documents/new-ngo-law-analysis.pdf>

¹²⁴ <https://cihrs.org/egypt-legal-commentary-on-regulations-of-ngo-law-n-149-for-2019-on-civic-associations/?lang=en>

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-Aqgrab*) at the Tora Prisons Complex in Cairo, a prison notorious for inhumane detention conditions and the ill-treatment of prisoners. On 20 November 2019, Special Procedures urged his immediate release and called his referral to another case with the exact same charges as 'double jeopardy'. Metwally's pre-trial detention continued to be renewed and he was added to another case with identical charges in November 2019. 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 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. On 15 February 2022, the Cairo Criminal Court renewed the detention of Metwally under case 786/2020 State Security Prosecution. In October 2021, his lawyers indicated that his life is at risk due to the lack of medical treatment in detention despite the several requests they filed.

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 18 November 2021, the Court of Cassation rejected the final appeal against El Baqer's inclusion in the "terrorist list." As a result of the terrorism designation, he faces a travel ban, asset freeze and potential disbarment. On 20 December 2021, the Misdemeanours Emergency State Security Court in Cairo sentenced Mohamed El-Baqer to four years of imprisonment on charges of "spreading false news undermining national security" in Criminal Case 1228/2021. He remains detained in the Tora Prison Complex in Cairo. He has been denied the right to go outside, to reading material, a watch, a mirror, a mattress, adequate clothing and hot running water.

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. On 15 February 2022, the Cairo Criminal Court renewed the detention of Amasha in case 1360/2019 State Security Prosecution.**

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. **In January 2022, Kamel was released conditionally, which means that the case still remains open.**

Several members of the Egyptian Coordination for Rights and Freedoms (ECRF) were arrested in 2018. The ECRF is a Cairo-based non-governmental organisation that 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 Manyal 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. **In September 2021, the Cairo Criminal Court added Abdel Moneim’s name to the ‘terrorists entities’ list. In September 2021, the Emergency Supreme State Security Criminal Court set a date for the trial session of Abdel Moneim. During a court hearing in October 2021, she said that she had a heart attack and is in need of treatment, yet she continues to be denied the necessary medical treatment. On 16 March, the Emergency State Security Court adjourned the trial till 15 May 2022.**

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. **On 23 August 2021, State Security Prosecutor ordered the referral of Ghoneim to trial before the Emergency State Security Criminal Court in case no.1552/2018. On 16 March, the Emergency State Security Court adjourned the trial till 15 May 2022.**

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.

Mr. Okenve's case was included in the 2020 report of the SG on reprisals. On 23 June 2020, the Government responded to the note verbale sent in connection with that report, indicating that the allegations presented have not been duly verified and do not correspond to the facts, as Mr. Okenve has made several public statements against the Government, which has created problems for him with law enforcement. The Government informed that resolution No. 01/2019 of 11 April 2019 dissolved CEID due to breach of art. 9.1 of the Law on Associations and that dissolution does not prevent human rights defenders from engaging in activities within the boundaries of the law. The Government took note of the allegations of the broadcast of unauthorized footage and clarified that such a broadcast did not have consequences beyond the informative coverage of the 126th session of the Human Rights Committee, and it should not be interpreted as an attempt to persecute and punish the activists present in that session.

Mr. Okenve's case was not included in the SG report in 2021, despite the fact that the government never responded to the administrative appeal against the dissolution of CEIDGE. Mr. Okenve does not consider the case resolved and remains in Spain and fears harassment should he return to Equatorial Guinea. In this regard, the status of the case remains the same. ISHR continues to encourage the government of Equatorial Guinea to take specific actions to resolve this case. In particular, ISHR calls on Equatorial Guinea to: (1) provide information on effective measures to protect civil society organizations and to ensure that dissolutions of associations are duly adopted and indicate whether remedies are available to obtain their revocation or invalidation in case they have been improperly upheld, (2) publicly express - at the national and international level - its commitment to protect human rights defenders; (3) publicly condemn any intimidation or reprisals against human rights defenders engaging at the UN, including by non-state actors; and (4) indicate what measures have been taken to ensure that human rights defenders can carry out their legitimate work, including documenting and transmitting information on the current human rights situation in Equatorial Guinea to the UN human rights mechanisms, in a safe and enabling environment without fear of intimidation or reprisals of any kind, (5) confirm that Mr. Okenve will not

be harassed should he return to Equatorial Guinea, and clarify whether or not there is an order to arrest/detain him should he cross the border as has happened in the past.

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 GoI 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 GoI 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.

Case Updates:

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.

In terms of follow up, the matter is still ongoing in the Delhi High Court (DHC) and was posted for hearing on March 14, 2022, but was not heard.

In 2014, Centre for Promotion of Social Concerns (CPSC) came to know from the reply of Ministry of Home Affairs (MHA) while responding to the question raised by the then Member of Parliament (MP) of Lower House (Lok Sabha), Shri. K.C. Venugopal, that their case was referred to Additional Director General of Police (ADG Police) Tamil Nadu in July 2012. However, there was no direct communication to CPSC either from the MHA or the ADG Police, Tamil Nadu on this regard and no development regarding that investigation has been indicated to CPSC ever. Instead, years later, the Central Bureau of Investigation (CBI) approached the government of Tamil Nadu to start its investigation into our case and they got the approval from the state government on December 02, 2020. The First Information Report (FIR) was registered by the CBI on January 06, 2022, under Section 120B r/w Section 420 of the Indian Penal Code (IPC), 1860 and offences under the Foreign Contribution (Regulation) Act, 2010 (FCRA) and the search warrant was issued on January 07, 2022, based on which a team of ten officers from the CBI conducted search in the CPSC - People’s Watch premises on January 08, 2022, from 10:30 AM - 08: 30 PM.

The FIR has the CPSC trustees as the first accused, which include the former UN Special Rapporteur on Housing Rights, Mr. Miloon Kothari and several other reputed individuals working on various issues concerning human rights across the country. The second accused is the People’s Watch Program Unit of CPSC represented by its Executive Director, Henri Tiphagne, and the third accused are unknown person(s) which opens the possibility to include the name of anyone associated with CPSC. This is most concerning. The second round of investigation by the CBI was carried out again on the 28th of January 1st, 2nd and 3rd February 2022. Their visit is now becoming a part of CPSC’s office routine. The rounds of investigation by the CBI are just an ‘attempt’ to divert the attention on the issues that CPSC are raising in the DHC and is just derailing the entire process.

The National Human Rights Commission of India (NHRCI) in the year 2016, when they were about to go for their re-accreditation process at Global Alliance of National Human Rights Institutions

(GANHRI), took suo-moto cognizance of the case as they considered it as an attack on the freedom of association and assembly. The NHRCI issued a notice to the MHA to submit responses on various queries from them. The first response from the Under Secretary (FCRA), Foreign Division, MHA was found undetailed as well as vague by the NHRCI. Further, the second response from the Under Secretary, FCRA II, MHA was submitted which was also found unsatisfactory by the NHRCI and asked the Secretary (Home), MHA, Government of India to submit response to their queries in more detail. However, once the NHRCI was reaccredited with 'A' status back in November 2017, they displayed a change in their 'tone' to the case and made a stand that the Commission does not want to interfere in a case *which is pending adjudication before the High Court of Delhi in WP No. 10527/2016* and thus awaits the final order from the DHC. However, the Protection of Human Rights Act (PHRA) empowers them to both – intervene independently and intervene in the said matter in the DHC. NHRCI officially closed the case in January 2021, a move that was disappointing to CPSC and human rights defenders across the country fighting for their survival against the government's misuse of FCRA provisions.

Human Rights Defenders' Alert – India (HRDA) sent an urgent appeal to the NHRCI on January 21, 2022, after the raid by CBI on January 08, 2022, raising four points for their re-examination and action. However, the NHRCI dismissed it *in limini* and stated that as per the Regulation 9 (xii) of the National Human Rights Commission (Procedure) Amendment Regulations, 1997 *the Commission may dismiss in limini complaints of the following nature: matter is covered by a judicial verdict/ decision of the Commission. Therefore, the complaints are filed, and the cases are closed.* The NHRCI has again shown total hesitancy in performing as per its mandate and fulfilling its function.

ISRAEL

Addameer Prisoner Support and Human Rights Association (Addameer) provides free legal aid to Palestinian prisoners, document gross systemic violations, and advocate for their rights in national and international fora, including UN human rights bodies and mechanisms.

In his 2021 report on reprisals, the Secretary-General reported that on 13 May 2020, the Israeli Ministry of Strategic Affairs released a public report on Addameer that references Addameer's cooperation with the UN and claims that the organization is "tied to terrorism" and is among the NGOs which "advocate for the boycott of Israel and have a radically anti-Israel agenda." The report alleges that previous and current staff of Addameer are "affiliates" of the Popular Front for the Liberation of Palestine (PFLP), which has been defined as illegal under Israeli military law, and that Addameer is linked to terrorism, including for its provision of legal aid. The report specifically states that "Addameer was active in UN institutions and took part in the Human Rights Council's discussions on Israel, including in March 2018, where it urged the International Criminal Court to take action against Israel. The NGO continues to interact with the UNHRC on issues pertaining to Israel." The Ministry calls on "Western governments, international humanitarian organizations, social media networks, financial institutions and foundations" to refrain from meeting with Addameer's personnel or issuing them visas, to audit their social media posts, and to increase oversight and transparency regarding Addameer's financial accounts to ensure compliance with terror financing laws.

In the reporting period, intimidation and reprisals have continued, including public smear and disinformation campaigns, arbitrary arrests of Addameer staff, military raids on its office, gag orders, and travel bans, among others. Smear campaigns by allied non-state actors also allege links between Addameer and so-called "terrorist affiliates," often directly following Addameer's public participation in UN mechanisms. These campaigns are linked to Israel's designation of six leading Palestinian civil society organizations (CSOs), Addameer among them, as "terror organizations" on 19 October 2021.

Despite widespread condemnation by UN experts and international human rights organizations, both of which reiterated the centrality of the six organizations' human rights work, the Israeli military commander issued military orders on 3 November 2021 classifying Addameer and the five other organizations as "unlawful organizations." This designation intensifies and escalates ongoing

harassment campaigns and allows Israeli authorities to raid the organizations' offices, seize all assets, arbitrarily arrest staff, prohibit funding, and even public support for the organizations' activities. As a consequence, on 7 March 2022, Addameer lawyer Salah Hammouri was arbitrarily arrested at his home by Israeli Occupation Forces (IOF) and placed under three months of administrative detention, without charge or trial.

"NGO Monitor," an Israeli organization that purports to be "an independent and nonpartisan research institute," but appears to be a GONGO (government organised NGO), is a leading entity of the ongoing disinformation campaigns against Palestinian CSOs. NGO Monitor frequently publishes reports with inaccurate and false information on Palestinian CSOs, often following advocacy by Addameer with UN human rights mechanisms.

Following the designation of Addameer and five other organisations as 'terrorist organisations', NGO Monitor launched several reports defending, employing, and leveraging the designation to harass and pressure States, IGOs, and UN bodies against pursuing legitimate human rights mechanisms and inquiries into the Israeli occupation and gross violations of human rights. Most recently, on 22 March 2022, NGO Monitor published a report titled, "Michael Lynk's Final Fiction," following the report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967 to the UN Human Rights Council, which determines that Israeli rule over the occupied Palestinian territory (oPt) amounts to apartheid. In the report, NGO Monitor reiterates and relies on the arbitrary designations of the six Palestinian CSOs as "terrorist organizations"—devoting an entire section to their discussion—to refute the determinations made in the report. Rather, NGO Monitor refutes ad hominem the determination by refuting S.R Michael Lynk's citation of human rights documentation by Addameer and Al-Haq.

Salah Hammouri is a 36 years-old Palestinian-French Jerusalemite, long-time human rights defender, Addameer lawyer, and a former political prisoner. Over the years, Salah has been relentlessly targeted by Israeli occupation authorities, subjected to arbitrary arrests, administrative detention, exorbitant fines, travel bans against him and his family, the deportation of his wife, and, most recently, the illegal revocation of his permanent residency and forced deportation from Jerusalem on 18 October 2021. Moreover, on 8 November 2021, a Front Line Defenders investigation conducted in collaboration with Citizen Lab and Amnesty International's Security Lab found that Salah Hammouri had been one of six Palestinian HRDs hacked by Israeli NSO Group's notorious Pegasus spyware.

For that, Salah Hammouri has emerged as one of the most prominent cases of the Israeli occupation and apartheid regime's systematic harassment and persecution of Palestinian human rights defenders. His case was highlighted in Amnesty International's landmark report demonstrating Israel's crimes of apartheid, specifically the illegal practice of forcible population transfer, deportations, and demographic engineering. On 3 March 2022, during its review of the fifth periodic report of Israel on its implementation of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee noted Salah's case in pointing to Israel's alarming arbitrary policy of residency revocation based on "breach of allegiance" to control the demographic composition of Jerusalem.

Mere days following the citation of his case by the UN HRC, on 7 March 2022, IOF stormed Salah's home, arbitrarily arresting him and transferring him to Ofer Israeli military prison. On 10 March 2022, the Israeli military commander issued a three-month administrative detention order against Salah, without charge or trial, based on "secret information." Salah's case has been highlighted by UN Special Rapporteurs, NGOs, and human rights organizations. Addameer submitted an urgent appeal to the UN Special Procedures on 21 March 2022, following Salah's latest arrest.

We recommend that:

- Israel immediately ceases any and all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalized hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures.

- Israel unconditionally and immediately releases Salah Hammouri from administrative detention, and further, put an end to his prolonged persecution and all policies and measures of intimidation and harassment against him, including revoking his permanent Jerusalem residency status; and
- There be put in place an immediate moratorium on the sale, transfer, and use of all forms of surveillance technology, particularly NSO Group's Pegasus spyware, until a full independent investigation of its operation within Palestine is carried out by the UN to identify the scope of its surveillance activities carried out against Palestinian human rights defenders, and their ties to the Israeli government.

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.¹²⁵

The UN Human Rights Committee ruled that the Supreme Court of the Maldives violated the freedom of expression of the two former members of the HRCM.¹²⁶ 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.

In November 2021, in its reply to the Committee's decision, the Maldives shared that in August 2019, a Bill was submitted to the Parliament to amend the Law No: 6/2006 (Human Rights Commission Act) seeking to terminate the judicial overreach over the Human Rights Commission of the Maldives. On 22 September 2020, the Bill was passed into law. Section 26-1 of the Act stipulates that the Human Rights Commission shall enjoy unfettered authority to establish bilateral and multilateral relations with law enforcement agencies, forensic investigatory institutions, national human rights institutions, regional organisations and other states in the effort to protect and promote human rights. The Act also states that the HRCM can submit reports and findings in the Commission's capacity as an NHRI, "in relation to the various international treaty obligations of Maldives." **While we welcome these developments, we note that the qualifier "in relation to various**

¹²⁵ https://www.ishr.ch/sites/default/files/documents/09-25-2016-complaint_to_humanrightscommittee_maldives.pdf

¹²⁶ https://www.ishr.ch/sites/default/files/documents/ccpr-c-130-d-3248-2018_e-.pdf

international treaty obligations" is too limiting. Indeed, the HRCM case is illustrative as it concerned the UPR, not engagement specifically under the treaties. We recommend that the legislation be amended accordingly.

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.¹²⁷ 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.¹²⁸

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.¹²⁹ 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. The most recent UN Special Procedures communication concerning the vexations that M. Asfari is subjected to in detention is from June 2021 (AL MAR 4/2021).

In July 2021, a journalistic investigation coordinated by the Forbidden Stories Consortium of journalists with technical support from Amnesty International revealed the existence of a vast targeted surveillance operation targeting thousands of journalists, lawyers, activists and officials (the "Pegasus" scandal). The Pegasus software is able to harvest all the data contained in a mobile phone: photographs, address books, passwords, etc. Above all, Pegasus can read e-mails, monitor telephone conversations, intercept messages – even those exchanged on encrypted applications like Signal or WhatsApp. The software is also able to geo-locate the infected device and activate microphones and cameras remotely to transform the smartphone into a real "snitch". Once the Pegasus software is installed on a phone, it sends the data back to the sponsor via a data exfiltration "tunnel". Exploiting security flaws in smartphones, the software is installed remotely, without a click and without the person being informed. The Pegasus software is marketed by the Israeli company NSO Group, only to states or government agencies.

¹²⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/093/43/PDF/G1709343.pdf?OpenElement>.

¹²⁸ [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).

¹²⁹ 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.

A number of telephones from Saharaoui rights defenders were infected with Pegasus¹³⁰, including Claude Mangin-Asfari and her lawyer Joseph Breham¹³¹. Some were confirmed infected as recently as March 2022.¹³² Claude Mangin-Asfari's phone had 128 confirmed connections between 8 October 2020 and 7 July 2021. On the very first day of confirmed infection, she had a phone conversation with her detained husband M. Asfari and her lawyer, M. Breham.

Based on the schedule of confirmed remote connections, it is clear that Ms Mangin-Asfari activities as a human rights defender, and her private life, were fully monitored. The independent analysis of her phone enabled the victim to understand why Morocco seemed to be aware of many aspects of her schedule and private life. The confirmed infiltration made her fear for her safety and generated a considerable amount of stress. Intimidations against her were taken to the next level when the mayor of her town Philippe Bouyssou and herself were physically threatened by pro-Morocco protesters on the occasion of a vote for a subsidy in favour of Sahrawi children in Ivry-sur-Seine in July 2021. The physical threats compelled the mayor to seek police protection in order for the vote to proceed¹³³. It is clear to Ms Mangin-Asfari that the orchestrated intimidation against her and M. Bouyssou was organised with full knowledge of details gathered through Pegasus obtained information.

Ms Mangin-Asfari, her lawyer M. Breham, M. Bouyssou and an additional confirmed victim of Pegasus filed a criminal complaint in France including for the offences of invasion of privacy, collection of personal data through fraudulent means and conspiracy.

In July 2021, M. Breham informed the Committee against Torture about the above incidents,¹³⁴ given that the Committee had asked Morocco to refrain from engaging in reprisals. The Committee followed up with a letter to the Moroccan authorities in November 2021.¹³⁵

In January 2022, ISHR submitted a communication to 5 UN Special Procedures (ref phf50op0) concerning the suspicions that Pegasus infiltrations of Sahrawi human rights defenders' phones are likely to have contributed to the physical assault of M. Hassanna Abba of the League for the Protection of Sahrawi Political Prisoners in May 2021 in Laayoune. The assault against M. Abba was documented in a communication of UN Special Procedures dated 10 June 2021(UA MAR 5/2021). ISHR suspects that M. Abba's ongoing engagement in documenting violations for complaints to UN human rights mechanisms were brought to the knowledge of Moroccan authorities through Pegasus infiltrations. He was subsequently intimidated in a bid to prevent him from doing his human rights work. M. Abba was compelled to leave the country out of safety concerns, as a consequence of the assault documented in UA MAR 5/2021.

NICARAGUA

In 2021, the SG reported that the application of **Law 1040 on the Regulation of Foreign Agents**, adopted in October 2020, is affecting their ability and willingness to cooperate with the UN, including through the receipt of technical assistance and/or funding for service provision, research, reporting and advocacy. The Foreign Agent Law foresees the cancellation of the legal registration of organizations obtaining foreign funds "for activities interfering in the internal affairs of Nicaragua, threatening its independence, self-determination, sovereignty and economic and political stability". It also makes registration mandatory with the Ministry of the Interior, imposes the duty to inform

¹³⁰ https://www.lemonde.fr/pixels/article/2021/11/23/projet-pegasus-un-militant-de-l-autodetermination-du-sahara-occidental-espionne-en-belgique_6103305_4408996.html

¹³¹ <https://www.franceculture.fr/geopolitique/pegasus-la-question-du-sahara-occidental-au-coeur-de-lespionnage-de-francais-par-le-maroc>

¹³² <https://www.amnesty.org/en/latest/news/2022/03/morocco-western-sahara-activist-nso-pegasus/>

¹³³ <https://www.leparisien.fr/val-de-marne-94/ca-fait-tres-bizarre-le-maire-divry-et-la-militante-claude-mangin-vises-par-le-logiciel-espion-pegasus-20-07-2021-IR7VYVDTYVD4H5ELERSBVB31.php>

¹³⁴ https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MAR/INT_CAT_RLE_MAR_9500_F.pdf

¹³⁵ https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MAR/INT_CAT_RLE_MAR_9499_F.pdf

authorities in detail about foreign funds obtained, and prohibits anonymous donations. OHCHR has expressed concern about these provisions of the law and offered technical assistance to ensure its alignment with international human rights norms and standards, to no avail (A/HRC/46/21, paras. 19–20). Special procedure mandate holders have also expressed concern about the Law (OL NIC 3/2020).

In some cases, the Law is being used in arbitrary processes of cancellation of several organisations headquartered outside of Nicaragua, by the Minister of Interior's Directorate of Register and Control of Associations, alleging that these organisations did not comply with the obligation to register as foreign agents. On 16 February 2022, the Directorate cancelled the legal registration of 6 organisations: Fabretto Children's Foundation (US, operating since 2005), Creative Associative (US, operating since 2006), Global Communities (US, operating since 2000), Trocaire (Ireland, operating since 2004), We Effective (Sweden, operating since 1994) and Comundo (Switzerland, operating since 2018). One month later, the Directorate cancelled the registration of four foreign organisations who had subsidiaries in Nicaragua since 1999, for 'not registering as foreign agents' and not disclosing in detail their financial assets in accordance with Law 977 on Anti-Money Laundering and the Financing of Terrorism.

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). On 12 May 2020, special procedures mandate holders addressed the lack of effective investigations of the attacks against employees of Radio Darío, in a wider context of reported attacks, harassment, threats, undue pressure against and confiscation of equipment and materials from journalists and media outlets (NIC 2/2020).

Persecution and attacks 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 2021 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 2021, the police climbed to the top of his house, tearing out cable and internet connection materials and cameras. Commissioner General Fidel Domingues was present at these operations, further intimidating Toruno. Other radio workers were detained, fined and had their driver's licence suspended, as well as had phones, laptops and hard drives confiscated.

The case of Mr. Anibal Toruño, of Radio Darío, was included in the 2020 and 2021 reports of the Secretary-General. In January 2021, Mr. Toruño relocated outside the country due to fear of being arbitrarily arrested.

On March 4, 2021, at 11:57 p.m., nine civilians on motorcycles, hiding their faces with helmets, passed in front of Aníbal Toruño's house, stopped a few meters away from it to avoid being captured by the cameras installed in front of the house and walked towards Aníbal's house. After identifying where one of the surveillance cameras was located, they proceeded to destroy it. These

events put into evidence the impunity with which these parapolice forces operate and their role in intimidating and damaging Radio Darío and the personal property of its Director, Aníbal Toruño Jirón.

On May 27, 2021, Mr. Aníbal Toruño was summoned for an interview before the Public Prosecutor's Office, in the framework of the criminal proceeding against former presidential candidate, Mrs. Cristiana Chamorro, and Mr. Marcos Fletes and Walter Gómez (former employees of the Violeta Barrios de Chamorro Foundation), for alleged money laundering. Mr. Toruño was represented by legal counsel. On the same day of the summons, Aníbal Toruño's legal representative presented a written statement to the Public Prosecutor's Office to justify his absence because he was on a business trip outside the country. Given the well-founded fear of being arbitrarily detained, as has happened with other persons identified as opponents of the government, Mr. Toruño has decided not to return to Nicaragua, as long as there are no security conditions for his return.

Subsequently, on September 21, 2021, at 7:00 p.m., Mrs. María Mercedes Alonso, wife of Aníbal Toruño, was driving her vehicle near La Recolectión Church, in the city of León, when she was stopped by the traffic police for allegedly driving recklessly. On the spot, her truck was impounded, and she was fined 5,500 Cordobas (approximately US\$157). The van was returned to its owners about a month and a half later.

Additionally, on September 23, at 10:53 a.m., in front of Radio Darío, police arbitrarily detained Aníbal's nephew who was driving a motorcycle owned by a radio worker. When the driver of the motorcycle tried to leave the radio station to conduct radio business, the police detained him and fined him 3,000 Córdoba's (approximately US\$86) on the grounds that he was driving without a helmet. The traffic officers also told him that they would retain the motorcycle and his documents on the grounds that he was driving recklessly. It should be noted that the receipt for seizure of the motorcycle reads: "Se le ocupa motocicleta por ser trabajador en Radio Darío" (Motorcycle seized for working for Radio Darío). The retention of the motorcycle lasted for about 30 days and, in order to recover it, they had to pay 8,000.00 córdobas (approximately 228 USD), which included the payment of the fine for driving without a helmet, the deposit in the vehicle park to the Ministry of Finance and the legal expenses incurred to recover the vehicle.

On September 25, 2021, at approximately 10:20 a.m., another Radio Darío employee had his motorcycle impounded. The radio collaborator had his vehicle impounded for "leaving a battery at Radio Darío", as stated in the receipt from the traffic authority.

This information evidences the hostile context the radio collaborators work in. These events are a way to intimidate people who collaborate with the media and thus hinder the journalistic work they carry out. The reprisals extend to other members of Aníbal Toruño's family: on November 4, 2021, at 10:37 a.m., the traffic police seized a van with license plate LE 20034, owned by an uncle of Mr. Aníbal Toruño. The occupation receipt reads: "Se le ocupa por tranquero, terrorista". When the agents arrived at the house of the beneficiary's uncle, they expressed offenses against the owner of the vehicle and against the director of Radio Darío, calling them "coup plotters", "terrorists" and arguing that this was the reason why they were seizing the vehicle. Subsequently, on the night of November 8, at approximately 11:00 p.m., a caravan of pro-government people, made up of dozens of motorcycles, drove in front of the radio station's facilities, one day after the election. They also detonated mortars near the radio station's facilities.

Throughout 2021, Nicaragua's telecommunications regulator, Telcor, has forced Radio Darío to interrupt its programming in order to broadcast the increasingly recurrent national radio and television networks called by Daniel Ortega. Telcor threatened the radio station's management with suspension of its operating license if it did not join the national networks.

The latest demands to link up have included hourly telephone harassment, with reminders of the consequences of not reproducing the government's message. According to information provided by the beneficiaries, national broadcasts are carried out up to three times a month, lasting three or four hours, resulting in losses of approximately US\$1,000 for each hour that the radio station is

forced to link up with official broadcasts. This situation was aggravated during election day and the following days by Daniel Ortega's frequent appearances in the media.

On January 6, 2022, police and paramilitary presence was recorded in the vicinity of Radio Darío's facilities, carrying out surveillance for three hours. On the west corner of the radio station's facilities there was a police patrol car (van) with two officers and a civilian wearing jeans and a black T-shirt with a round neck. On the east corner there was a police officer on a motorcycle and three paramilitaries: civilians in jackets and wearing helmets. All on different motorcycles.

On January 7, 2022, between 10:00 a.m. and 12:00 p.m., a police patrol remained at the west corner of the station's premises. Two police officers remained on board. They were accompanied by two more agents on motorcycles. When their superiors ordered them to leave, they passed in their vehicles in front of the Radio Darío offices at a reduced speed and with their eyes fixed on the radio. The police patrol (pickup truck) went first, followed by the officers on motorcycles.

On the afternoon of January 7, those on the radio ordered a food delivery from a delivery company through the Pedidos Ya application. Police authorities intercepted it at 4:55 p.m. According to information received, Commissioner Fidel Domínguez, Chief of Police of Leon, saw the food and the name of the person it was for and took the food and the motorcycle away from the delivery man.

The operation continued on January 8, 9 and 10. On January 8, the police went to the areas surrounding the radio station starting at 9 am. The operation covered the surrounding streets to the north, south, east and west of the radio facilities. The operation involved 6 patrol cars, 18 police and motorized vehicles, 11 riot police and 12 motorized vehicles in civilian clothes. They blocked the street leading to the radio station at both ends.

On January 9, 2022, in the early hours of the morning, the radio crew members who remained on the premises managed to get out through neighbouring houses. On January 10, 2022, at 9:00 a.m. there was still police presence in the areas surrounding the radio station. After 5:00 p.m. the patrol car was still at the site, as recorded in the security camera image.

The radio station's management considers that the operation was probably associated with the inauguration of Daniel Ortega, which took place on January 10, and with respect to its purpose, they do not rule out that there is an interest in raiding and even suspending the licenses that allow the radio station to broadcast. In the areas surrounding the radio station during the aforementioned days to date, civilian motorized vehicles and police, sometimes riot police, have been present, causing tension among the radio station's personnel.

PHILIPPINES

The cases of the Karapatan Alliance of People's Rights, a national alliance of human rights organizations, and of its Secretary General, Ms. Cristina Palabay, were included in the 2021, 2020 and 2019 reprisals report of the Secretary-General.

The 2021 report of the Secretary General on reprisals reported that, in January 2020, Special procedures mandate holders jointly¹³⁶ addressed killings of two members of the Karapatan alliance

¹³⁶ Working Group on Arbitrary Detention; Working Group on Involuntary or Enforced Disappearances, Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the promotion and protection of the rights to freedom of peaceful assembly and 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

(**Ryan Hubilla** and **Nelly Bagasala**) as well as the arbitrary detention and legal cases against Karapatan members and staff (**Elisa Tita Lubi**, **Cristina Palabay**, **Reylan Vergara**, **Roneo Clamor**, **Kiri Dalena**, **Edita Burgos**, **Wilfredo Ruazol**, **Jose Mari Callueng**, **Elenita Belardo**, **Emma Cupin**, **Gertrudes Lbang**, **Joan May Salvador**, **Jennefer Aguhob**, **Alexander Philip Anbinguna**, **Mira Dalla Legion**, **Frenchie Mae Cumpio**, **Marissa Calbaljao**, **Mariel Alvez Domequil**), stating that incidents were believed to be reprisals for their international advocacy, including before the Human Rights Council (PHL 1/2020).

On 28 September 2020, special procedures mandate holders addressed the killing of another Karapatan member on 17 August 2020 (PHL 5/2020), **Zara Alvarez**. Following this killing, Government officials red-tagged Ms. **Palabay** and Karapatan staff and volunteers with public statements, including during discussions at the 45th session of the Human Rights Council, prior to and after the adoption of resolution 45/33 when civil society actors were actively engaging with the UN. Armed Forces of the Philippines Southern Luzon Commander and spokesperson of the National Task Force to End Local Communist Armed Conflict red-tagged Karapatan reportedly in relation to its role in providing information to the UN on the human rights situation in the Philippines. Karapatan and its members were accused of association with the CPP-NPA-NDF and portrayed as “conspiring to commit terrorist action” (PHIL 5/2020).

We would like to share the following updates from the reporting period:

- Continuing extrajudicial killings of Karapatan human rights workers: On January 6, 2021, Karapatan human rights worker **Aldren Enriquez** was killed.¹³⁷ On July 25, 2021, Karapatan human rights worker **Marlon Napire** was killed.¹³⁸ At least 15 human rights workers of Karapatan have been killed since July 2016.
- Continuing judicial harassment:
 - Court hearings continue at the Quezon City Metropolitan Trial Court Branch 37 where the malicious charge of perjury was filed by National Security Adviser Hermogenes Esperon Jr. against Karapatan national officers **Elisa Tita Lubi**, **Cristina Palabay**, **Roneo Clamor**, **Edita Burgos**, **Fr. Wilfredo Ruazol**, **Gabriela Krista Dalena** and **Jose Mari Callueng** and three other human rights defenders were filed. The warrants of arrest against Palabay and the Karapatan national officers in 2020, while Palabay was participating in the UN Human Rights Council session, emanated from this case. At this point, the prosecutors and lawyers from the Office of the Solicitor General have presented their witnesses and evidence against Palabay et. al. The motion to file demurrer to evidence by Palabay et. al. was not granted by the presiding judge, and hence the defence’s presentation of witnesses and evidence will commence in June 2022.
 - The trumped-up criminal charges of frustrated murder filed against Karapatan National Chairperson **Elisa Tita Lubi** and Karapatan Southern Mindanao Secretary General **Jayvee Apiag** was filed at the Davao City Regional Trial Court Branch 52 on

back to the investigation phase. # 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. Association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on violence against women, its causes and consequences; Working Group on discrimination against women and girls.

¹³⁷

<https://www.karapatan.org/killing+spree+of+human+rights+defenders+continues+with+murder+of+peasant+organizer+in+bicol+activist+in+camarines+sur>

¹³⁸

<https://www.karapatan.org/karapatan+presses+chr+to+investigate+killings+of+albay+activists+reiterates+c+all+to+stop+the+killings+in+ph>

March 12, 2021. Lubi and Apiag filed separate petitions for bail. Their respective motions to dismiss were not granted by the court and hence the trial continues.¹³⁹

- Karapatan paralegals **Nimfa Lanzanas** and **Renalyn Tejero** were arrested in March 2021 on trumped up charges - both remain in jail to this day. In February 2020, **Alexander Philip Abinguna** was arrested on charges based on planted evidence.¹⁴⁰
- Meanwhile, two Karapatan human rights workers who faced trumped up charges have had the charges against them dismissed. More information on their cases.¹⁴¹
- Former Karapatan Caraga secretary general and community health worker **Dr. Natividad Castro** was arrested in February 2022 and was also eventually released in March 2022. Castro previously participated in UN Human Rights Council sessions in 2012 and 2016.¹⁴²
- **Continuing online threats and cyber-attacks:** Palabay and Karapatan continue to be subjects of disinformation, online threats and harassment. Rappler, an online news site, published this investigative report on this.¹⁴³ Palabay continues to be a subject of online disinformation and threats, as forms of reprisals on her human rights work, especially after she received the Franco-German Ministerial Prize for Human Rights and the Rule of Law.¹⁴⁴ In 2021, Karapatan's website experienced waves of cyber-attacks.¹⁴⁵
- **Reprisals:** Palabay continues to be a subject of reprisals especially after she testified before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development of the Canadian Parliament in May 2021.¹⁴⁶ In November 2021, a group of human rights ambassadors released a statement on the reprisals against Palabay and other human rights defenders. In campaigning for and participating in lobbying for the enactment of the Human Rights Defenders Protection Bill, also in accordance to the UN HRC resolution on technical cooperation and capacity building for human rights in the Philippines, Karapatan had been at the receiving end of various forms of disinformation and online threats especially from officials of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).¹⁴⁷ Karapatan continues to engage with the UN Human Rights Council, including in the UN Joint Programme on Human Rights in implementing the UN HRC resolution on technical cooperation and

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<https://www.karapatan.org/urgent+appeal+for+action+to+dismiss+trumped+up+and+malicious+charges+against+filipino+human+rights+defenders>

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<https://www.karapatan.org/urgent+appeal+for+action+to+dismiss+trumped+up+and+malicious+charges+against+filipino+human+rights+defenders>

¹⁴¹ <https://www.rappler.com/nation/tagum-city-court-decision-activists-anti-terror-law-petitioner-murder-case/>
<https://www.civicus.org/index.php/media-resources/news/5488-philippines-human-rights-defender-teresita-naul-released-after-courts-dismiss-trumped-up-charges>

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<https://www.karapatan.org/urgent+appeal+for+action+on+the+arrest+of+dr+maria+natividad+marian+naty+castro>

<https://www.karapatan.org/junking+of+trumped+up+charges+vs+dr+naty+castro+exposes+pattern+of+criminalization+vs+human+rights+defenders+dissenters>

¹⁴³ <https://www.rappler.com/newsbreak/investigative/how-propaganda-network-created-online-environment-justifies-shifted-killing-activists/>

¹⁴⁴ <https://www.rappler.com/nation/karapatan-cristina-palabay-receives-france-germany-human-rights-award/>. Online posts by suspected government-initiated or -supported groups after Palabay's recognition:

<https://bit.ly/3E2y9b0>; <https://bit.ly/3jvv0XL>; <https://bit.ly/3O2fv7L>; <https://bit.ly/3Ofu0FA>;
<https://bit.ly/3uvqsOm>; <https://bit.ly/3v8GhCV>; <https://bit.ly/3O8mOLs>; <https://bit.ly/3juZnxE>;
<https://bit.ly/3rmBANR>; <https://bit.ly/3KBULI9>; <https://bit.ly/3O3NNHR>; <https://bit.ly/3JyRWAf>;
<https://bit.ly/37CkbAz>; <https://bit.ly/37EDcCC>

¹⁴⁵ <https://www.rappler.com/technology/qurium-report-cyberattacks-target-karapatan-rights-group-philippines/>

<https://www.rappler.com/technology/features/philippine-human-rights-cyberattack-rest-of-world/>

¹⁴⁶ <https://www.ourcommons.ca/DocumentViewer/en/43-2/SDIR/news-release/11347278>

¹⁴⁷ <https://bit.ly/3O3p3iU>; <https://bit.ly/3xsGVOa>; <https://bit.ly/3xsHojo>; <https://bit.ly/37Cok7B>;
<https://bit.ly/3O52515>; <https://www.pna.gov.ph/articles/1166171>; <https://www.pna.gov.ph/articles/1165975>;
<https://newsinfo.inquirer.net/1550533/pna-story-on-hrd-bill-alarms-un-special-rapporteur>

capacity building. It is a member of the Technical Working Group on Civil Society Engagement.

- No domestic remedy:
 - In July 2019, Karapatan filed a petition for review at the Supreme Court on the Court of Appeals' dismissal of the petition for the writ of amparo and habeas data. The petition for review remains pending to this day. Thus, it is erroneous for the Philippine Government to claim in its Note Verbale sent on August 2, 2021, in relation to the report of the UN Assistant Secretary General, that the Supreme Court has dismissed the petition. The Supreme Court has not made any final judgment on the petition.
 - In December 2020, Cristina Palabay on behalf of Karapatan filed criminal and administrative charges against officials of the NTF-ELCAC responsible for red tagging the organization and its members. To this day, there have been no known developments of the said case filed at the Office of the Ombudsman.
- On submissions to the UN regarding allegations of human rights violations in the Philippines: In several replies of the Philippine Government to communications of UN Special Procedures, they have questioned Karapatan's integrity in bringing forth reports of allegations of human rights violations by State actors. Karapatan views this as follows: these acts violate Karapatan and other defenders' right to access international mechanisms of redress as stated in the UN Declaration on Human Rights Defenders; these acts are forms of intimidation on those who access these mechanisms and are thus acts of "shooting the messenger;" and these are acts to vilify those who provide evidence-based information to the UN HRC and member States.

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.¹⁴⁸ 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 women officials critical of Government policy who faced reprisals.¹⁴⁹ 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 2021 the Secretary-General reported that multiple UN actors had addressed concerns about "red-tagging," or the labelling as communists or terrorists, as a tactic used by state and non-State actors to vilify, including in UN fora, of individuals and groups who cooperate with the UN (A/HRC/45/36, Annex I, para. 98). The Spokesperson of the High Commissioner for Human Rights and special procedures mandate holders (PHL 1/2021) expressed serious concerns about the red tagging of civil society and human rights defenders, including the Commission on Human Rights of the Philippines.

On 7 October 2020, the Human Rights Council adopted resolution A/HRC/RES/45/33 on technical cooperation and capacity-building in the Philippines "condemning all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights."

¹⁴⁸ 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).

¹⁴⁹ 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.

In October 2020, Ms. Karen Gomez-Dumpit, a commissioner of the Commission on Human Rights of the Philippines, made statements during the 45th session of the Human Rights Council, and subsequently to national media, expressing her disappointment regarding resolution 45/33. Following her statements, Ms. Gomez-Dumpit was red-tagged through a series of posts attributed to a military official on Facebook pages run by the Philippine Army (PHL 1/2021), which were disseminated by the Philippines News Agency. The Commander of the Southern Luzon Command and Spokesperson of the National Task Force to End the Communist Local Armed Conflict (NTF-ELCAC) accused Ms. Gomez-Dumpit, along with the current Chairperson of the Commission on Human Rights, of supporting the Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF), and reportedly branded them as "termites trying to destroy our homes from the under" and accused them of benefitting the "enemies of the country". The Commission on Human Rights of the Philippines and its staff continued to receive threats and were subjected to intimidation and "red-tagging" for their engagement with the UN. Reprisals in the form of surveillance, public vilification and calls for resignation of the Chairperson, Mr. Jose Luis Martin (Chito) Gascon, and other staff of the Commission on Human Rights of the Philippines (PHL 12/2017), and the arbitrary detention of its former Chair and Senator Ms. Leila De Lima were included in the 2021, 2020, 2019 and 2018 reports of the Secretary-General in relation to their cooperation with the UN. On 24 February 2021, special procedures mandate holders reiterated their call for the immediate release of Ms. De Lima. While they welcomed her acquittal on one of three charges, they noted with concern that she still faces two other charges and has been in pre-trial detention since 2017.

Consequently, Ms. Gomez-Dumpit, the current Chairperson, and the Commission's Executive Director, Ms. Jacqueline Ann C. De Guia, as well as the institution itself, have been red-tagged through a series of YouTube videos uploaded by Government supporters. On 28 January 2021, special procedures mandate holders publicly expressed their concern regarding a pattern of red-tagging by state officials of civil society actors, including Ms. Gomez-Dumpit.

In terms of follow up, last November 2021, The Commission on Human Rights of the Philippines (CHRP) was called upon by the Western Visayas Regional Task Force to End Local Communist Armed Conflict (RTF6-ELCAC) to remain impartial when making statements and to keep from undermining judicial processes and law enforcement agencies. This pronouncement was issued following CHRP's statement that the CHRP National Capital Region Office is conducting a probe on the service of warrant of arrest against Ma. Salome Crisostomo Ujano - human rights defender and an advocate for women and children's rights - for the crime of rebellion.¹⁵⁰

RTF6-ELCAC's spokesperson, Assistant Provincial Prosecutor Flosemer Chris Gonzales further mentioned in his statement that the human rights community is not just limited to those who are supporting Ujano as there are advocates for the rights of exploited children, indigenous peoples' communities, families in conflict-stricken areas, and victims of atrocities and extortion of the Communist Party of the Philippines - New People's Army (CPP-NPA) needing the "voice and representation" of the CHRP.

Also in November 2021, CHRP and partner organizations were in a caravan for the Right the Ride and Safe Spaces advocacy campaign with transport union groups and civil society organizations, while in a pitstop, uninvited uniformed personnel were seen to be taking photos of the group including Commissioner Karen Gomez Dumpit. Footage from the activity shows that the 2 personnel in fatigues normally worn by police officers or military personnel) were seen in the immediate vicinity and one was driving a motorcycle.

¹⁵⁰ Perla Lena, Philippine News Agency, RTF6-ELCAC chides CHRP for selective monitoring of abuses, November 22, 2021, available at <https://www.pna.gov.ph/articles/1160460> (last accessed 13 April 2022)

Last 21 February 2022, the CHRP issued another statement about the red-tagging and arrest of Dra. Maria Natividad Marian Castro¹⁵¹ - a human rights defender and development worker¹⁵² allegedly identified as a Communist Party of the Philippines (CPP) official¹⁵³ and arrested for Kidnapping and Serious Illegal Detention.¹⁵⁴ Following CHRP's statement, Prosecutor Flosemer Chris Gonzales of RTF-6-ELCAC, in a public pronouncement, called upon the CHRP to be impartial and fair in their press releases which claimed that Castro was red-tagged. The statement read that: "While the CHRP shows extreme enthusiasm, zeal, passion, and dispatch in attending to the alleged indication of possible violations committed allegedly by police officers on the occasion of the service of arrest warrants to Dr. Castro, we call the attention of the CHRP on your less enthusiastic response on the series of killings and ambushes perpetrated by the CPP-NPA¹⁵⁵ in Negros Island during the past few days where the CPP-NPA-NDF terrorists claimed responsibility for the brutal killings of at least four civilians and the wounding of five police officers." Further, the spokesperson said that the statement of CHRP gave the Filipino people the impression that it is selective in its issuance of statements.

In March 2022, the kidnapping charge against Dr. Castro was dismissed by the Regional Trial Court of Agusan del Sur for lack of probable cause and the latter was immediately released from the provincial jail where she was detained for 42 days.

Recently, the CHRP's special provision in the 2022 General Appropriations for the Human Rights Institute was vetoed. While technicalities in law making can justify the veto, we note that the approved budget for the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) for 2022 is 1756.36% greater than that of CHRP despite complaints on its unabated activities that pose grave threat to human rights defenders.¹⁵⁶

In a statement issued last 11 April 2022,¹⁵⁷ CHRP denounced efforts to trivialize and justify red-tagging and called on the government to follow due process, rule of law "before making grave accusations and labelling that endangers human rights and dignity." CHRP further emphasized that despite its recommendations to government to desist from red tagging and labelling HRDs as terrorists or enemies of the State, the CHRP continues to receive reports and monitor incidences of unabated red-tagging from high officials, especially the NTF-ELCAC. The Commission noted that in the past weeks, some election candidates with incumbent positions are also being red tagged due to their inclusive approach to governance by engaging diverse groups including the progressive sector. CHRP reiterated its repeated call to the government to put an end to the carte blanche approach of red-tagging individuals and groups under any circumstance and regardless of their advocacy, ideology, and perceived political affiliation.

The said statement from CHRP was issued in response to the statement of NTF-ELCAC spokesperson and Presidential Communications Operations Office Undersecretary Lorraine Badoy, during a press conference in reaction to a bill¹⁵⁸ seeking to criminalize red-tagging. In the press conference, Badoy said that the proposed Senate Bill is dangerous as it can be weaponized to silence those who work to uncover the legal fronts of the communist rebels.

¹⁵¹ See Statement of the Commission on Human Rights on the Arrest of Health Worker Dr. Natividad 'Naty' Castro. <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-arrest-of-health-worker-dr-natividad-naty-castro-2/>

¹⁵² Prior to the pandemic, Castro pioneered several health programs in Mindanao and brought a member of the Lumad Community to the United Nations in Geneva to assist against ongoing harassment of Lumads in their area.

¹⁵³ Philippine News Agency, February 20, 2022, Law will decide on doc's state, not academic records: RTF-ELCAC, available at <https://www.pna.gov.ph/articles/1168165> (Last accessed 13 April 2022).

¹⁵⁴ Krixia Subingsubing, Inquirer.net, Cops should be liable for lapses in arrest of Doc Naty - CHRP. 22 February 2022, available at <https://newsinfo.inquirer.net/1557875/chr-police-may-be-liable-for-lapses-in-docs-arrest> (last accessed 13 April 2022).

¹⁵⁵ CPP-NPA is listed as a terrorist organization by the United States, European Union, the United Kingdom, Australia, Canada, New Zealand, and the Philippines.

¹⁵⁶ The approved budgets for 2022 are as follows: PHP 921,156,000 for CHRP and PHP 17,100,000,000 for NTF-ELCAC

¹⁵⁷ <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-attempt-to-trivialize-and-justify-the-dangers-of-red-tagging/>

¹⁵⁸ Senate Bill 2121 or the proposed "Act Defining and Penalizing Red-Tagging"

Spokesperson Lorraine Badoy is currently facing multiple criminal and administrative cases for red tagging. The most recent complaint filed against the official was in light of the spokesperson's act of red-tagging community pantries - an initiative where people can donate and take food supplies to help fellow citizens during the pandemic. In the said complaint against the spokesperson, the complainant cited Badoy's red tagging of community pantry organizers by insinuating that they are linked to communist and rebel groups in the Philippines.¹⁵⁹ Prior to the case mentioned, the Alliance of Health Workers (AHW) likewise filed criminal and administrative cases against the official, seeking the immediate revocation of the official's physician license. According to the AHW, Badoy maliciously implicated the AHW as a creation of communist/rebel groups with the aim of infiltrating the government.¹⁶⁰

The CHRP reiterates that it is one with the government in its fight against terrorism and insurgency. We recognize that terrorism and insurgency could result in various human rights violations to life, liberty, and security, among others. It could have a devastating effect on people's lives, especially if armed conflict ensues. The CHRP condemn the atrocities committed by the CPP-NPA including the recruitment of child soldiers. None of these, however, could justify the practice of red tagging.

Indeed, red-tagging is not a crime under our laws, but the system of governance lacks clear legal procedures or instruments to deal with red-tagging. Hence, the practice of red tagging becomes unrestricted and is carried out without consequence or accountability. When no distinction is drawn between terrorists and human rights activists, State actors put the whole civil society under general suspicion. Criticizing the government for its gaps in protecting and promoting human rights does not make human groups enemies of the state. This blanket accusation disregards the fact that it is the government's obligation to uphold the human rights of everyone.

The CHRP, together with civil society, have addressed this challenge by seeking and working with the international community - diplomatic community, international human rights mechanisms, and also allies within the government who still protect, respect and fulfil their human rights obligations. The CHRP continues to regularly monitor the press releases and reports relevant to human rights defenders coming out of the Office of the High Commissioner for Human Rights, and the Human Rights Bodies in the UN. The CHRP localizes the recommendations from the reports through issues of policy advisories, statements, position papers and situation reports. These documents are publicly available on the Commission's website (www.chr.gov.ph) and social media pages, as well as emailed to its networks.

The CHRP reiterates that activism is an essential element of democracy and should not be silenced and equated to terrorism and insurgency. Government officials should always be mindful to adhere to the rule of law and respect for human rights and not resort to red tagging. As such, demanding greater accountability from the government should not be construed as acts to destabilize the administration, but rather as a reminder of its sworn duty to the people.

The CHRP continues to urge national and local governments to take meaningful steps to protect human rights defenders and other red-tagged individuals. Advocacy is not terrorism; it is a fundamental component of democracy. As a democratic government and society, the CHRP encourages people to express themselves, whether in protest or acclaim, agreement or dissent. Diverse viewpoints should result in improved government and public service. Intimidation of critics, dissenters, and perceived rivals of the state runs counter to democracy's fundamental objectives. These critics, too, are Filipino citizens with the same full and equal rights as every other Filipino.

¹⁵⁹ Bonz Magsambol, Rappler Philippines, Badoy faces another complaint for red-tagging community pantries, 13 April 2022, available at <https://www.rappler.com/nation/lorraine-badoy-faces-another-complaint-red-tagging-community-pantries/> (last accessed 13 April 2022).

¹⁶⁰ Bonz Magsambol, Rappler Philippines, Health Workers want Badoy's Physician License Revoked, 11 April 2022, available at <https://www.rappler.com/nation/health-workers-want-lorraine-badoy-physician-license-revoked/> (last accessed 13 April 2022).

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.¹⁶¹

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, 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.

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.¹⁶²

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 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.¹⁶³ 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.¹⁶⁴ Instead of replying to the MP's questions, the Thai Prime Minister immediately left the meeting room.

¹⁶¹ REFERENCE: AL RUS 8/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24932>

¹⁶² A/HRC/42/30 at para 102.

¹⁶³ <https://www.bangkokpost.com/thailand/politics/1866364/govt-to-probe-cyber-war?fbclid=IwAR2oAu2DYAZGcFes3f-wJ3UTbFry7dnP9OwhJYTnLzghvtguknvlvEc3b7l>

¹⁶⁴ 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>;

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.¹⁶⁵

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 was scheduled for May 2021.

In terms of follow up, Ms. Neelapaijit continues to be attacked on social media for her work as a woman human rights defender. There has not been any further investigation by the government. The first court hearing of Ms. Neelapaijit's petition to have fake news, offensive content and disinformation removed was postponed due to the COVID-19 pandemic from July 2021 to 10, 11, 17 and 18, 19 May 2022 at the Bangkok Civil Court.

Ms. Neelapaijit was under a witness protection scheme under the Department of Special Investigation (DSI) since DSI took up the investigation concerning the disappearance of her husband in 2008. However, on 23 March 2022, DSI officials informed her that following a meeting of the Witness Protection Committee, the DSI's Special Case Investigation Division decided to end the protection from 1 April 2022.

On 12 April 2022 at 5.52am, 12 day after she was appointed to the UN Working Group on Enforced or Involuntary Disappearance, an unknown individual wearing a black T-Shirt with the King Rama 9 symbol, a cap and a surgical mask threw 9-inch-long scissors at her house in Thonburi District, Bangkok. The scissors damaged the front door and the family's car parked in front of her house. She was awoken by the loud noise from the incident.¹⁶⁶

The incident was captured on CCTV, which showed the alleged perpetrator walking along the small road where her house is located. Although there are many commercial buildings along the street, the person stopped in front of her house and threw the scissors at the door which suggested that the attack may be targeted. At 6.00 am she called the police, two police officials came to her house and asked her to collect evidence (the 9-inch scissors) including the CCTV footage and filed a complaint at the Bang Yee Rua Metropolitan Police Station. At 6.30 am, she filed a complaint at the Bang Yee Rua Metropolitan Police Station, but the police did not discuss protection measures.

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 detained him in

<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>

¹⁶⁵ <https://www.tlhr2014.com/?p=16303&fbclid=IwAR2mmgf-nD-u9aFuZnboJetX3AicvNQIEogchrHSZjSCYkuZjogK3TRjCJA&lang=en>

¹⁶⁶ https://www.hrw.org/news/2022/04/13/thailand-prominent-rights-defender-harassed?fbclid=IwAR3T_2UKzudBxTuvd_glxFZmQpUHXwiQsqN-dTDkuq2XqEbjrULu4ldoe50

an unknown location and announced that he was 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.'

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 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 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.

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.

As a result of his hunger strikes and international attention, 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). However, there is no information about whether he is still allowed to go outside or if he remains in his cell. His health has suffered after more than five years in prison and he has high blood pressure, which has not been treated. He marked his fifth year in prison in March 2022.

Authorities retaliated against him after July 2021, when regional media published a prison letter, he wrote detailing his mistreatment in detention and flagrantly unfair trial. The prison letter, published on July 16 by Arabi21, a London-based Arabic news site, details the grave violations by the UAE's state security agency against Mansoor since his arrest and detention. He was moved to a smaller and more isolated cell, denied access to critical medical care, and had his reading glasses confiscated. Since the letter was leaked by a former prisoner who smuggled it out, no other prisoner has been able to contact the Gulf Centre for Human Rights or Human Rights Watch.

In September 2021, the European Parliament adopted a [resolution](#) on the case of Ahmed Mansoor, which "Reiterates its call for the immediate and unconditional release of Ahmed Mansoor, Mohammed al-Roken and Nasser bin Ghaith as well as all other human rights defenders, political activists and peaceful dissidents." The resolution also calls for restrictions on surveillance tools to MENA governments and recommends that EU members and companies not participate in or attend the Dubai Expo. The resolution also called "on the members of Interpol's General Assembly, and in particular the EU Member States, to duly examine the allegations of human rights abuses concerning General Major Nasser Ahmed Al-Raisi ahead of the election" and "notes the concerns expressed by civil society regarding his candidacy and the potential impact on the reputation of the institution." Al-Raisi was subsequently elected as President of Interpol, raising concerns for human rights groups who have called for his accountability for the torture and persecution of Ahmed Mansoor and other prisoners.

VENEZUELA

Javier Tarazona, director of the Venezuelan NGO FundaREDES, was arbitrarily detained on July 2, 2021, by members of the SEBIN (Bolivarian National Intelligence Service) when he was at the headquarters of the Attorney General's Office of the State of Falcón. He had been denouncing the harassment he and his colleagues had suffered at the hands of officials of SEBIN and FAES (Special Action Forces) while working in the city of Coro, in the west of the country. FundaREDES' advocacy work and work on behalf of victims has always included working hand in hand with the UN. FundaREDES is in regular contact with OHCHR field officers and with investigators and members of the UN's International Investigative Mission on Venezuela. In addition, it has sent information to Special Procedures on specific cases of human rights violations on the Venezuelan border, especially regarding the armed conflict in the state of Apure and the presence of irregular armed groups in Venezuelan territory.

Javier Tarazona is accused of incitement to hatred, treason and "terrorism". Some of these crimes are established in the "Organic Law against Organized Crime and Financing of Terrorism", which has been used to criminalize human rights defenders and humanitarian workers. A pre-trial (preliminary) hearing was held on December 9 after months of delays (13 deferrals). For the July 2021 filing hearing he was denied legal representation of his choice, which was maintained until November 2021 when members of Foro Penal could be sworn into the case. To date, no further hearings have been held. Javier Tarazona is currently being held in SEBIN's El Helicoide building, known as a place where political detainees are held and as a torture center. Amnesty International considers Javier Tarazona to be a prisoner of conscience who has been arbitrarily detained for his human rights work.

Two FundaREDES staff members, **Rafael Tarazona** and **Omar de Dios García**, who were detained with Javier Tarazona, were released on 26 October 2021 on condition that they report to the authorities every 8 days. They continue to face criminal charges.

Javier Tarazona's health appears to be deteriorating. According to his lawyers, Javier Tarazona suffers from hypertension and phlebitis in one of his legs and needs proper and urgent treatment. The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela reports

having received information that Mr. Tarazona "has been subjected to torture, including psychological torture".

The arbitrary detention of Javier Tarazona was mentioned by the United Nations High Commissioner for Human Rights in her update of 17 March 2022 to the Human Rights Council and by the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela in its September 2021 report to the Human Rights Council (A/HRC/48/69) and oral update of 18 March 2022.

The case of **judge Ms. Lourdes Afiuni** was included in the 2021, 2020 and 2019 reports of the Secretary-General, as well as in previous reports since 2010 on allegations of arbitrary detention and ill-treatment following a decision passed in her capacity as judge on the basis of a Working Group on Arbitrary Detention opinion (No. 10/2009). On 4 July 2019, Ms. Afiuni was granted a conditional release.¹⁶⁷ 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.

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.

On 8 November 2020, the Criminal Cassation Chamber of the Supreme Court resolved to dismiss Ms. Afiuni's appeal for being allegedly "manifestly unfounded" and confirmed her five-year imprisonment sentence. The Judge is yet to determine whether her sentence has been fully served. On 25 January 2021, special procedures mandate holders addressed the alleged judicial harassment against Ms. Afiuni in relation to the exercise of her jurisdictional function as Judge of the 31st Control Court of the Metropolitan Area of Caracas. Mandate holders stated that Ms. Afiuni's punishment represents an emblematic case that reportedly results in a generalized fear among the country's judges to issue rulings contrary to the Government's will and reiterated her targeting due to the UN Working Group opinion (VEN 11/2020).

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.

Once the five-year sentence was confirmed before all instances, the case file was sent back to First Instance to Execution Court Number 3 of the Metropolitan Area of Caracas. On December 7, 2020, the Court mentioned above issued an Order for the execution of the sentence, which establishes, among other things, that Maria Afiuni was sentenced to prison for five years. According to that ruling, Judge Afiuni has only served three years, six months, and five days behind bars, for which she remains to serve a sentence of one year, five months, and one day in prison. Without considering the years that she has been subjected to restrictive measures of freedom, even though reiterated jurisprudence does take it into account. However, the Court agreed to offer her an alternative benefit of serving her sentence in freedom if she complies with specific requirements in the law (including passing a psychological exam and finding a job, among other things).

¹⁶⁷ 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.

On the other hand, the defence submitted before the aforementioned court proof of examinations and medical reports regarding her cancer condition, whereby she underwent emergency medical intervention on September 19, 2020, and chemotherapy and radiotherapy in the first quarter of 2021.

In terms of follow up, once she recovered, she went to the execution court to request a travel permit to treat the disease in the United States on March 17, 2022. On that date, the execution court denied her permission, reiterating that she had not taken the psychosocial examinations to opt for an alternative sentence.

On April 11, 2022, Judge Afiuni submitted to the examinations and interviews before the Penitentiary Ministry. She is awaiting the results, which will take approximately two business months to be published.

In September 2018, **Fernando Alban**, a councilman of Primero Justicia—a dissident Venezuelan political party—joined an opposition delegation headed by former President of the National Assembly Julio Borges in New York, in the framework of the General Assembly of the United Nations. Alban was arrested upon his return to Venezuela, tortured, and died in custody under suspicious circumstances 72 hours later. Alban's family members and members of his party believe that his arbitrary detention upon arrival in Caracas was the result of reprisals for his participation in advocacy meetings in New York in the framework of the General Assembly.

There is still no 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.

In terms of follow up, this case remains unresolved. No response has been received to this complaint, and the lawyers who submitted it have not been contacted.

On December 15, 2021, in a press conference, the Attorney General reported that two Sebin officials were sentenced to 5 years and 10 months in jail for the murder of Alban. The Prosecutor added that the officers admitted the facts. That same day, Alban's widow published a statement on her Twitter account, in which she reiterated that she and her family have not found justice.

On March 18, 2022, during the oral update presented by the Fact-Finding Mission appointed by the UN Human Rights Council to study human rights violations in Venezuela, it was reported that: (i) in December 2021, a detective and an inspector of SEBIN were convicted of culpable homicide and other lesser charges, to which they pleaded guilty, in connection with the death of Fernando Albán in 2018. (ii) Each of these low-level officials was sentenced to 5 years and 10 months in prison. (iii) In February 2022, the Tenth Chamber of the Criminal Court of Appeals of Caracas reduced the sentence imposed to 2 years and 8 months. The officers were released.

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 with a recognized track record in documenting and defending human rights in the country.¹⁶⁸ 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. Liliana Ortega.¹⁶⁹ 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. **In terms of follow up, this case has not been resolved. We urge Venezuela to (1) publicly express - at the national level - its commitment to protect human rights defenders, and (2) publicly condemn any intimidation or reprisals against human rights defenders engaging at the UN, including by non-state actors.**

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

On Monday, 25 March, several human rights organisations, some of them working on the right to health, were attacked on the pro-government news portal *Aporrea*, including the **Venezuelan Observatory of Social Conflict**, **Liliana Ortega of COFAVIC**, **Rafael Uzcátegui de Provea**. The organizations were accused of being financed by the United States, targeted and delegitimized by labelling them as opposition, questioned as to their independence, and accused of presenting false information. These accusations are worrying in the context of an increasingly violent and repressive system in which NGOs and human rights defenders are considered enemies of the State. This statement was made in the framework of the visit of the OHCHR, and the preliminary report made by High Commissioner Bachelet at the March 2019 session of the Human Rights Council. CDJ also observed harassment against journalists and health professionals who engaged with the OHCHR mission, such as the case of Doctor Ronnie Villasmil, who was harassed and had his house searched. The National Union of Press Workers reported through their social networks various situations of harassment or impediment to their work during the OHCHR mission.

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.

¹⁶⁸ <https://omct.org/es/human-rights-defenders/urgent-interventions/venezuela/2020/09/d26094/>

¹⁶⁹ 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.

In terms of follow up, CDJ reports that in the context of violations of the right to defend human rights, one of the main factors is the criminalization of international cooperation. This activity, despite being recognized by international human rights law as legitimate, continues to be criminalized by the Venezuelan State under false accusations of the use of financial resources to destabilize the country and generate a matrix of opinion against the government's administration. In this sense, during the period covered by this report, the main actions recorded were aimed at unfounded accusations against the organizations for allegedly committing acts of organized crime, corruption and terrorism through international cooperation. It should also be noted that the criminalization of this activity is not limited to the financial sphere, but extends to operational, advocacy and denunciation activities carried out within the United Nations and the Organization of American States.

Since these are a set of elements and circumstances that have the common objective of neutralizing and criminalizing the defence of human rights, it is clear that what is happening in Venezuela is not the result of isolated events, but of a policy of systematic criminalization against the human rights movement; including reprisals against individuals and organizations for cooperating and interacting with United Nations mechanisms, in order to discredit their work of denunciation, and to serve as an exemplary message for those who interact, or intend to do so, in the space of the Universal System for the Protection of Human Rights and in the framework of international law.

SPECIFIC CASES OF REPRISALS FOR COOPERATING WITH UNITED NATIONS MECHANISMS:

As part of its work documenting and monitoring attacks and security incidents against human rights defenders and organizations, CDJ has documented attacks that constitute a form of retaliation for cooperating with UN mechanisms. Among them:

- 28.04.2021: The web portal Misión Verdad published an article in which it talks about the alleged attacks on its reports, by the NGO Human Rights Watch (HRW) towards Venezuela, making fallacies and interference in the case of Apure. However, the same article mentions Provea and Amnesty International as "false organizations" and "local branches" of HRW. Likewise, the article tries to associate the advocacy activities of the human rights defender Rafael Uzcátegui with interference. The article persists in accusing human rights organizations of receiving foreign funding.¹⁷⁰
- 03.05.2021: The reprinting of Administrative Ruling 00, now marked as 002, was published in Official Gazette No. 42,118. The normative instrument was reformed and contains some modifications, in which the provisions of the original text that established the disclosure to the registry of information on the beneficiaries of the organizations are excluded; however, the provisions related to the control and regulation of non-governmental organizations remain, particularly in the aspect of international cooperation, whether technical or financial. Therefore, the basic aspects related to criminalization, control and limitation remain.
- 21.05.2021: The Twitter account of the Permanent Mission of Venezuela before the United Nations, replied to the tweet of Foreign Minister Jorge Arreaza on the registration of foreign NGOs in Venezuela where he urged the organizations to comply with their work "respecting national laws" with vigilance to their activities.¹⁷¹
- 17.06.2021: The web portal Misión Verdad published an article in which it names the NGOs as a very important actor in the international political arena; pointing out that the same are

¹⁷⁰ HRW ataca de nuevo a Venezuela: Falacias e injerencia en el caso Apure. Diario Mision Verdad. 28.04.21. Disponible en: <https://misionverdad.com/venezuela/hrw-ataca-de-nuevo-venezuela-falacias-e-injerencia-en-el-caso-apure>

¹⁷¹ Retweet de la Misión Permanente de la República Bolivariana de Venezuela ante las Naciones Unidas. 21.05.21. Disponible en: <https://twitter.com/jaarreaza/status/1395761756866326529>

financed by the United States and stating that "In the case of Venezuela, it is undeniable that an extensive list of anti-Chavista NGOs have acted as not-so-silent partners of the government of the United States and other Western countries." They accuse the NGO Foro Penal of "Constructing false allegations of political prisoners and refugees and human rights violations, with the aim of using them as weapons to manipulate public opinion (national and international) about Venezuela." In addition, of pointing out its director of collaborating with seditious and terrorist actors. Said article was published in the Twitter account and consequently replied by the official Pablo Fernandez, also accusing the director and the NGOs of being "disguised mercenaries".¹⁷²

- 03.07.2021: Congressman and host of the program La Hojilla, Mario Silva pointed out that the organization Fundaredes and its director, Javier Tarazona receive financing from the Director of the CIA in Colombia. He also accused the defender of cooperating with said CIA official and proceeded to read a Twitter thread made by the web portal La Tabla, where Tarazona was labelled as a "propagandist of the Colombian pro-Uribe right wing" as well as questioned his nationality and accused the NGO of being aligned with the Colombian government. In addition, in the same thread, the defender was accused of being a "paid agent of the United States". Later, Mario Silva mocks the reactions of international organizations to his arbitrary detention and questions the fact that the NGOs do not pronounce themselves in the case of Colombia, then he again accuses Javier Tarazona of working for and receiving financing from the Colombian and U.S. governments to carry out campaigns of incitement to hatred.¹⁷³
- 06.07. 2021: In the framework of the Interactive Dialogue on the situation of human rights in Venezuela in the 47th Period of Sessions, in which the High Commissioner presented her written report, the representation of the State in the Council, this time under the representation of the official Héctor Rosales, made stigmatizing statements against non-governmental organizations, after representatives of these organizations made oral presentations in the Council denouncing the situation on the ground: "The true NGOs, and not those that disguise themselves as such, have our full support in the free exercise of their work in accordance with the Venezuelan constitution and the law".¹⁷⁴
- 10.07.2021: Congressman and host of the program La Hojilla, Mario Silva in his weekly broadcast accused NGOs, human rights defenders and specifically Provea of defending criminal gangs in Caracas and questioned and discredited their defence work.¹⁷⁵ Later in the same speech, he pointed out that there is a media operation around the operations in the popular areas of Caracas by the media and human rights organizations, which he accuses of being financed by the US and other governments, after denouncing extrajudicial executions in these areas. He also points out that the same media and NGOs try to "distort society" and expresses that these organizations denounce false cases of police officers before the ICC and that the actions carried out by criminal gangs are "applauded by the NGOs".¹⁷⁶
- 17.07.2021: In the appeal filed by the Venezuelan State before the ICC, the State seeks to discredit the findings of the Fact-Finding Mission for having used Provea as one of its sources. In this section, it accuses its General Coordinator of being a "fervent opponent".¹⁷⁷

¹⁷² Foro Penal: Una agencia de EEUU para el cambio de regimen. 17.06.21. Disponible en: <https://misionverdad.com/venezuela/foro-penal-una-agencia-de-eeuu-para-el-cambio-de-regimen>

¹⁷³ La Hojilla. 03.07.21. Minutos. 56:40-1:00:33. Disponible en:

https://www.youtube.com/watch?v=_XA0uOZzwQ8&ab_channel=LuiginoBracciRoadesdeVenezuela

¹⁷⁴ UN Web TV. ID: Human Rights in Venezuela (Cont'd) – 23rd Meeting, 47th Regular Session Human Rights Council. 06.07.21. Minutos 07:09-07:42Disponible en: <https://media.un.org/en/asset/k1b/k1br6fgm8r>

¹⁷⁵ La Hojilla. 10.07.21 Minutos. 14:20-15:00. Disponible en:

https://www.youtube.com/watch?v=YX28DDA1n3k&ab_channel=LuiginoBracciRoadesdeVenezuela

¹⁷⁶ La Hojilla. 10.07.21 Minutos. 1:26:40-1:31:30. Disponible en:

https://www.youtube.com/watch?v=YX28DDA1n3k&ab_channel=LuiginoBracciRoadesdeVenezuela

¹⁷⁷ International Criminal Court. Transmission of Documents Received from the Authorities of the Bolivarian Republic of Venezuela on July 9th, 2021. Annex III, par 321. Disponible en: https://www.icc-cpi.int/RelatedRecords/CR2021_06_22_4.P_DF

- 07.08.2021: The web portal La Iguana Tv published an article describing the publications made on Twitter by the NGO PROVEA and the blog account La Tabla, publications regarding whether or not the Office of the Prosecutor of the International Criminal Court (ICC) will open a formal investigation against the Venezuelan State. In this article they mention ONGPROVEA as a "right-wing" and "Venezuelan non-governmental organization linked to opposition agents".¹⁷⁸
- 07.09.2021: The deputy to the Legislative Council of Táchira state for the Communist Party of Venezuela (PCV), Yhon Luna, made statements on his social networks twitter¹⁷⁹ and Instagram¹⁸⁰ against the organizations FundaRedes, and Fundehullan, the director of the latter Roland García denounced, that the official stated that "the Colombian Senate, presided by the Colombian Senate, presided by the Colombian Senate, and the Colombian Senate, presided by the Colombian Senate, and the Colombian Senate, presided over by Paola Andrea Holguín Moreno, with the purpose of encouraging serious aggressions, as well as criminal actions, against the Venezuelan homeland, community leaders, social leaders and revolutionary political leaders". In his official also stated that "investigations" had already been initiated, and that "serious "investigations" had already been initiated, and that a complaint would be filed before the Public Prosecutor's Office. Regarding FundaRedes, he stated: "Alleged link between the Governor of the State of Tachira and the NGO FUNDAREDES. Tachira and the NGO FUNDAREDES as direct operators and receive financing to develop actions against the Tachira actions against the people of Tachira and the country. The diligences of investigation are in progress".
- 07.09.2021: The declarations of the deputy to the Legislative Council of Tachira State were reproduced in the news program Primicias de Augusto Medina.¹⁸¹ In his intervention he makes reference to the organizations accused by the Deputy: Fundaredes and FundeHullan. FundeHullan receives funding from the UN Agency for Refugees (UNHCR); as well as from the president of the Permanent Working President of the Permanent Commission of Intelligence and Counter-intelligence work of the
- 13.09.2021: After the publication of the report of the Office of the High Commissioner for Human Rights, the Venezuelan Foreign Ministry issued a communiqué in which it states that it "takes note" of what is reflected in the report. The communiqué rejects and questions the document presented by the OHCHR for "reproducing" flaws in the report, associated with the use of information from rights defenders, whom he accuses of following "a political script" and of "instrumentalising this issue to attack Venezuela".¹⁸²
- 13.09.2021: The governmental web portal, Correo del Orinoco, in an article replicated the communiqué issued by the Venezuelan foreign ministry regarding the report issued by the High Commissioner Michelle Bachelet on the human rights violations in Venezuela. In the communiqué, they accuse the NGOs of lying about the allegations of criminalisation and persecution of their advocacy work and accuses them of being part of a "script" political" to attack the country.¹⁸³
- 13.09.2021: The governmental web portal Lechuguinos also replied to the communiqué by the Venezuelan Foreign Ministry regarding the report issued by the Venezuelan High Commissioner Michelle Bachelet on human rights violations in Venezuela. In the statement,

¹⁷⁸ 07.08.21. Disponible en: <https://www.laiguana.tv/articulos/951176-fiscalia-cpi-investigacion-venezuela-esto-dice-ong-provea/>

¹⁷⁹ Twitter. Video y declaracion escrita. 07.09.21. Disponible en: <https://twitter.com/Lunayhon/status/1435229019222552578?t=xdFD6fnSIO3rW2GmDgWwsw&s=08>

¹⁸⁰ Instagram. Video y declaracion escrita. 07.09.21. Disponible en: https://www.instagram.com/tv/CThUjuBnyh-/?utm_medium=copy_link

¹⁸¹ Instagram. Video y declaracion escrita. 07.09.21. Disponible en: https://www.instagram.com/tv/CThUjuBnyh-/?utm_medium=copy_link

¹⁸² Ministry of People's Power for Foreign Affairs. Communiqué: Venezuela takes note of the report published by the Office of the UN High Commissioner for Human Rights that ratifies the perverse effect of sanctions. 13.09.21. Available at: <http://mppre.gob.ve/comunicado/informe-derechos-humanos-onu-perverso-bloqueo/>

¹⁸³ Venezuela takes note of the report published by the Office of the UN High Commissioner for Human Rights that ratifies the perverse effect of sanctions. Correo del Orinoco. 13.09.21. Available at: <http://www.correodelorinoco.gob.ve/venezuela-toma-nota-del-informe-publicado-por-la-oficina-de-la-alta-comisionada-de-onu-para-los-ddhh-que-ratifica-efecto-perverso-de-las-sanciones/>

they accuse the NGOs of lying about allegations of criminalisation and persecution of their advocacy work and points to them as being part of a "political script" to attack the country.¹⁸⁴

- 13.09.2021: Deputy to the National Assembly and host of the programme Zurda Conducta, Ricardo González Alvarado replied on his Twitter account, a publication ANTV channel on the statement by the Venezuelan Foreign Ministry accusing the Venezuelan government of NGOs of lying about allegations of criminalisation and persecution of their advocacy work defence and accuses them of being part of a "political script" to attack the country.¹⁸⁵
- 13.09.2021: The representative of the Venezuelan State to the International System of Human Rights, Larry Devoe replied on his twitter account, a publication of the Foreign Ministry attacking NGOs in relation to the report presented by the High Commissioner Michelle Bachelet.¹⁸⁶
- 14.09.2021: During the interactive dialogue of the Human Rights Council following the High Commissioner's report, the representative of Venezuela to the United Nations international body rejected "the politicised elements of the report which affect negatively affects objectivity and credibility", to which he added that there is no crosschecking of the information from "sources of little credibility" and further adds that there is an insistence on "unfounded elements that encourage the agenda of multifaceted aggression against the country", allegations referring to the information provided by NGOs cooperating with the office and submit allegations of human rights violations cited in the report. 50.
- 13.10.2021: The pro-government web portal, Correo del Orinoco, published an article replicating the communiqué issued by the Venezuelan Foreign Ministry rejecting the statements made by the Office of the High Commissioner regarding the situation in Venezuela. The report, which accuses NGOs of politicizing the issue of human rights in Venezuela, is clear example of this.¹⁸⁷
- 24.09.2021: The representative of Venezuela at the Human Rights Council during the interactive dialogue following the presentation of the Mission's conclusive report International Fact-Finding Meeting on Venezuela, in addition to rejecting, questioning the findings and discrediting the Mission, questioned the Mission's sources, associated with interference purposes, many of them are human rights and victims' organisations.¹⁸⁸
- 13.10.2021: The Executive Secretary of the National Human Rights Council. State Agent before the International Human Rights System, Larry Devoe, replied to the Foreign Ministry's communiqué via his Twitter account, retweeting Foreign Minister Félix Placencia, in which he accuses NGOs of politicising the issue of human rights.¹⁸⁹
- 03.11.2021: Following the announcement of the closure of the preliminary examination and the beginning of the investigation phase against Venezuela by the ICC for the alleged commission of crimes against humanity committed in the country, the National Executive published a report in which it "ratifies" the principle of complementarity in relation to the actions of the Court. The document questions the information handled by the ICC regarding

¹⁸⁴ FIRM POSITION! Venezuela rejects false assertions in the report of the UN High Commissioner for Human Rights (+PRESS RELEASE). Lechuguinos. 13.09.21. Available at: <https://www.lechuguinos.com/venezuela-rechaza-falsas-aseveraciones-ddhh/>

¹⁸⁵ Retweet by Ricardo González Alvarado. 13.09.21. Available: <https://twitter.com/antvvenezuela/status/1437404793232896004>

¹⁸⁶ Retweet by Larry Devoe. 13.09.21. Available:

<https://twitter.com/CancilleriaVE/status/1437407513322926085> 50 Item:2 General Debate - 3rd Meeting, 48th Regular Session Human Rights Council. Statements by concerned countries (Afghanistan, Nicaragua, Sri Lanka and Venezuela), followed by a general debate. Minutes 16:44 to 21:27. EN: <https://media.un.org/en/asset/k1h/k1h86r2h94>

¹⁸⁷ Venezuela rejects the pronouncement of the Office of the UN High Commissioner for Human Rights. Lechuguinos. 13.10.21. Available at: <http://www.correodelorinoco.gob.ve/venezuela-rechaza-el-pronunciamiento-de-la-o-ficamiento-de-la-oficina-de-la-alla-alta-comisionada-de-la-onu-para-los-ddhh/>

¹⁸⁸ ID: Fact-finding Mission on Venezuela - 19th Meeting, 48th Regular Session Human Rights Council. Interactive dialogue with: Independent international fact-finding mission on the Bolivarian Republic of Venezuela on a written report mandated in resolution 45/20 (A/HRC/48/69). Minutes 15:24 to 15:30. At: <https://media.un.org/en/asset/k1a/k1a7lj2kq2>

¹⁸⁹ Retweet by Larry Devoe. 13.10.21. Available at:

<https://twitter.com/PlasenciaFelix/status/1448383999412420611>

the protests that took place in the country, the context in which the crimes that fall under the jurisdiction of the Court are presumed to have occurred. In this sense, the report includes a section in which lawyers and human rights defenders such as Mr. Alfredo Romero and the organisation Foro Penal are accused of publishing false accusations and covering up alleged "violent acts" during the wave of mass demonstrations, as well as of having links with the Venezuelan political opposition.¹⁹⁰

- 13.12.2021: The pro-government web portal, La Tabla, published stigmatising statements on its twitter account against the organisation Provea, accusing it of manipulating the situation of the Venezuelan State's arrears before the ICC in order to discredit the image of the State, as well as describing it as "anti-Chavista".¹⁹¹
- 26.02.2022: Following the publication of an article entitled "Chávez, el 4F y los imitadores" in the pro-government web portal Misión Verdad, in which they recount the events of 4 February 1989, what should be repeated, what should not be repeated, what citizens should focus on and what should not; it mentions organisations such as NGOs, the UN and the OAS as organisations financed to spread misinformation and, according to them, ask for more money to talk about immigrants.¹⁹²
- 28.02.2022: In the framework of the 49th session of the Human Rights Council, Nicolás Maduro made a speech in which he accused the international human rights system of being used for interventionist interests. In this regard, he stated "... to denounce and reject attempts to use the international human rights system to replace governments not aligned with the hegemonic interests of the West and to impose formulas of judicial colonialism against the countries of the South, in which national systems are intended to be replaced by interventionist, colonialist, foreign mechanisms, in contravention of the principles of sovereignty, self-determination and complementarity. This is what we denounce in Venezuela".¹⁹³
- 28.02.2022: The Ministry of Foreign Affairs replicated on its website the statements by Nicolás Maduro during his speech at the 49th session of the UN General Assembly Human Rights Council, in which they highlighted accusations against the system international human rights law.¹⁹⁴
- 17.03.2022: The pro-government web portal, Correo del Orinoco, published an article replying to a tweet by Venezuela's Permanent Representative to the UN in Geneva, Héctor Constant Rosales, in which he points out the instrumentalization of human rights for political purposes.¹⁹⁵
- 18.03.2022: During the interactive dialogue held in the framework of the oral update of the International Independent Fact-Finding Mission in the framework of the 49th Session of the Human Rights Council, the representative of the Venezuelan delegation, Hector Constant, questioned and discredited the work of the Mission and questioned the sources used, calling them "media laboratories that seek to legitimise the illegitimate", "secondary sources from which impertinent allegations are extracted". He also alleged that "the only valid conclusion is that this presentation is designed to support the sustained campaign of lies in

¹⁹⁰ Presidency of the Bolivarian Republic of Venezuela. "Venezuela garante de DDHH". 03.11.21. Available at: <http://www.minci.gob.ve/wp-content/uploads/2021/11/Venezuela-ratifica-principio-de-complementariedad-con-la-CPI-en-defensa-de-los-DDHH.pdf>.

¹⁹¹ Thread of tweets from The Tablet. 13.09.21. Available at: <https://twitter.com/latablablog/status/147054923833354688>

¹⁹² Chávez, 4F and the imitators. 26.02.22. Misión Verdad newspaper. Available at: <https://misionverdad.com/chavismo/chavez-el-4f-y-los-imitadores>

¹⁹³ YouTube. Nicolás Maduro: 49th Ordinary Session of the Human Rights Council. 28.02.22. Minutes: 5:38 - 6:29 Available at: <https://www.youtube.com/watch?v=UJWUHai0TSM>

¹⁹⁴ Ministry of People's Power for Foreign Affairs. "Sistema de DDHH pretende utilizarse para sustituir gobiernos. 28.02.22. Available at: <https://mppre.gob.ve/2022/02/28/sistema-ddhh-via-sustituir-gobiernos/>

¹⁹⁵ Government welcomes Bachelet's recognition of state action. Correo del Orinoco. 17.03.22. Available at: <http://www.correodelorinoco.gob.ve/gobierno-saluda-reconocimiento-de-bachelet-sobre-actuacion-del-estado/http://www.correodelorinoco.gob.ve/gobierno-saluda-reconocimiento-de-bachelet-sobre-actuacion-del-estado/>

the international press, using anonymous sources and supposedly credible information, with which they seek to criminalise my nation and its legitimate authorities".¹⁹⁶

- 18.03.2022: The pro-government web portal, Lechuguinos, published an article replying to the tweet of the Permanent Representative of Venezuela to the UN in Geneva, Héctor Constant Rosales, in which he points out the instrumentalization of human rights for political purposes.¹⁹⁷
- 19.03.2022: The pro-government media outlet, Correo del Orinoco, published an article replicating the stigmatising statements of the Permanent Representative of Venezuela to the UN in Geneva, Héctor Constant Rosales, in which he accuses members of civil society who participated in the report by the Independent International Fact-Finding Mission of producing politicised and selective content, as well as fake news.¹⁹⁸
- 21.03.2022: The anonymous account "Operation Tun Tun" threatened the human rights defenders members of Transparencia Venezuela, Pedro Pablo Peñaloza and Mercedes de Freitas, from the organisation Transparencia Venezuela, and the human rights defender and journalist Luis Carlos Díaz.¹⁹⁹63. These events took place after De Freitas' intervention in the interactive dialogue of the Human Rights Council following the update of the International Independent Fact-Finding Mission on Venezuela.
- 31.21.03.2022: The anonymous user "Operación Tun Tun", referring to the oral intervention of the director of the organisation Transparencia Venezuela, Mercedes de Freitas, accused the organisation of conspiring against the country. In her publication, she mentions the accounts of the programmes Zurda Konducta and Lechuguinos. He also makes direct mention of officials Nicolás Maduro, William Castillo and Esteban Trapiello. The latter three have made public statements on social media against the organisation and its directive⁶⁴.
- 02.03.2022: The anonymous account "Operación Tun Tun" accused the organisation Transparencia Venezuela of being "lackeys" and "stateless". This publication was made in reference to a tweet by the organisation in which the oral statement of its director, Mercedes de Freitas, in the framework of the 49th session of the Human Rights Council was disseminated. In the publication, the user makes direct mention of the programmes Zurda Konducta and Con el Mazo Dando, encouraging mention of Transparencia Venezuela in the broadcast of these programmes.²⁰⁰
- 23.03.2022: The anonymous account "Operación Tun Tun" made intimidating publications against the organisation Transparencia Venezuela. In this publication, the user made direct mention of the Vice-President of the National Assembly, Diosdado Cabello.²⁰¹
- 23.03.2022: The anonymous account "Operación Tun Tun" made intimidating statements against the organisation Transparencia Venezuela and its Director Mercedes de Freitas. In the publication, it made direct threats against Nicolás Maduro, Diosdado Cabello, Tarek William Saab, and Tarek El Aissami.²⁰²
- Regarding the specific cases presented by the Centre for Defenders and Justice the attacks against the Venezuelan Observatory of Social Conflict (OVCS) continue with

¹⁹⁶ UNWeb TV. ID: Fact-Finding Mission on Venezuela. 34th meeting, 49th Regular session of the Human Rights Council. Minutes 15:38 - 19:29. Available at: <https://media.un.org/en/asset/k1c/k1c4g4dvw1>

¹⁹⁷ UNTIL WHEN? Venezuela regrets the use of human rights as a weapon to attack the country. Lechuguinos. 18.03.22. Available at: <https://www.lechuguinos.com/venezuela-lamenta-el-uso-de-los-ddhh-como-arma-para-atacar-al-pais/>

¹⁹⁸ Venezuela reiterated at the UN its disavowal of the supposed Human Rights Fact-Finding Mission. Correo del Orinoco. 19.03.22. Available at: <http://www.correodelorinoco.gob.ve/venezuela-reitero-en-onu-su-su-desconocimiento-a-supuesta-mision-de-verificacion-de-hechos-sobre-ddhh/>

¹⁹⁹ <https://twitter.com/OperTunTun/status/1505934407412203520> 64 Twitter. Tweet by Operacion Tun Tun. 21.03.21. Available at: <https://twitter.com/OperTunTun/status/1506046744580304903>

²⁰⁰ Twitter. Tweet de "Operación Tun Tun". 22.03.2022. Disponible en: <https://twitter.com/OperTunTun/status/1506340977270833157>

²⁰¹ Twitter. Tweet from "Operation Tun Tun". 23.03.22. Available: <https://twitter.com/OperTunTun/status/1506802661944967175> Twitter. Tweet from "Operation Tun Tun". 23.03.22. Available: <https://twitter.com/OperTunTun/status/1506803265262006273>

²⁰² Twitter. Tweet from "Operation Tun Tun". 23.03.22. Available: <https://twitter.com/OperTunTun/status/1506804029204176897>

impunity, without having been investigated or the stigmatising statements against it being reversed. On the contrary, the stigmatisation continues.

- In relation to the case of the Asociación Civil Acción Zuliana por la Vida (Azul Positivo), the criminal proceedings against them are still ongoing, and the members of the organisation are still being held in custody.

TRENDS AND PATTERNS

- Based on its mandate of documentation, research and monitoring, the Center for Defenders and Justice has been able to determine the patterns and trends that have marked the period covered by this report in terms of rewards for cooperation with the United Nations, and which, consequently, make the Venezuelan context a hostile and adverse context for the defence of human rights, particularly for those activities that fall within the framework of international advocacy within the Universal System of Protection.
- In this regard, in general terms, the CDJ has noted a 145% increase in the criminalisation of the defence of human rights in the country, with a total of 743 attacks documented in 2021,²⁰³ compared to the year 2020 when 303 attacks and security incidents were recorded.²⁰⁴
- The deepening of the criminalisation policy is evidenced on the one hand by the increase in the number of attacks, as mentioned above, and on the other hand, by the improvement of the pattern of attacks and the increase in state violence to hinder the defence of human rights through legal and de facto means. A concrete example of this is the documented trend, in the period April 2021 - March 2022, in which a total of 661 aggressions were documented, representing a significant increase in relation to the period April 2020 - March 2021, in which a total of 484 were registered and reported to this mechanism.
- In this regard, in the period under evaluation by the Secretary General, the aggressions and attacks were distributed and characterised as follows: 462 acts of stigmatisation; 112 acts of intimidation and harassment; 47 threats; 13 acts that compromised the life and integrity of the organisations; 10 digital attacks; 7 arbitrary detentions; 5 prosecutions; and 5 raids.
- Of the total recorded by the CDJ in this period, 47 are constituted as a form of reprisal for cooperating with UN mechanisms, which are characterised and distributed as follows: 35 acts of stigmatisation; 7 acts of intimidation and harassment and 5 threats.

In this regard, it is worth noting that, according to the trend documented during this period, reprisals tend to increase in the framework of the actions carried out within the United Nations in relation to the human rights situation in the country.

- It is also imperative to highlight the adoption of Administrative Ruling N° ONCOFT-002-2021, originally adopted in April 2021, and amended in May of the same year. As established above, this normative and administrative instrument, first of all, aims to regulate human rights, which, according to international standards and particularly domestic law, is a matter of strict legal reserve. Secondly, this instrument pre-classifies those who carry out activities in defence of and demand for human rights as "terrorists", and therefore aims to regulate the international cooperation activities of these organisations.
- In this sense, the CDJ is concerned about the validity of this instrument, particularly in view of the international advocacy actions carried out by the Venezuelan human rights movement, since, taking into account that this instrument extends its competence to technical cooperation, as well as the verified and reiterated State practice of criminalising international cooperation and denunciation under the Security Doctrine, the Ruling poses a latent threat of reprisals against civil society organisations that turn to United Nations bodies.
- On the other hand, it is appropriate to point out the actors and institutions from which the documented reprisals emanated during this period. In this regard, the main perpetrators

²⁰³ Centre for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela - Año 2021. Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>

²⁰⁴ Centre for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela - Año 2020. Available at: <https://centrodefensores.org.ve/?s=2020>

include officials holding high positions of power, particularly in the executive and legislative branches, including the President of the Republic, ministers, diplomatic representatives, and members of parliament. Similarly, public institutions participated in the attacks, echoing the statements and threats against the organisations. Finally, digital platforms belonging to the National System of Public Media, or affiliated and sympathetic to the governing party, which in the period under analysis, disseminated and generated media inputs with negative messages against organisations and individuals who carry out advocacy and cooperation actions with the United Nations, stand out.

- Similarly, the perpetrators also include people affiliated with the governing party, who through social networks replicate the official state discourse on the defence of human rights and make direct and indirect threats against the human rights movement. In this regard, although the threats professed on digital platforms tend to be anonymous, in Venezuela there is a system in place parallel to the state in charge of carrying out control and social intelligence, headed by the Popular System of Protection for Peace (SP3).²⁰⁵ For this reason, the CDJ is concerned that these messages are carried out by members of this group, who, due to their territorial nature, have the capacity to carry out threats and other aggressions.
- On the other hand, it is of concern that in Venezuela there are no measures of any kind aimed at guaranteeing the protection of human rights defenders and organisations. On the contrary, what continues to be documented is the adoption of increasingly severe measures to restrict and criminalise the defence of rights. In the absence of a regulatory framework that promotes and guarantees the promotion, defence and demand for rights, human rights organisations and defenders find themselves in a state of absolute lack of protection at the national level. In turn, they face the risk of reprisals when they turn to United Nations bodies to request support for themselves, their organisations, or the victims they represent.
- The above demonstrates how the Venezuelan state is increasingly distancing itself from its international obligations to respect, guarantee and protect human rights, and in its efforts to evade international scrutiny, seeks to curtail the right of organisations and individuals to resort to United Nations mechanisms in the framework of their work of documentation and denunciation for the vindication of rights, the recovery of democratic institutions, and the obtaining of justice, truth, reparation and guarantees of non-repetition.
- We reiterate the need to seek and ensure enabling and safe environments for the defence of human rights, where human rights defenders can do so without fear of reprisals. Otherwise, restricting the defence of human rights would leave the most vulnerable victims and individuals unprotected.

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

²⁰⁵ AVN: Ejercicio cívico-militar Zamora 200 fortalece unión entre la FANB y el pueblo venezolano. 13/01/2017:

<http://www.avn.info.ve/print/381074>

Gaceta Oficial Nro 40.582 del 16 de enero de 2015. Disponible en:

<https://dhqrdotme.files.wordpress.com/2015/01/sistema-popular-de-proteccion-3b3n-para-la-paz.pdf>

Twitter. Partido Socialista Unido de Venezuela anuncia en sus redes sociales la creación de las RAAS. 2018. Disponible en: <https://twitter.com/partidopsuv/status/985709362671861760?lang=en>

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.

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 LBB governorate. The person went to his neighbourhood and questioned the neighbours 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.

In terms of follow up, as documented most recently in the 2021 report of the **UN PANEL OF EXPERTS ON YEMEN**, parties to the conflict have continued to commit serious violations of international humanitarian law and international human rights law, and reprisals against civil society organizations (CSOs) and human rights defenders (HRDs) who cooperate with the United Nations and its mechanisms. In its report, the UN Panel of Experts stressed that "the arbitrary arrest and detention of journalists and human rights defenders, and threats against them, continued to be widespread over the course of the reporting period, affecting their ability to document and report on violations (see annex 34)." The report also stresses that "the Panel has determined that the publication of this annex may pose a threat to individuals and entities, and their activities in Yemen. Therefore, the information in this annex is not for publication."

Yemen's case represents an instance in which reprisals are carried out by all parties to the conflict to ensure continued impunity. The methods used include threats, intimidation, movement restrictions, arbitrary detention and violence against human rights defenders. In their 2021 final **REPORT** to the Human Rights Council, the United Nations Group of Eminent Experts reported on documented cases of the enforced disappearance, arbitrary detention and torture of journalists, human rights defenders and religious minorities, stating that parties to the conflict engaged in these practices "to silence their perceived opposition or to punish them for their religious beliefs, and to legitimize their power through the spread of fear."

The surveillance of human rights work has also increasingly been documented and reported. The Ansar Allah (Houthi) forces issued a statement²⁰⁶ on 10 January 2021, stating that no online sessions, research, communication, and/or discussions are to be conducted without the de facto authority's approval. Intimidation campaigns have targeted human rights defenders, including women, who were exposed to violence and cybercrime with incitement, defamation, bullying, and death threats, as documented for example by the Sisters Arab Forum for Human Rights (SAF), in **A SHADOW REPORT 2020**²⁰⁷ on the situation of women human rights defenders in Yemen.

Case 1- Mwatana for Human Rights

Mwatana for Human Rights is an independent Yemeni organization engaged in defending and protecting human rights and operates through field investigation and research.²⁰⁸ Within the reporting period, fourteen incidents targeted Mwatana's field researchers and lawyers. These

²⁰⁶ Statement from the De Facto Authority Presidency of Republic Supreme Council in Sana'a. (January, 2021) See at: <https://news.un.org/ar/interview/2020/09/1061072>, (annex 1).

²⁰⁷ The Implementation of CEDAW in Yemen, Source: The Yemeni NGOs CEDAW Collation (October 2020), See at: <https://static1.squarespace.com/static/5e21d2d4aa9bc02b2a6fdb06/t/5f87267f89e5f722dcca54b8/1602692738643/yemen+cedaw+shadow+report+4+october+2020.pdf>.

²⁰⁸ Mwatana for Human Rights, available at: <https://www.bing.com/newtabredir?url=https%3a%2f%2fmwatana.org%2fen%2f>

comprise of incidents where parties to the conflict have used threats, intimidation tactics, arbitrary detention, and physical attacks targeting the staff in different geographical areas throughout Yemen including in Sana'a, Taiz, Hadhramout, Marib, Hudaydah, Dhamar, Aden, Amran and Ibb. These areas, which fall under the control of different parties to the conflict, shows not only the widespread nature of such violations but also the involvement of all parties to the conflict in their commission.

The Ansar Allah (Houthi) forces are responsible for six incidents comprising threats, intimidation as well as an armed attack.

- In July 2021, one of the field team received a message with a threat from someone who works in the Houthi-held political security.
 - In November 2021, a lawyer was threatened, in person, by a Houthi supervisor while providing legal support to an arbitrarily detainee.
 - In May 2021, a grenade bomb was thrown and exploded meters away from a lawyer's house in one of the governorates under the control of the Ansar Allah (Houthi) forces.
 - In September 2021, a lawyer was threatened in a meeting with a Houthi official while following up on cases of detention. The lawyer was informed that their movement is being monitored.
 - In February 2022, one of the field teams was intercepted and followed by two Houthi militants.
 - In January 2022, one of the field teams was threatened by the Houthi-held military intelligence for working without obtaining an official permission.
 - In January 2022, a lawyer was summoned by the Houthi-held military intelligence and threatened to be detained for working without obtaining an official permission.
 - In January 2022, a lawyer was threatened to be detained by a Houthi person for following up on legal cases.
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- The internationally recognized government of Yemen is responsible for two incidents of threatening, intimidation and arbitrary detention targeting Mwatana staff.
 - In September 2021, one of the field team received a message from someone working in the Internationally Recognized Government of Yemen (IRG)-held military police stating that the phone is being monitored.
 - In January 2022, a lawyer was summoned by the IRG-held military intelligence for his work, following up on a case of arbitrary detention.
 - In February 2022, one of the field teams was detained for five days by the IRG.
 - In January 2022, during a field visit, a lawyer was threatened with a lawsuit by an officer working with IRG.
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- The Southern Transitional Council (STC) is responsible for an incident of arbitrary detention and the UAE-backed Western Forces are responsible for an incident of physical attack against Mwatana staff.
 - In September 2021, one of the field teams was arbitrarily detained for around 4 hours by the Southern Transitional Council (STC).
 - In February 2022, while working in the field, one of the field teams was stopped by the UAE-backed forces (western coast forces, Joint Forces) was beaten and filmed. They took a photograph of his ID.

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.
 - The burden should be shifted away from the victims to navigate the bureaucratic reporting requirements and proactively submit information by a specific deadline. Ideally, once a case has been documented, the burden should shift to the system to follow it up until it's resolved.

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 an UN-wide policy on the participation, promotion and protection of human rights defenders.
- The report's structure should be tweaked to separate positive developments or resolved cases from negative developments because as it reads now, a State that has taken positive steps is listed alongside perpetrators.

Recommendations to the Human Rights Council

- To more effectively prevent reprisals, the Human Rights Council as a whole and/or its President and Bureau should provide guidance that clearly outlines the steps that the Human Rights Council will take upon receipt of information about credible risks of reprisals to ensure consistency of action across different terms of the presidency and memberships of the bureau.
- When acts of intimidation, harassment and reprisals occur during or in connection with Human Rights Council sessions against individuals who are seeking to participate, or participating, in Human Rights Council sessions or events, the Human Rights Council, acting through the President, has a responsibility to investigate and publicly denounce such acts, in order to ensure the integrity of its processes.
- The President, in consultation with the Bureau, should continue to follow up on cases of alleged reprisals brought to their attention. This should include:
- Investigating the allegation.

- Where the allegation is verified and the safety of the defender will not be put at risk, sending a communication to the State concerned which (a) strongly condemns the allegations; (b) sets out what steps are required to prevent recurrence and provide an effective remedy; and (c) requests the State to report back urgently on the steps and measures taken in this regard.
- Following up on all communications with States in this context; and
- In accordance with the Human Rights Council's mandate to perform its work in a transparent manner, keeping and making publicly available the minutes of any relevant meetings, together with letters of allegation and correspondence on cases where requested by the victim or their representatives.
 - 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 where requested by the victim or their representatives.
 - The President of the Human Rights Council and the Bureau should also automatically submit cases brought to their attention to the Office of the Secretary-General for consideration for the annual report.
 - The Human Rights Council should adopt resolutions that publicly and unambiguously identify and condemn reprisals, calling on States to uphold their human rights obligations by investigating, ensuring accountability, providing appropriate remedies and reporting back to the Human Rights Council on measures taken.
 - To better ensure effective investigation and accountability, the Human Rights Council should seek information concerning actions taken by States to prevent and ensure accountability for reprisals, assess States' compliance with international human rights obligations, and call on States to take further action where they fall short of meeting those obligations.
 - The Human Rights Council should require a State concerned to report back by including the discussion of its response to the risk or allegation of reprisals in Item 5 statements and in its next Universal Periodic Review report.
 - The Human Rights Council should adequately monitor the very concerning pattern of attacks of a personal nature against mandate holders and Commissions of Inquiries and make clear that attacks of this kind will not be tolerated. These attacks constitute an attack on the Council itself.
 - The Human Rights Council should consider strengthening the mandate of the senior official on reprisals, including by requesting more regular reporting, and that the senior official present the annual report of the SG on reprisals to the General Assembly and engage in an interactive dialogue on it.

Recommendations to the Special Procedures

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

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

Recommendations to the Treaty Bodies

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

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.