



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.

APRIL 2023

About the International Service for Human Rights

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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 2022 – 30 April 2023). 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

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.

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 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](#)

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.

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.

[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 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

⁷ Fact Sheet # 1 on Reprisal in Africa, African Commission on Human and Peoples' Rights, 2019, available at: <https://www.achpr.org/public/Document/Files/English/Fact%20Sheet%20N%201%20on%20Reprisals%20in%20Africa.pdf>

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_5bd5036ff5f1.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>.

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. However, the minutes of the Human Rights Council Bureau from 15 July 2022 mentioned allegations of reprisals against **Anexa Brendalee Alfred Cunningham**, a member of the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), who was prevented from boarding her confirmed flight to return home to Nicaragua following her participation in the 15th session of the EMRIP. These minutes clearly name an organisation, mention the name of the person facing the reprisals as well as the country responsible for these reprisals. The bureau also expressed its concerns over these reprisals and 'called on the Government of Nicaragua to cooperate with the President of the Human Rights Council to urgently clarify the situation and to give its assurances that Alfred Cunningham will not be subjected to any act of intimidation or reprisal, including impeding her return to Nicaragua, for discharging her mandate'. It is important that the Bureau continues discussing cases of intimidation and reprisals and reporting on these discussions publicly in the minutes.

Prior to Alfred Cunningham's case, the last time a country was named in 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.

We welcome the fact that the HRC Presidency and the Bureau mentioned the case of Anexa Brendalee Alfred Cunningham. The Presidency and Bureau should follow this example and take a more proactive role in investigating and following-up on cases of intimidation and reprisals. 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. 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.

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>.

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 cited again 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, 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 Ebrahim Metwally Hegazy**), and China (**Li Yuhan, 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: **Chue Youa Vang**; Iran: **Manouchehr Bakhtiari, Vahid and Habib Afkari**; Turkmenistan: **Nurgeldi Halykov**; Nicaragua: **Vilma Nuñez de Escorcia, Anibal Toruño, Marcos Carmona and Jonathan López**.

In September 2022, at HRC51, eight States raised individual cases of reprisals. The case of the **Human Rights Center 'Viasna'** in Belarus was publicly raised by the group of countries BENELUX (Belgium, the Netherlands and Luxembourg), Liechtenstein and Germany. Germany and Liechtenstein raised the case of **Ibrahim Metwally Hegazy** from Egypt, while BENELUX also raised the cases of **Armel Niyongere, Diéudonné Bashirahishize, Vital Nshimirimana and Lambert Nigarura** from Burundi and **Jiang Tianyong** from China. Germany additionally raised the cases of **Mohamed El Baqer** from Egypt and **Li Qiaochu, Li Yuhan, Guo Feixiong and Tang Jitian** from China.

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/hrc39-1-states-largely-decline-cite-specific-cases-during-councils-first-discussion-reprisals>

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

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

Meanwhile, Namibia's statement included the reprisals against **Palestinian Human Rights Organisations** by Israel. Denmark specifically drew attention to the case of **Abdulhadi Al-Khawaja** in Bahrain and Armenia included in their statement the case of **Ahmad Mammadli** in Azerbaijan.

Additionally, the report on reprisals was introduced for the first time at the General Assembly on 14 October 2022. On 19 October 2022, Ireland delivered a cross-regional statement on behalf of 80 countries, condemning intimidation and reprisals, and calling on States to prioritise and support the meaningful participation of civil society at the UN.

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: Laos human rights defender **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 organisation **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 March 2023, at the 52nd session of the HRC, the Benelux countries made a statement referencing the following specific cases: **Ibrahim Metwally Hegazy** from Egypt, **Jiang Tianyong** from China, **The Human Rights Center ‘Viasna’** in Belarus, five NGOs from Venezuela: **El Comité de Familiares de Víctimas del Caracazo (COFAVIC)**; **El Observatorio Venezolano de Conflictividad Social (OVCS)**; **El Centro de Justicia y Paz (CEPAZ)**; **Control Ciudadano** (and its director **Rocío San Miguel**); and **Espacio Público** (and its director **Carlos Correa**), **Armel Niyongere**, **Dieudonné Bashirahishize**, **Lambert Nigarura** and **Vital Nshimirimana** from Burundi as well as **Jan Capelle** and **Elvis Brown** from Cameroon.
- Also in March 2023 at the 52nd session of the HRC, Luxembourg raised the case of **Anexa Alfred Cunningham** during the General Debate on Item 3.

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 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 marginalised 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.

It is expected that the HRC will again consider a resolution on reprisals at HRC 54 in September 2023.

²⁰ <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F11&Language=E&DeviceType=Desktop>

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.

During the 77th session of the General Assembly, Ireland delivered another Joint Statement at the Third Committee, again 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.

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

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>

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.

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>.

Treaty body	Policy or guidelines on reprisals	Rapporteur or focal point on reprisals appointed	Functions of the rapporteur or focal point on reprisals defined in a specific document	Letters of allegation, and responses from States, publicly posted on the Committee's web page	Endorsed or adopted the Guidelines against Intimidation or Reprisals (San José Guidelines)
Committee on the Elimination of Racial Discrimination	Yes	Yes	Yes ²⁷	Yes ²⁸	Yes August 2014
Human Rights Committee	No	Yes	No	No	Yes ²⁹ June 2016
Committee on Economic, Social and Cultural Rights	No	Yes ³⁰	No	No	No ³¹
Committee on the Elimination of Discrimination against Women	Yes	Yes	Yes	No	Yes July 2018
Committee against Torture	Yes	Yes	Yes ³²	Yes	Yes ³³ September 2015

²⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FRLE%2F9029&Lang=en

²⁸ Not systematically, but on a case-by-case basis, keeping the principle to do no harm in mind.

²⁹ <https://www.unhcr.org/en/news-media/press/taxonomy/term/175/47582/human-rightscommittee-discusses-methods-work>.

³⁰ The Bureau of the Committee acts as the focal point

³¹ E/C.12/2016/2.

³² CAT/C/55/2.

³³ Adopted a statement on reprisals in 2013, in which the Committee indicated that, in handling allegations of reprisals, the Committee would follow the San José Guidelines (CAT/C/55/2, para. 2).

Committee on the Rights of the Child	No ³⁴	Yes	No	No	Yes May 2016
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	Yes	Yes	Yes ³⁵	Yes	Yes April 2016
Committee on the Rights of Persons with Disabilities	Yes	Yes	Yes	None reported to date	Yes September 2015
Committee on Enforced Disappearances	Yes	Yes	Yes	No Disclosed in annual reports	Yes September 2015
Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Yes ³⁶	Yes	Yes	Allegations of reprisals disclosed when visit reports are made public	Yes ³⁷ November 2015

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.³⁸

In 2022, the Secretariat reported that fewer reprisals 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

³⁴ Endorsed the San José Guidelines.

³⁵ www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx

³⁶ CAT/OP/6/Rev.1

³⁷ Endorsed the San José Guidelines at its twenty-seventh session

³⁸ HRI/MC/2020/2/Rev.1

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.³⁹

In 2023, the rapporteurs and focal points on reprisals participated in the inaugural meeting to discuss challenges in preventing and addressing acts of intimidation and reprisal against those who cooperate with the treaty bodies and to identify the issues that need further action by the treaty bodies' Chairs, experts and focal points and rapporteurs on reprisals. The Director of the Human Rights Council and Treaty Mechanisms Division highlighted four key recommendations, namely, that the rapporteurs and focal points on reprisals should work together to align their approaches, including through meetings as appropriate, that good practices in the implementation of the San José Guidelines should be identified and replicated among the treaty bodies, that focal points and rapporteurs in the various treaty bodies are encouraged to work together inter-sessionally and that the treaty bodies should make information about reprisals available on their web pages. Experts raised challenges in responding to allegations of reprisals, such as lack of cooperation of States parties and a perceived culture of denial when reprisals were addressed.⁴⁰

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 2021 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 rights⁴¹ 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 Organisations in that context.

³⁹ <http://undocs.org/HRI/MC/2022/4>

⁴⁰ HRI/MC/2023/2

⁴¹ A/HRC/48/28.

In 2022, 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 of intimidation and reprisals. 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. Yao Agbetse, focal point of the Coordination Committee on this issue, led the discussion which allowed for an assessment of the actions taken by Special Procedures and 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 as well as the importance of a systematic collection of actions taken by Special Procedures⁴².

The 2023 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 rights included information on new allegations from eight communications concerning six States, taken up by Special Procedures mandate holders, and follow-up information on cases concerning 15 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 Organisations 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 Inquiries⁴³ by several UN member States. ISHR views these attacks as reprisals against mandate holders for their work to investigate and report on allegations of human rights violations and abuses. It is wholly unacceptable that these individuals have been targeted simply for trying to fulfil the mandates given to them by the Human Rights Council. Beyond the impact on these individuals themselves, these acts of intimidation and reprisal constitute an attack on the Human Rights Council and the UN human rights system more broadly. We are particularly concerned at the proliferation of attacks, which speaks to a ‘copycat’ phenomenon regarding States’ tactics to effectively discredit, disparage, defame, threaten, and otherwise undermine these experts, ultimately hampering their abilities to fulfil their mandates. Furthermore, prominent UN experts being attacked without consequence may deter civil society from engaging with the mechanisms and is likely to increase fear in those seeking the protection of the UN.

In March 2021, media reports emerged that a senior Saudi Arabian official issued what was perceived to be a death threat against then Special Rapporteur on Extrajudicial Executions, Agnès Callamard, after her investigation into the murder of journalist **Jamal Khashoggi**.⁴⁴

In July 2022, **Anexa Alfred Cunningham**, a Miskitu indigenous woman, lawyer and expert in Indigenous Law and Policy, and a citizen of Nicaragua travelled to Geneva to carry out her first official mission to the fifteenth session of the Expert Mechanism on the Rights of Indigenous

42 A/HRC/52/70

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

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

Peoples (EMRIP), two months after being appointed to EMRIP. On Cunningham's way back to Nicaragua, the government of Daniel Ortega and Rosario Murillo denied her entry and did not allow her to board the plane.

On 15 July 2022, the President of the HRC, Federico Villegas, had contacted the Permanent Representative of Nicaragua and had requested clarification of the situation as well as the cooperation of the Government in rectifying the matter numerous times, without being able to receive any response or explanation. It clearly indicates an act of reprisal for her participation in the EMRIP session and seriously jeopardised Alfred Cunningham's safe return to Nicaragua. Unfortunately, it is not an isolated incident and is part of a series of actions the Nicaraguan government has taken to repress and punish dissident voices.

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.⁴⁵

ISHR has reported consistently 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.⁴⁶ Human rights organisations still face a significantly greater likelihood of being deferred than other kinds of NGO applicants.

The **International Dalit Solidarity Network (IDSN)** has held the record of the longest deferred NGO in the history of the NGO Committee, the most egregious example of reprisals by the Committee against an NGO seeking to cooperate with the UN. Starting 2008 when the application was first considered, received over 100 questions including repeated and arbitrary questioning over the course of 15 years. In December 2022, IDSN was finally granted consultative status when ECOSOC voted to grant consultative status to IDSN and eight other NGOs.⁴⁷

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.'⁴⁸ The Committee on NGOs must ensure apolitical, fair and transparent consideration of all NGO applications for consultative status.

ECOSOC and the Committee on NGOs are legally obliged to exercise their functions consistent with international human rights standards that include the rights to due process, non-discrimination, and the fundamental freedoms of expression, association and assembly. These standards apply in the interpretation and application of ECOSOC Resolution 1996/31, in respect of the Committee on NGOs when developing and applying its own procedures and practices and making recommendations in relation to NGO consultative status.

⁴⁵ <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>; <https://www.swissinfo.ch/eng/politics/ngos-face-uphill-battle-to-gain-access-to-the-un/48318440>;

⁴⁶ <https://ishr.ch/latest-updates/committee-on-ngos-politicised-committee-defers-almost-two-thirds-of-ngos-seeking-un-accreditation/>

⁴⁷ <https://ishr.ch/latest-updates/un-finally-grants-access-to-dalit-rights-organisation-blocked-for-a-record-15-years/>

⁴⁸ General Assembly resolution 53/144 (1998) <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

On 20 June 2019, the Coordination Committee of the Special Procedures sent a letter to the Committee on NGOs,⁴⁹ in which it submitted the following proposals and recommendations to ECOSOC and the Committee for their consideration.

The Coordinating Committee recommended that 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 organisations to promote and increase the diversity of such organisations 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 organisations 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.

⁴⁹ https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf

The Coordinating Committee recommended that 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 a depth review of long differed applications and to require States to justify the relevance of their questions or requests for additional documents;
- Review the Committee's working methods and practices with a view to making them more efficient, effective, and transparent in line with GA resolution 72/305, including, in particular, to reduce the cost and time associated with applying for consultative status.
- Continue enhancing the use of information technology, including by allowing NGOs to participate in the Committee's Q&A sessions via videoconferencing, to foster and increase the participation of, among others, NGOs from developing countries.
- Regularly hold and report on consultations with organisations with consultative status, as mandated in paragraph 61(a) of Resolution 1996/31.
- 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 recognised 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.⁵⁰ 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.⁵¹

The 2022 Secretary-General's report on women, peace and security follows up on the Secretary-General's directives to the United Nations and the five goals for the decade (2020 to 2030) laid out in the reports of the Secretary-General on women and peace and security from 2019 and 2020, paying special attention to the goal of turning the unconditional defence of women's rights into one of the most visible markers of the work of the United Nations on peace and security, and in particular the protection of women human rights defenders.

The report noted that across the globe, women human rights defenders have increasingly been targeted with attacks that silence their advocacy and prevent them from participating in public life. The ascendancy of extremist political actors and the resurgence of military coups and unconstitutional changes of Government have made the work of human rights defenders more dangerous. In most conflict-affected countries, men hold power, women are structurally or directly excluded, and women's rights and freedoms are deliberately targeted, even though women are at the forefront of protests against authoritarian leaders and are firm in their refusal to accept political settlements that do not guarantee their rights. Women expect concrete actions towards their inclusion, and reject tokenistic meetings with women's groups or the insertion of language in deals without their direct participation. To protect women's rights activists and their organisations, the Security Council has called for specific measures. In 2022, it held its first-ever formal meeting focusing on reprisals against women participating in peace and security processes.

This 2022 report documented that since 2018, more than a third of the women briefers invited to address the Security Council assisted by the NGO Working Group on Women, Peace and Security have been subjected to reprisals and intimidation. When UN-Women surveyed the women civil society representatives who briefed the Council between January 2021 and May 2022, 9 out of 32 respondents reported reprisals. Furthermore, not all survey respondents had undertaken a risk assessment and protection planning ahead of the meeting, and many of these were conducted by civil society instead of the United Nations or the inviting Security Council member. The SG

⁵⁰ <https://www.ishr.ch/news/reprisals-new-ishr-policy-brief-reprisals-and-security-council>

⁵¹ <https://www.womenpeacesecurity.org/resource/statement-UNSC-WPS-open-debate-january-2022/>

welcomed the development of guidance material to mitigate reprisals against civil society briefers by OHCHR and the formation of an informal group of Member States on the issue. Between September 2021 and July 2022, every elected Council member signed a commitment to prioritise women and peace and security during their rotating presidency. Their commitments included giving greater visibility to the agenda in their programmes of work when they hold the presidency, promoting the participation of women in Council meetings and taking specific measures to prevent reprisals against them, requiring United Nations briefers to include gender analysis in their statements, paying special attention to the recommendations of the Informal Expert Group or of women from civil society, and holding joint media stakeouts on these issues. During this period, there were four open debates on women and peace and security and several country-specific meetings devoted to gender issues.

In terms of conclusions and recommendations, the SG requested all relevant entities and departments to strengthen their responses to cases when individuals are at risk or have experienced reprisals. He also urged Member States and regional organisations to use all forums, including the Security Council, to report regularly on steps to improve the enabling environment for women human rights defenders, provide both material and political support to their work and their organisations, and prevent and respond to specific threats or reprisals against them. Finally, he encouraged the members of the Security Council to consider mandating that peacekeeping operations, special political missions and monitoring mechanisms linked to sanctions committees monitor and respond to risks, attacks, and reprisals against all human rights defenders and peacebuilders.

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.⁵² 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

⁵² <https://www.ishr.ch/news/model-law>.

right to participation at the international level.⁵³ 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 two provinces of the Democratic Republic of the Congo [DRC], Ecuador, Mongolia, Niger and Perú). Before them, Brazil, Burkina Faso, Colombia, Côte d'Ivoire, Honduras, Mexico and Mali had done so as well. Other countries are developing or have proposed such laws and policies (or reforms), including Benin, the Central African Republic, Colombia, the DRC, Guinea, Madagascar, Mexico, Nepal, Paraguay, Perú, the Philippines, Sierra Leone, Senegal, Togo, Uganda and Zambia.

The efficacy of these laws and policies has been discussed before high national courts in Brazil and Colombia.⁵⁴

While much valuable work is being done to evaluate how well defenders are protected by these laws and policies,⁵⁵ 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.⁵⁶

At the outset it is useful to note that several of the older laws and policies on the protection of defenders do not recognise rights or create 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.⁵⁷

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**,⁵⁸ section 10 incorporates the Model Law language; in the **Burkinabe** law, only the right

⁵³ <https://www.ishr.ch/ishr-submission-sg-report-reprisals-good-practices-legal-and-policy-framework-national-level>

⁵⁴ Protection International: *The ruling of the Tutela Action in Colombia explained* [Infographic];

Constitutional Court of Colombia "The Court held a hearing in which the situation of the leader population and human rights defenders was exposed" (only in Spanish).

⁵⁵ 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.

⁵⁶ 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.

⁵⁷ 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.

⁵⁸ [House Bill No. 77 Human Rights Defenders Protection Act](#). This is a consolidated draft from bills that were presented to the House of Representatives (HoR). Identical bills were passed on third and final reading in the HoR during the 17th and 18th Congresses but were not acted upon by the Senate. This refiled (from 4 July 2022) seeks HoR, Senate and presidential approval.

to be affiliated with non-governmental organisations is mentioned in Article 6;⁵⁹ 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);⁶⁰ the **Honduran** law speaks of the right to communicate with NGOs and intergovernmental organisations (Article 4[5]);⁶¹ the law in **Mali** (Article 3[3])⁶² and draft law in **Niger** (Article 4)⁶³ 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]);⁶⁴ Only one of the regional edicts from the **DRC (South Kivu)** recognises this right in Article 4d).⁶⁵

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])⁶⁶ and the bill being considered in the Philippines (section 10)⁶⁷ 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;⁶⁸ 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);⁶⁹ 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;⁷⁰ 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 competent to receive and consider such matters in accordance with the applicable international procedures and instruments in .⁷¹

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;⁷² 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

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

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

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

62 [Loi No2018-003/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 République Du Niger](#)

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

65 [Edict N°001-2016 of 10 February 2016 on the protection of human rights defenders and journalists in the South Kivu province](#)

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

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

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

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

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

71 [The Human Rights Defenders Bill 2017.](#)

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

authorisation and the relevant ministry having been informed;⁷³ 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).⁷⁴ Both of the regional edicts from the **DRC** partially protect this right. The **South Kivu** edict states in Article 14 that the provincial government must take all necessary measures to ensure that HRDs are protected against all forms of threats and reprisals.⁷⁵ The **North Kivu** edict states in article 5 that HRDs shall not be subjected to any form of stigmatisation, harassment, intimidation, judicial prosecution or others as a consequence of his work.⁷⁶

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 24,⁷⁷ as does the draft being developed by civil society in **Sierra Leone** (Part IV, Section 11);⁷⁸ 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);⁷⁹ 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 in case of risk arising from their activities (Articles 9, 17);⁸⁰ 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);⁸¹ 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);⁸² 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).⁸³ The **DRC South Kivu** edict states in Article 14 that local authorities shall protect HRDs against any form of violence, threats, reprisals, discrimination or other actions that they may be subjected to as a consequence of their work.⁸⁴ The **North Kivu** edict states in article 10 that local authorities shall ensure the protection of HRDs, and article 6 states that WHRDs shall enjoy special protection against any kind of threat, violence or any other form of abuse.⁸⁵

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

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

75 [Edict N°001-2016](#) of 10 February 2016 on the protection of human rights defenders and journalists in the South Kivu province

76 [Edict N° 001/2019](#) of 30 November 2019 on the Protection of Human Rights Defenders in the North Kivu Province

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

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

79 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

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

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

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

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

84 [Edict N°001-2016](#) of 10 February 2016 on the protection of human rights defenders and journalists in the South Kivu province

85 [Edict N° 001/2019](#) of 30 November 2019 on the Protection of Human Rights Defenders in the North Kivu Province

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 sanctioned 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;⁸⁶ the law in **Mali** states that violations against defenders shall be sanctioned in accordance with applicable laws (article 17);⁸⁷ 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);⁸⁸ Part V(10) of the draft law being developed by civil society in **Uganda** makes it an offence to intimidate a human rights defender;⁸⁹ 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).⁹⁰ The **DRC South Kivu** edict states in Article 15 that violations against HRDs shall be sanctioned in conformity with the Congolese Penal code.⁹¹ The **North Kivu** edict states in article 13 that any person that violates the rights of HRDs recognised in the edict or whose conduct is likely to hinder the activities of HRDs in the Province, will be punished in accordance with the applicable criminal legislation. If the conduct is not punishable by other legislation, the perpetrator can face prison for up to 2 years and/or a fine from 100,000-1,000,000 Congolese francs.⁹²

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.⁹³

⁸⁶ 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

⁸⁷ Loi No 2018-003/Du 12 Janvier 2018 Relative aux Defenseurs des Droits de l'Homme, 2018.

⁸⁸ Law of Mongolia on the legal status of human rights defenders

⁸⁹ The human rights defenders' bill, 2018.

⁹⁰ The Human Rights Defenders Bill 2017.

⁹¹ Edict N°001-2016 of 10 February 2016 on the protection of human rights defenders and journalists in the South Kivu province

⁹² Edict N° 001/2019 of 30 November 2019 on the Protection of Human Rights Defenders in the North Kivu Province

⁹³ <https://www.ohchr.org/Documents/Issues/Reprisals/CommentsReprisalsEvent24Oct2018.docx>

A recent stark example of this is Bahrain, which was omitted amongst the new cases in 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 criminalised or publicly vilified.⁹⁴ 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 organisations are so intimidated that they do not even want to engage with the UN.

On 12 March 2020, ISHR launched a study, '[Intimidation and its Impact on Engagement with the UN Human Rights System: Methodological challenges and opportunities](#)'.⁹⁵

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

ISHR's study responds to this challenge and proposes methodological approaches to strengthen the future capacity to measure and understand how intimidation tactics – both blunt and subtle – effectively inhibit human rights reporting and action, thus reinforcing impunity for States' abuses. As a starting point, the study finds that in order to maximise or optimise 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.

94 A/HRC/42/30

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

- 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 organisation 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 not only by representatives of governments, but also by individuals affiliated with, supported by or acting as an extension of governments. In sessions of the Human Rights Council and the Universal Periodic Review, as well as various treaty body reviews, ISHR has noted over time the proliferation of so-called “GONGOs”—governmental non-governmental organisations - and analysed their role in shaping the environment where reprisals and intimidation occur. Governments’ support to GONGOs means that they are often granted consultative status with the UN, while independent NGOs continue to be denied such status, or subject to frivolous or excessive questioning - which can, in some cases, amount to intimidation - in the NGO Committee and its parent organ, the UN ECOSOC. The presence of GONGOs allows them to influence the discourse about human rights in a particular state or region and water down the real issues at stake; in a handful of cases, GONGOs have used space allotted for civil society in the Human Rights Council and treaty bodies to undermine the credibility and legitimacy of other, independent civil society voices.

In the treaty bodies, GONGO representatives — who are considered on equal footing with other members of civil society by the UN secretariat — have registered for confidential and closed briefings with Committee members. In all cases, this has created a chilling environment for independent HRD participation, who may opt not to participate, or may self-censor, in order to mitigate risks of being identified by GONGOs. GONGO presence has also led to concrete dangers to independent civil society, in the form of verbal intimidation or harassment, or covert monitoring of civil society engagement. In at least one case discussed below, GONGO participation in a treaty body review is believed to have led to a direct reprisal from government authorities. More generally, 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 which they believe to be directly linked to information provided to the government by GONGOs.

DENIAL OF ACCESS TO THE UN

UN Women

Hui-Jung Chi is a well-known Taiwanese activist. Chi was the Chief Executive Officer of The Garden of Hope Foundation (GOH), from 1992-2020. On 16 September 2020, Chi was blocked from participating in a closed-door virtual meeting held by UN Women's Asia Pacific Regional Office. 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. 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, 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 Chi's colleagues on the phone and said neither 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 apologised 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) organisation 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, Chi's case was not included in the SG's report in 2021, nor 2022, without explanation. In response to a letter sent to UN Women from 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 Chi responded arguing that 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.

Algeria

On 24 August 2022, human rights defenders **Kaddour Chouicha** and **Jamila Loukil**, members of the **Algerian League for the Defence of Human Rights (LADDH)**, were prevented from travelling to attend the UPR pre-session organised by UPR-info. This is a clear case of reprisals against human rights defenders attempting to cooperate with the UPR. Chouicha, Loukil and other human rights defenders face criminal charges, including 'enrolment in a terrorist or subversive organisation active abroad or in Algeria'. They are awaiting trial. If convicted of these charges, they face up to twenty years imprisonment.

The Special Rapporteur on the situation of human rights defenders issued a [statement](#) addressing the intensified crackdown against HRDs in Algeria and addressed the reprisals case: "several members of LADDH have allegedly faced obstacles to and retaliation for their cooperation with the United Nations, particularly when actively participating in Algeria's Universal Periodic Review in 2022".

On 20 January 2023, LADDH members learned of the organisation's dissolution through social media. The court, without informing LADDH, ruled on 29 June 2022 in favour of the Ministry of Interior to dissolve the organisation, only making this decision public in September, without communicating it to the organisation. The intensifying crackdown on LADDH is representative of the heightened repression against the pro-democracy movement and dissenting voices.

We call on Algeria to take specific actions to resolve this case, including dropping the criminal charges, and reinstating the organisation. We also call on Algeria to publicly commit to protecting human rights defenders and condemn any intimidation or reprisals against them.

In terms of follow-up, Kaddour Chouicha delivered a video statement to the Human Rights Council on 27 March 2023 during the UPR adoption of Algeria mentioning the travel ban and harassment he faced. The Algerian ambassador replied that Chouicha was released under judicial supervision and that he could not travel for that reason, especially given the fact that he did not inform the examining magistrate or requested his lawyer about his travel. However, after Chouicha was released, no sanctions were imposed on him such as a withdrawal of his passport or travel ban. Chouicha's judicial supervision did not mention any restriction related to his freedom of movement and thus he should not have been banned from leaving the country.

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 organisation which works on sexual and reproductive health and rights and access to abortion services, and its representative, **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 Mendoza Cortés made a statement in Geneva that was publicly broadcast. On 8 November 2019, when CEDAW made public its concluding observations on Andorra, 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 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.'⁹⁶ 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.

⁹⁶ <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F11&Language=E&DeviceType=Desktop>

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.

A report by the Parliamentary Assembly of the Council of Europe, which addresses the case, was released on 21 February 2022.⁹⁷ The report 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 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.

The case against Vanessa is still open. She has asked for the formal closure of the casefile but has not received an answer. 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.

In terms of follow up:

- On 20 October 2022, the legal representative of Stop Violències received the formal indictment by the criminal investigation court (Batllia d'Andorra, Secció d'Instrucció Especialitzada 2). It considers there is sufficient evidence to commit the case for trial before court, for a "minor continued crime against the honour (or prestige) of the institutions under article 325 of the Andorran Criminal Code". According to which, the penalties are: fine of up to 30,000 euros and disqualification from holding public office for up to four years, without prejudice to the penalties that, if applicable, correspond to attacks against honour of people.
- As evidence, the indictment document clearly points at "report presented at the 74th session of the Committee of the CEDAW", the document "Summary of shadow report to the Session of the Committee of the CEDAW", declarations made in public media (i.e Cadena Ser), and the televised program on the Catalan channel "TV3".
- The judge granted Vanessa Mendoza Cortés conditional release, but with the obligation to appear before the judge when considered appropriate. Further, the judge mentioned that she also faces civil responsibility, under article 94 of the Criminal Code. They are currently pending to receive the date of the trial.
- As of April 2023, a date is pending for the trial before the Tribunal de Corts. However, it is expected to be relatively soon as the judges of the Court have already been appointed for this case.
- Amnesty International issued on February 2023 an [Urgent Action](#) asking to "stop the prosecution against Vanessa Mendoza Cortés"

⁹⁷ <https://pace.coe.int/en/news/8602>

The Bahamas

In October 2018, **Alicia Wallace** of **Equality Bahamas** participated in the review of the Bahamas by the CEDAW. In response, Wallace, along with her colleagues, 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 Wallace and other women human rights defenders. Moncur's threats and irresponsible speech and actions have not elicited a response from the government. Moncur first harassed 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 Wallace to guarantee her safety and that she no longer felt unsafe and was not interested in pursuing legal action, which Wallace reports is untrue.

In response to the call for submissions to the SG's report on reprisals in 2020, 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. 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 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. Wallace asserted that it would be more impactful for the government to publicly express its commitment to protect human rights defenders at the national level rather than limiting its statements of support to international spaces. She also recommended that The Bahamas rebuke incidents of reprisal, address perpetrators, and ensure its laws provide protection against hate speech.

In terms of follow up, in 2021 and 2022, ISHR reported that these recommendations had not been implemented and the status of the case remained the same. The same is true in 2023. ISHR continues to encourage the government of the Bahamas to take specific actions to resolve this case. In the meantime, Rodney Moncur has used his show to frequently degrade two other WHRDs and on 27 October 2022 referred again to Alicia Wallace, quoting her, referring to her as 'the activist' and making reference to her family members, which Alicia Wallace took as threatening. In January 2023, when Wallace quote-tweeted the Bahamas Permanent Mission to the UN Geneva when it commended States for non-discrimination and gender equality policies, noting the need for The Bahamas to do the same, the Permanent Mission blocked her on Twitter. The Director of Communications at the Office of the Prime Minister was informed, and there has been no action.

In particular, ISHR calls on the Bahamas to: (1) publicly express - at the national level - its commitment to protect human rights defenders, including women 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

1. Abdulhadi AlKhawaja and Dr Abduljalil AlSingace

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 AlSingace 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.

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.⁹⁸

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.⁹⁹
- 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,¹⁰⁰ 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.¹⁰¹ The Bahrain Government responded on 1 February 2022.¹⁰²
- 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

⁹⁸ 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>

⁹⁹ 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

¹⁰⁰ Bahrain Government response, Explanatory note in response to communication No. AL BHR 2/2021. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36397>

¹⁰¹ AL BHR 5/2021. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26918>

¹⁰² 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?gld=36840>

regarding the situation of several human rights defenders, including Abduljalil Al Singace and Abdulhadi AlKhawaja”, asking Bahrain to “take measures as soon as possible to ensure the effective protection of the rights human rights defenders including of Abduljalil Al Singace” and reiterating that their “immediate release” was requested by UN experts.¹⁰³

- 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.¹⁰⁴
- 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 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”.¹⁰⁵

Abdulhadi 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.¹⁰⁶ 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.¹⁰⁷ 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: Interventions relating to his case have been made frequently by Denmark and civil society actors during various sessions including at the 51st session of the Human Rights Council calling for his release and statements made by the Danish Mission in Geneva on 26 September 2022 and the UPR 41st session on 7 November 2022. Following this, on 29 November 2022, the Second Lower Criminal Court in Bahrain upheld two separate criminal charges levelled against Abdul-Hadi Al-Khawaja, in a trial involving serious violations to due process. The timing of his conviction suggests that the court proceedings may have been a reprisal as a result of increased UN advocacy efforts. As a result of his imprisonment and torture, Al-Khawaja suffers from chronic and degenerative health problems, which includes severe back pain, impaired vision and recently, cardiac issues. The multiple hunger strikes that Al-Khawaja has carried out to protest against his

103 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

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

105 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>

106 Maryam AlKhawaja, Twitter, 30 March 2022. Available at: <https://twitter.com/MARYAMALKHAWAJA/status/1509123909475569668>

107 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>

arbitrary detention and the systematic abuse of his human rights have worsened his health¹⁰⁸. In 2022/2023 he continued to be subjected to systematic medical negligence which greatly aggravated his health conditions. On 3 April 2023, The UN Human Rights Office issued a tweet stating: 'We're deeply concerned at reports of worsening health of detained rights defender Abdulhadi Al-Khawaja, serving life imprisonment for exercising rights to freedom of assembly & expression. We call on the government to provide urgent medical care & immediately release him.' On 4 April, the day after the tweet and a day before his birthday, Al-Khawaja was informed that he was suspended from making phone calls in response to an incident that had taken place two months earlier. On 6 April, the Government of Bahrain issued a response rejecting allegations of medical negligence and claiming that Abdulhadi Al-Khawaja refused to be transferred to the hospital. Maryam Al-Khawaja, Al-Khawaja's daughter, has publicly disputed this claim.

Dr Abduljalil 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.¹⁰⁹ 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.

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 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 [...]"

¹⁰⁸ *Ibid.*

¹⁰⁹ BIRD receives weekly updates from Dr Abduljalil AlSingace's family members.

appropriate[e]”.¹¹⁰ 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.

¹¹⁰ Copy of the expert opinion on file with BIRD.

- 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?

In terms of follow-up from the reporting period (1 May 2022 - 30th April 2023), Dr AlSingace continues to be held in Kanoo Medical Centre where he remains in effective solitary confinement since July 2021, alone in a single room without access to outdoor spaces and without being able to see or interact with each other despite both being held at the same facility.

Dr AlSingace suffers from chronic medical conditions, including post-polio syndrome, and requires crutches or a wheelchair to move. While imprisoned, Dr AlSingace continues to be subjected to the denial of timely and adequate medical treatment. There are important delays in his medication and pain relief. As of April 2023, Dr Abduljalil AlSingace remains on hunger strike without solid food after a year and 8 months, to demand the return of his confiscated apolitical research on Bahraini dialects, which he spent four years working on while in prison. In October 2022, Dr Abduljalil AlSingace was awarded the PEN Pinter prize as the International Writer of Courage 2022. On 15th January 2023, a coalition of 23 NGOs wrote to the King and Prime Minister of Bahrain regarding the case of Dr Abduljalil AlSingace and raising concerns over his health after more than a year and a half on hunger strike. No response from Bahrain’s government has yet been received as of April 2023.

On 23 August 2022, the Embassy of the Kingdom of Bahrain to the United Kingdom responded to MPs and others raising concerns regarding Dr AlSingace. In their statement they restated the reasons for his conviction and rejected allegations of wrongful imprisonment, mistreatment, and medical negligence. The embassy publicised its response via twitter on 28 September 2022.

2. Hassan Mushaima

The oldest Bahraini political prisoner, 75-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 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.

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. 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. 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.¹¹¹ 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.

¹¹¹ 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>

Mushaima [believes](#) that being held in the Kanoo Medical Centre is akin to being held in solitary confinement.¹¹² 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.¹¹³ 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.

Updates: Hassan Mushaima's case was included on 14 September 2022 in the annual report of the UN Secretary-General on cooperation with the UN. During the 52nd session of the Human Rights Council held in March 2023, Americans for Democracy and Human Rights in Bahrain (ADHRB) raised Hassan Mushaima's case and called for his release. On 24 November 2022, members of Mushaima's family began a sit-in outside Kanoo Medical centre. Four members of Hassan Mushaima's family were arrested after staging a protest demanding urgent medical treatment for Mushaima. Hassan Mushaima still requires timely and adequate treatment for several chronic medical issues he suffers from. As of April 2023, he still needs treatments for his kidneys, he is denied physiotherapy, he lacks treatment for loss of hearing, he is denied a knee surgery, and he continues to suffer from prostate and diabetes problems, without being able to receive adequate medical treatment. Additionally, he is in solitary confinement and therefore not permitted to leave the small hospital room in Kanoo Medical Centre where he is being confined 24 hours a day and where he has been held since 18 July 2021. He described the detention in his room as "worse" than solitary confinement since he is kept in complete isolation, with the exception of his family visitation. This prevents him from being able to exercise or go outside or being exposed to sunlight. On 23 August 2022, the Embassy of the Kingdom of Bahrain to the United Kingdom responded to allegations regarding the case of Hassan Mushaima. The embassy rejected the description of him as a political prisoner and dismissed any allegations of discrimination and medical negligence. The embassy publicised its response via twitter on 28 September 2022.

3. 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.¹¹⁴

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. Bahrain continued to use

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

113 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>

114 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

cyber repression to restrict civic space and freedom. 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;¹¹⁵ a 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.¹¹⁶ 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.¹¹⁷

Updates: Sayed Ahmed AlWadaei, 36 years old had his case and several of his relatives included in the 2018, 2019, 2020, and 2022 reports of the Secretary-General. As of April 2023, Sayed Nazar AlWadaei remains imprisoned at Jau Prison where he has currently completed 6 years of his combined sentences totalling 11 years. Authorities further refused to release Sayed Nizar under alternative sentencing which allows prisoners to complete their remaining sentence as non-custodial. Sayed Ahmed AlWadaei remains stateless and stripped of his nationality. He remains forced to live in exile abroad.

4. Duaa Alwadaei, Sayed Ahmed Alwadaei's wife

In October 2016, Alwadaei's wife Duaa Alwadaei and son were mistreated at Bahrain airport in reprisals for his activism in the UK.¹¹⁸ 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, Alwadaei, had also been detained, tried and convicted for her alleged failure to respond to an airport official in a polite manner."¹¹⁹ 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.¹²⁰ 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."¹²¹

115 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>

116 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>

117 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>

118 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>

119 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/Defetion/Opinions/Session82/A_HRC_WGAD_2018_51.pdf

120 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>

121 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>

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.

5. Sayed Nizar Alwadaei, Sayed Ahmed Alwadaei's brother-in-law

Alwadaei's brother-in-law, **Sayed Nizar Alwadaei**, remains in prison after being tortured and jailed¹²² in 2017 (then aged 18) in what the UN WGAD has declared "acts of reprisal" for Alwadaei's human rights work in the UK.¹²³ 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.

6. Najj Fateel

Human Rights Defender **Najj Fateel** is serving a combined prison sentence of twenty-five years and six months in Bahrain's Jau Prison. He has been imprisoned since 2013. Prior to his arrest, Fateel was on the Board of Directors of the Bahrain Youth Society for Human Rights (BYSHR). Najj was an active human rights activist who advocated for the documentation of human rights violations and encouraged people to form monitoring committees.¹²⁴ 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.¹²⁵ Despite international calls for Fateel's release, he remains arbitrarily imprisoned.

Updates: On 15 March 2023, the UN's Working Group on Arbitrary Detention published an opinion declaring that:

- There was "no legal basis" to justify Fateel's arrest and that, upon his release, Bahraini authorities should investigate his arbitrary detention and alleged torture.
- There were ongoing violations to his human rights whilst in prison including effective solitary confinement in contravention to rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 31 and principles 15 and 19 of the Body of Principles.
- The 'conditions of his detention significantly undermined his ability to properly defend himself' in judicial proceedings.

122 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>

123 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/Defetion/Opinions/Session82/A_HRC_WGAD_2018_51.pdf

124 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?gld=13123>.

125 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>

There are several concerns regarding the ongoing denial of medical treatment for Fateel and an update on medical conditions he is currently suffering with. As of April 2023, Naji Fateel is currently suffering from the following medical issues for which he requires timely and adequate medical treatment. He is also denied family support. Naji's family, specifically his wife and 3 of his 5 children, have not received government-subsidised housing as is their right and currently remain housed in a small flat. According to his wife, they have been unsuccessful in securing government housing since 1997.

On 2 June 2022, the Bahraini government submitted a response to the UNWGAD regarding the case of Naji Fateel. The government restated the reasons for his conviction.

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.¹²⁶ 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 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.¹²⁷ 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.

Bangladesh

The case of human rights organisation Odhikar and its Secretary Advocate, 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. Khan and Odikhar's Executive Director, 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

¹²⁶ Mary Lawlor, Twitter, 18 January 2022. Available at: <https://twitter.com/MaryLawlorhrds/status/1483441923214000129>

¹²⁷ 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>

submitting joint reports to the 2013 and 2018 UPRs of Bangladesh and to the Committee against Torture in 2019.

As of April 2022, Odhikar's bank accounts remain frozen, preventing the organisation 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 organisation (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 organisation; 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 judicial 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 Adilur Rahman Khan and its Director ASM Nasiruddin Elan in the case filed in 2013 under the Information and Communication Technology Act, 2006 (amended 2009). Khan and 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 a 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. Khan and 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. Khan and 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’.¹²⁸

On 7 February 2022, the NGO Affairs Bureau sent a letter to Odhikar. Although the content of the letter was related to the renewal of registration of Odhikar, it irrelevantly wanted to know the names and full addresses of the victims of extrajudicial killings and enforced disappearances from 2009-2021. In response to this letter, on 28 February Odhikar said that since the issue of renewal of Odhikar’s registration was being heard in the High Court Division of the Supreme Court, there was no opportunity for Odhikar to provide any information on this matter outside of court. On 1 March, the Attorney General’s Office, without informing Odhikar (the Petitioner), hastily moved for Odhikar’s Writ Petition to be heard by a Division Bench of Justice Mohammad Khasruzzaman and Justice Mohammad Mahmud Hassan Talukder at the High Court Division of the Supreme Court. Simultaneously, the NGOAB suspended its registration for eight years and refused to renew it on 5 June 2022. On 28 June, Odhikar appealed to the Secretary of the Prime Minister’s Office against the decision of the NGOAB. After a hearing on 3 August, the Prime Minister’s Office upheld the original decision of the NGO Affairs Bureau on 1 September not to renew Odhikar’s registration. Odhikar filed another Writ Petition (12007/2022) on 18 October 2022 before the High Court Division of the Supreme Court, challenging the NGOAB’s decision not to renew the registration and the Order of the Prime Minister’s Office. On 30 October, the court issued a Rule to the government in this regard. There is no response from the government side.

After the United States imposed sanctions against the RAB for serious human rights abuses, surveillance by government intelligence agencies on Odhikar intensified throughout 2022. During this period, the government and pro-government activists carried out malicious propaganda against Odhikar in various media.

In 2022, human rights defenders associated with Odhikar were under intelligence surveillance and subjected to various forms of intimidation and harassment for speaking out about human rights violations and communicating with members of the victims’ families. Abdul Kaium, a human rights defender in Mymensingh associated with Odhikar, was arrested on 11 May 2019 under the Digital Security Act (DSA), 2018. On 17 January 2022, Mymensingh’s Cyber Tribunal Judge held a one-sided hearing in the absence of Abdul Kaium’s lawyer in a case filed against him under the DSA. Another human rights defender in Rajshahi associated with Odhikar, was called by a RAB official

¹²⁸ <https://www.hrw.org/news/2022/04/07/bangladesh-stop-reprisals-against-victims-activists>

from his office at 9:00 pm on 7 March 2022 and asked about his contacts with the families of the disappeared victims and also about the meetings organised by 'MaayerDaak', a network of the families of the disappeared.

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. **Armel 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. Niyongere, Bashirahishize, and 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.

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.¹²⁹ 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.¹³⁰

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.

¹²⁹ http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_RLE_BDI_26799_F.pdf.

¹³⁰ <https://www.omct.org/fr/ressources/appels-urgents/burundi-condamnation-in-absentia-a-une-peine-de-prison-a-perpetuite-de-douze-defenseurs-des-droits-humains-en-exil>

Burundi responded to the CAT on 3 October 2022, alleging that the claim was inadmissible. The victims replied to the CAT on 19 December 2022. Furthermore, on 15 December 2022, Lambert Nigagura wrote to the Burundi Bar Association requesting to be reinstated as a member of the Bar. They responded that he must produce a document from the Court of Appeal to the effect that he is no longer being prosecuted. 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, the 45th session of the Human Rights Council in September 2020, the 51st session of the Human Rights Council in September 2022, and the 52nd session of the Human Rights Council in March 2023.

Cameroon

1. Maximilienne Ngo Mbe and Alice Nkom

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.¹³¹ 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 Maximilienne Ngo Mbe, and Alice Nkom.¹³² In October 2018, Maximilienne Ngo Mbe was surveilled by plain clothes officers of the intelligence service outside REDHAC offices, has since been followed by an unmarked car and also noticed another unmarked car carrying out surveillance of the REDHAC offices. When leaving the country, she is subjected to additional questioning and receives anonymous phone calls upon return welcoming her back into the country, indicating that her movements are being monitored. The incidents of surveillance and following happen regularly but were particularly heightened between October and December 2018. Since November 2017, she has also been subject to harassing text messages in the middle of the night calling her a liar, including by the Vice-President of the National Commission on Human Rights and Liberties, Pr. James Mouangue Kabila. She has been regularly and seriously harassed since 2009.

During the previous reporting period, 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, Paul Atanga

¹³¹ Governmental Cameroon Tribune published October 10.

¹³² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23417>.

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, Maximilienne Ngo Mbe and REDHAC were the subject of a Special Procedures communication in April 2020.¹³³ 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 terms of follow up, on March 18, 2022, the Executive Director of REDHAC was summoned to appear once again at the Yaoundé Judicial Police on the grounds of 'legal and judicial situation of REDHAC'. Later, the investigators brought out a complaint for 'embezzlement of capital from foreign partners, money laundering and non-payment of fees from the National Social Security Fund for employees', which can, according to the penal code of Cameroon, carry a sentence ranging from 5 years to life imprisonment. These convocations follow a meeting that the NGO had with Bouaka, former Director of the United Nations Centre for Human Rights and Democracy, which demonstrated his support for REDHAC's work. It also follows the NGO showing, with the help of statistics, that Cameroon was the country that least complied with Bachelet's recommendation regarding the release of prisoners during the COVID-19 pandemic. This incident also took place at a time when Bachelet had asked governments to release prisoners during COVID and we relayed this information and clearly made statistics to show that Cameroon was the country that least complied with this recommendation.

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 authorisation for their activities, and (4) the effective implementation of the recommendations of the ACHPR report on women defenders.¹³⁴

2. Nfor Hanson Nchanji

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 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 Hanson Nchanji returned to Cameroon after the Forum, a close relative had received a letter with death threats. In March 2019, Hanson Nchanji's family home was burned down by soldiers and his close relatives relocated. The incidents were reported to OHCHR at the

¹³³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25835&LangID=E>

¹³⁴ <https://www.achpr.org/presspublic/publication?id=19>

time but could not be publicly reported due to protection concerns. 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. Nfor Hanson Nchanji continues to experience online harassment including through fake social media profiles created in his name.

- [CNA by Nfor Hanson | Facebook](#) This page is not run by Nfor Hanson Nchanji but by state agents who post content and tag his website as if it were his profile.
- [Cameroon News Agency CNA | Facebook](#) This one pretends to be a CNA page and publishes government propaganda.

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.

3. Organic Farming for Gorillas Cameroon (OFFGO)

The case of the civil society organisation Organic Farming for Gorillas Cameroon (OFFGO) was included in the 2020, 2021, 2022 report of the Secretary-General. OFFGO suffered long-running defamations and reprisals campaign following a communication by UN Special Procedures¹³⁵, including expulsion from the country of Jan Joris Cappelle, a Belgian national and co-founder of the organisation, threats against traditional chief, Prince Vincent Awazi, and death threats and attacks against **Elvis Brown Luma Mukuna**, the organisation's lawyer, and his relatives¹³⁶. Reprisals include arbitrary detention/torture of **Jan Cappelle**, false arrest of Jan Cappelle, arbitrary expulsions of Jan Cappelle, destructions of Jan Cappelle's properties, death threats against barrister Luma Mukuna, Tudig's Regent Chief Vincent Awazi and Jan Cappelle, grenade attack by armed men in a military vehicle, raids at OFFGO's office, attempted kidnappings of barrister Luma Mukuna and relatives, torture of relatives of barrister Luma Mukuna, shooting of a relative of barrister Luma Mukuna during a failed kidnapping attempt and the use of trumped up charges and a fictitious judgement with an attempt to silence Jan Cappelle and Vincent Awazi. In 2016, the local administration threatened to arrest villagers in Tudig in the Northwest region of Cameroon if the villagers continued their cooperation with Jan Cappelle. In November 2019, the NCHRF confirmed the use of violence against barrister Luma 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 prosecutors, no investigations were carried out.

The case of barrister Elvis Brown Luma Mukuma was also 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 defenders¹³⁷, which noted continued threats and

135 (CMR 3/2019)

136 (CMR 5/2019)

137 (A/HRC/46/35, para. 76)

physical attacks against his relatives, including as a warning against him to stop his human rights activities.

In terms of follow up, this case was raised publicly at the 49th (2022) and the 52nd (2023) sessions of the UNHRC by the countries Belgium, Luxembourg and the Netherlands. The countries asked the UNHRC President, Bureau and Secretariat to address this case with the Government of Cameroon.

On 20 April 2022, UN Special Procedures wrote the Government of Cameroon about ongoing acts of reprisals against human rights defenders.¹³⁸ It included the use of death threat calls in January 2022 and February 2022 following the killing of a prominent lawyer, Henry Kemende. It also included a kidnapping attempt of barrister Luma Mukuna on 6 November 2021. These incidents were also included in the UN Secretary General's latest annual report on reprisals for cooperation with the UN¹³⁹, which also highlights the high risk of ongoing reprisals in the future.

On October 10 2022, the Government of Cameroon answered UN Special Procedures¹⁴⁰ saying that court proceedings have been introduced, with Jan Cappelle as key witness, and that measures have been discussed in order to protect Luma Mukuna from future attacks. Jan Cappelle received two summons in July 2022 to appear in the Courts of Mbengwi on 5 and 22 October 2022. When Jan Cappelle submitted a visa application to the embassy of Cameroon in Belgium, the consul immediately rejected the visa application “because Jan Cappelle is not allowed to enter Cameroon”, which made it impossible for him to honour the summons from the courts. In a letter to the Ministry of External Relations of Cameroon (MINREX) of 13 January 2023, the ambassador of Belgium in Cameroon stated that MINREX denied to have instructed this visa rejection. The ambassador of Belgium in Cameroon also asked MINREX for clarifications and which measures have been taken by MINREX to make sure that Jan Cappelle can honour the summons in court. The measures to protect Luma Mukuna from future attacks have also not been put in practice either.

From 9 December 2022 onwards, Jan Cappelle received numerous anonymous intimidating WhatsApp messages. On 23 December 2022, the spouse of barrister Elvis Brown Luma Mukuna received death threat calls from a private number and on 1 February 2023, barrister Mukuna received a call claiming that his house was closely monitored and that there were instructions to kidnap his spouse. Despite a complaint filed to the police, the police did not inform Luma Lukuna that it opened an investigation. It was also said that “both Jan Cappelle and his lawyer will be killed and that the diplomats will not be able to save them this time.” Furthermore, the messages to Jan Cappelle include an intimidating email that was sent to the Cameroon State human rights commission NCHRF in October 2020, in which the author - that copied the cabinet of the Presidency of Cameroon in the email - urged the NCHRF to review their 2017 and 2018 reports on the file of OFFGO/Jan Cappelle, arguing that these reports damaged the reputation of Cameroon at the UN, and that NCHRF's cooperation with Jan Cappelle could constitute an act of treason. It was also said that the former President of the NCHRF and the former Secretary General of the Northwest branch of the NCHRF “were killed due to their role in Jan Cappelle's file in Cameroon.”

The case of OFFGO was documented in the report of the Special Rapporteur on the situation of human rights defenders in 2023 to the Human Rights Council on success through perseverance

¹³⁸ (CMR4/2022)

¹³⁹ (A/HRC/51/47)

¹⁴⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37222>

and solidarity: 25 years of achievements by human rights defenders¹⁴¹, which noted the important support to OFFGO from States and some of the diplomatic community in relation to the use of threats and physical attacks against the defenders.

China

1. Jiang Tianyong

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'.¹⁴² **Jiang Tianyong**, a prominent legal rights activist who met Alston on his trip, disappeared on 21 November 2016. A press release from UN experts in December 2016 indicates that his disappearance is considered to be in the context of his human rights work, and in part due to his efforts to cooperate with the UN human rights mechanisms, including the Special Procedures.¹⁴³ 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 2017.¹⁴⁴ 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 2017.¹⁴⁵

Jiang was found guilty of the charge of 'inciting subversion of State power' on 21 November 2017 by the Changsha Intermediate People's Court and sentenced to two years in prison, and three years of deprivation of political rights. 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.¹⁴⁶

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

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

On 20 May 2019, Special Procedures mandates on arbitrary detention, disappearances, executions, freedom of expression, human rights defenders, and extreme poverty sent a

¹⁴¹ (A/HRC/52/29, para 107)

¹⁴² A/HRC/35/26/Add.2

¹⁴³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987#sthash.dH7MxnQP.puf>

¹⁴⁴ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>

¹⁴⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028>

¹⁴⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>

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'.

Four 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 travelling and has not yet reunited with his wife and daughter in the United States, whom he has been separated from for ten years. 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 about his location and date of return, and that he was not allowed to leave the country.

In terms of follow up, as recently as November 2022, when he was awarded the 2022 Outstanding Contribution to Human Rights Award from the International Bar Association (in absentia), Jiang has reported being himself, as well as his parents and extended family, the subject of harassment by security officials.

According to Jin Bianling, Jiang continues to be monitored by State Security police (*guobao*), following him secretly when he travels; additionally, she reports that at least 20 State Security police officers are still stationed nearby, track him by setting up several surveillance cameras, and request him to report every time he leaves his neighbourhood. When Jiang leaves his city, he must report on his location daily. On the third day of Jiang and his elderly parents' arrival to see their relatives in Zhongshan City (Guangdong Province) for Chinese New Year in January 2023, surveillance cameras were installed directly in front of the relatives' homes. Jin Bianling reports that Jiang's elderly parents are regularly asked by police 'what is Jiang planning, doing and thinking.'

2. Wang Qiaoling, Li Wenzu, Wang Quanzhang

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** 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 2017.¹⁴⁷ In April 2018, media reports covered the wives' commemoration of Wang Quanzhang's 1000 days in detention, highlighting on-going intimidation tactics.¹⁴⁸

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.**¹⁴⁹

In terms of follow-up, in March and April 2023, there were public reports of police presence at the home of Li and Wang, hampering their ability to move about freely. Also in March, some acquaintances of the couple reported being 'forcibly travelled' to prevent them from joining Li on a trip to Beijing.

3. Xu Yan and Yu Wensheng

On 13 April 2023, Xu Yan and Yu Wensheng were stopped by plainclothes police in the Beijing subway, [en route to a meeting with EU officials](#), and detained on charges of 'picking quarrels and provoking troubles'. The charges were not provided in writing, but repeated orally by the police *in situ* and following the arrest.

4. Cao Shunli

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.

¹⁴⁷ CHN 5/2017 available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?qId=23092>.

¹⁴⁸ <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/#.Wvn4b6Qvwlk>; <https://www.rfa.org/english/news/china/colleagues-04302018113935.html>.

¹⁴⁹ <https://www.rfa.org/english/news/china/elections-11012021105830.html>

The Committee against Torture in its 2015 Concluding Observations expressed concern over deaths in custody in China, including the case of Cao Shunli, specifically citing the lack of investigation.¹⁵⁰ Despite Cao's death being included in previous reports of the Secretary-General,¹⁵¹ 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. **September 2023 will mark the ten-year anniversary of Cao Shunli's detention (disappearance) for seeking to engage with the UPR of China, and March 2024 the ten-year anniversary of her death as a result of this reprisal by the Chinese government.** In a statement to the Human Rights Council on 20 March 2014, ISHR called on the human rights community to observe a moment of silence to remember Cao Shunli and other human rights defenders who have died or been killed as a consequence of their advocacy at the UN. Following a procedural challenge and protracted debate, the moment of silence was interrupted, as China argued that NGO speakers in the Human Rights Council were not allowed to be silent.¹⁵²

5. Chen Jianfang

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.

¹⁵⁰ CAT/C/CHN/CO/5.

¹⁵¹ A/HRC/27/38 and A/HRC/30/29.

¹⁵² <https://ishr.ch/latest-updates/english/>

In November 2022, Chen's lawyer shared on social media that she had been convicted of 'inciting subversion of state power' in a closed-door trial in August 2022. She was sentenced to four and a half years in prison, followed by four years of deprivation of political rights.¹⁵³

6. Dolkun Isa, World Uyghur Congress, Zumretay Arkin

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 Liu Zhenmin has also used his position to represent China's interests. In 2018, he tried to exclude Isa from the Permanent Forum on Indigenous Peoples. The Chinese mission then tried to revoke the status of the NGO that accredited Isa. On 17th April 2018, 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. Initially, his accreditation was approved, but 3 days before, he received an update that his accreditation was pending, and when he went to pick up his badge at the UN he did not receive it. Staff at the UN Department of Economic and Social Affairs (DESA) in New York cited 'security' concerns as the reason for denying him a badge to enter the UN headquarters. Diplomatic efforts made at the highest levels from at least two Permanent Missions finally led to the decision being reversed. 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.

¹⁵³ <https://www.frontlinedefenders.org/en/case/chen-jianfang-sentenced>

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 nor 2022 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 recognised by the Chinese Government. Your involvement with a terrorist will only shoot yourself in the foot. SHAME ON YOU!'. In September 2021, on the occasion of a photo exhibition by WUC in partnership with the U.S. Mission during the first week of the 48th HRC, the Chinese mission also circulated a letter to all missions defaming Dolkun Isa and WUC, accusing the U.S. Mission of partnering up with a terrorist organisation.

In terms of follow up, during the CESCR review on China 15 and 16 of February, Dolkun Isa and Zumretay Arkin were followed by a representative of the Chinese delegation. Dolkun was followed until the bathroom on day 1, and we were both followed in the hallway during break time on day 2.

On 23 March 2023, during the 52nd session of the Human Rights Council, Dolkun Isa (accredited through the Dutch NGO Global Human Rights Defence) delivered a statement under item 4. He was immediately interrupted by the Chinese mission using very aggressive language, accusing him of being a separatist, an anti-China force, and a violent element, and that allowing him to engage in separatist activities in the Council is a serious violation of the purposes and principles of the UN Charter. The Chinese representative proceeded to say that he did not represent the NGO and requested to terminate his statement, as well as for the secretariat to verify his identity. The United States intervened in favour of the speaker, asking for him to be allowed to finish his statement, followed by Eritrea defending China and asking the Secretariat to verify the identity of people who are 'abusing the platform'. Finally, the President of the Human Rights Council intervened stating that NGOs with ECOSOC accreditation have the liberty to choose the person of their choosing to speak at the Human Rights Council and gave the floor back to Dolkun Isa to finish his statement.

7. Chinese Human Rights Defenders (CHRD)

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 criticising China's human rights record at the Human Rights Council. This case was transmitted to the Human Rights Council President.

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 criticised 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, nor 2022, despite any evidence that it has been resolved.

8. Other individuals engaging with the Committee on Economic, Social and Cultural Rights (CESCR)

In mid-February 2023, during the fourth periodic review of China by the CESCR, **two individuals** experienced reprisals for their engagement with the Committee. There was little similarity between the profiles: **one individual had been part of a network focused on reporting on the situation in mainland China**, while **the other was working on extraterritorial issues**. One was told explicitly that engagement with the UN was 'prohibited', while the other understood only that their engagement had raised attention that could complicate their future work and ability to partner effectively with colleagues in the PRC. One individual was in mainland China at the time of the review, where they reside, while the other had travelled to Geneva from their home in a third country. One was directly targeted, while the other was indirectly targeted via official outreach to friends and colleagues, in China and in a third country.

These two cases were communicated directly to the Chair of the Task Force for the review, as well as other relevant staff in OHCHR; the CESCR did not have a focal point for reprisals at the time of the incidents. Despite this and other direct outreach to the Committee before, during and after the review on the issue of reprisals - as well as some practical steps taken to ensure that there were opportunities for safe(r) engagement with civil society stakeholders, the Committee has not publicly disclosed any steps taken to address the cases, whether directly with the Chinese delegation or with the representatives in Geneva.

9. Tang Jitian

Tang Jitian is a human rights lawyer. He was disappeared on 10 December 2021, in connection with his participation in events celebrating International Human Rights Day. There was no formal acknowledgement of his detention, and although he was able to speak to his family over the telephone, there was no clarity provided as to his whereabouts. [A Communication was sent](#) by six Special Procedures mandates in February 2022; in the State response, there was no mention of his current status of any detention. [A second Communication](#) in Tang's case was sent on 1 December 2022; again, the State response - dated 10 January 2023 - made no mention of facts relevant to the present case.

[Tang re-emerged](#) – in other words, was released after 398 days in custody – on 14 January 2023 and returned to his home in Jilin province where he is recovering from COVID. There are no known charges against him.

Djibouti

The case of **Kadar Abdi Ibrahim**, of the Mouvement pour la démocratie et la liberté (MoDEL) was included in the 2022, 2021, 2020, 2019 and 2018 reports of the Secretary-General on allegations of passport confiscation related to his engagement with the UPR review of Djibouti in May 2018 (DJI 1/2018). In September 2018, the Government indicated that Ibrahim had been placed under surveillance due to suspicion of connection with extremist movements. Ibrahim's passport remains confiscated by the Service de Documentation et Sécurité (SDS), to whom he has made multiple inquiries. The prolongation of the travel ban in place since 2018 reportedly obstructs Ibrahim from undertaking his human rights work and prevents him from directly engaging with partners and actors outside the country, including the UN.

Egypt

1. NGO LAW

Law 70/2017 regulating civic associations adopted in mid 2017 over the strenuous objections of Egyptian rights organisations and political parties 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. ISHR has provided an analysis of the new NGO law. 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 the NGO law to be amended in line with Egypt's international obligations. The law has devastating effects on the engagement of NGOs in

Egypt with the UN. In January 2021, implementing regulations were issued for the NGO law, which impose even greater limits on the work of civil society organisations. The Cairo Institute for Human Rights Studies has provided a legal commentary on the new regulations and its problematic provisions.

In terms of follow up, the Egyptian authorities imposed a deadline, requiring all local and foreign NGOs operating in Egypt to register with the government by April 11, 2023, in accordance with the draconian 2019 NGO law. Registration and further implementation of this law will further erode civic space in Egypt, and could have a detrimental impact given that human rights defenders and government critics in Egypt are already operating in a context of systemic repression.

2. Ibrahim Abdelmonem Metwally Hegazy

In an urgent joint statement on 15 September 2017, the Chair of the UN Working Group on enforced or involuntary disappearances (WGEID) and the Special Rapporteur on the situation of human rights defenders expressed dismay about the arrest of lawyer and activist, **Ibrahim Abdelmonem Metwally Hegazy**. Metwally, the co-founder of the Association of the Families of the Disappeared—a network of families of forcibly disappeared in Egypt—was arrested and prevented from boarding a flight to Geneva on 10 September to attend the 113th Session of the WGEID. Metwally founded the Association of the Families of Disappeared following the disappearance of his son in July 2013, whose whereabouts remain unknown. The WGEID and Special Rapporteur denounced the way he is treated, stating that ‘the fact that Metwally was arrested while en route to meet the Working Group suggests that this is an act of reprisal for his cooperation with a UN human rights mechanism, as well as a deliberate obstruction of his legitimate human rights activity to seek to establish the fate and whereabouts of his son and other disappeared people in Egypt.’ Metwally’s whereabouts remained unknown for two days following his arrest. Metwally reported that he was tortured during that time. The UN experts called on the Egyptian authorities to, ‘immediately provide us with all relevant information concerning his arrest and detention, to fully ensure Mr Metwally’s right to physical and psychological integrity as well as to due process.’ The experts expressed serious concern with regard to the allegations that Metwally had been tortured. Their statement has also been endorsed by the UN Working Group on Arbitrary Detention. After the arrest he was charged with ‘running a group that was illegally established, spreading false news, and cooperating with foreign organisations.’ He was issued with a 15-day detention order and transferred to the Maximum-Security Prison known as Scorpion (al-Aqrab) at the Tora Prisons Complex in Cairo, a prison notorious for inhumane detention conditions and the ill-treatment of prisoners. On 20 November 2019, Special Procedures urged his immediate release and called his referral to another case with the exact same charges as ‘double jeopardy’. Metwally’s pre-trial detention continued to be renewed and he was added to another case with identical charges in November 2019. On September 6, 2020, Metwally was investigated by State Security Prosecution in Case 786/2020 and charged with ‘leading a terror group’, which the authorities accused him of having formed while in preventive detention. This new charge came just after the Criminal Court of Cairo had ordered his release on August 26, 2020, under precautionary measures in State Security Case 1470/2019. Despite the August 26 release decision, Metwally was kept in detention until new charges were brought against him on September 6, manifestly as a way to keep him under preventive detention. The result is 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 terms of follow up in its list of issues issued in June 2022, the Human Rights Committee requested Egypt to provide "information on the cases of Ibrahim Metwally, a lawyer who was arrested on 10 September 2017, before traveling to Geneva where he was planning to provide information to the Working Group on Enforced or Involuntary Disappearances, and who was then forcibly disappeared, subjected to torture and ill-treatment and held in pretrial detention for more than two years, as well as accused of various crimes, including "membership in a terrorist group". At the 52nd session of the UN Human Rights Council, the Benelux countries (Belgium, Luxembourg and the Netherlands) "expressed its concern about cases of intimidation and reprisals for cooperating with the UN on human rights, including Ibrahim Metwally Hegazy in Egypt, who is the co-founder and coordinator of the Association of the Families of the Disappeared."

3. Mohamed el-Baqer

In October 2019, Special Procedure mandate holders and the Spokesperson for the High Commissioner addressed the arbitrary arrest, ill-treatment and charges against **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 practising 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 organisation 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 could 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 court session. El-Baqer's family later learned from him during a 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.

In terms of follow up, on 3 January 2022, the President ratified the verdict against El-Baqer. He was held in inhumane conditions at the Tora Maximum Security 2 Prison, in Cairo until May 2022. Prison authorities held him in small, poorly ventilated cells and denied him a bed and mattress. Unlike other prisoners, he was prohibited from exercising in the prison yard and was not allowed to use the prison library or receive books or newspapers from outside prison at his own expense. The prison authorities also denied him adequate clothing, radios, watches, access to hot water and any personal belongings, including family photos. On 2 October 2022, he was transferred to Badr 1 Prison. His wife was allowed to visit him for the first time in two years without bars and he was allowed access to sunlight for the first time in three years. Prison authorities banned him from any phone calls in contravention of Article 38 of Law 38 396/1956 on Prisons. In its list of issues issued in June 2022, the Human Rights Committee requested Egypt to “describe the efforts made to address the reported shortcomings of the trials of [including] Mohamed al-Baqer”.

4. Dr. Ahmed Shawky Abdelsattar Mohamed Amasha

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 Procedures. He was released on 4 October 2019 with probation measures. He was arrested on 17 June 2020 at 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 organisation. On 15 February 2022, the Cairo Criminal Court renewed his detention in case 1360/2019 State Security Prosecution.

5. Egyptian Coordination for Rights and Freedoms: Hoda Abdel Moneim

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, Abdel Moneim was arrested at her home. Throughout the 21 days of secret detention, 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. In all of these instances, they were denied knowledge of her whereabouts. On 21 November 2018, she was brought before the Supreme State Security Prosecution (SSSP) and 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, 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, Abdel Moneim's family received information from a co-detainee that Abdel Moneim suffered sharp pain, was transferred to Manyial Hospital, was 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 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.

In terms of follow up, on 5 March 2023, the Emergency State Security Criminal Court issued verdicts against 30 individuals in case no. 1552 of 2018, with sentences ranging from 5 years to life imprisonment to , in addition to five-years of police surveillance after they complete their imprisonment sentences. Their sentences are final and cannot be appealed. Hoda Abdelm Moneim was sentenced to 5 years imprisonment. The court also ordered that she be listed under the terrorist entities list, and closed the website of Egyptian Coordination for Rights and Freedoms.

6. Egyptian Coordination for Rights and Freedoms: Ezzat Ghoneim

Human rights defender **Ezzat Ghoneim** was the executive director of ECRF. On 1 March 2018, 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.

In terms of follow up, on 5 March 2023, the Emergency State Security Criminal Court issued verdicts against 30 individuals in this case no. 1552 of 2018, sentences ranging from 5 years to life imprisonment to , in addition to five-years of police surveillance after they complete their imprisonment sentences. Their sentences are final and cannot be appealed. Ezzat Ghoneim was sentenced to 15 years imprisonment. The court also ordered that he be listed under the terrorist entities list, and closed the website of Egyptian Coordination for Rights and Freedoms.

7. Egyptian Coordination for Rights and Freedoms: Osama Abdulhakim Bayoumi

Osama Abdulhakim Bayoum was a lawyer at The Egyptian Coordination for Rights and Freedoms (ECRF), which was subjected to a security crackdown in 2018 due to its involvement with

UN mechanisms, which led to the arrest of its staff who were sentenced to different prison terms before the Emergency State Security Court. Bayoumi was arrested on 30th January 2022 from home by a group of masked security officers, who seized the phones and laptops and dragged Bayoumi to the national security premises in the Al-Abasiya area (Downtown Cairo), where he was forcibly disappeared for four days until he was brought before the Supreme State Security Prosecution (SSSP) on 3rd February 2022. Bayoumi was charged with joining a terrorist group and spreading false news under Case No. (640/2018). Bayoumi has been held in Badr III rehabilitation and correction centre where he has been prohibited from family/lawyer visits.

8. Egyptian Coordination for Rights and Freedoms: Aisha El-Shater

Aisha Mohamed Khairat Saad El-Shatr (Aisha El-Shater) is a woman human rights defender who used to be a board member of Egyptian Coordination for Rights and Freedoms (ECRF). ECRF had been involved with the UN mechanisms especially the Working Group on Enforced or Involuntary Disappearances. She was arrested on 1 November 2018 (together with her husband Abuhorira). She was subjected to 3 weeks of enforced disappearance and was tortured. Al-Shater was detained in a dark room and was not provided with food or water. In addition, she was electrocuted, beaten, and threatened with rape. On 21 November 2018, she appeared before the State Security Prosecution which accused her under Case No. 1552/2018 with charges of joining a terrorist group and funding it. Al-Shater testified that she was subjected to severe torture, but the Prosecution neglected it and did not investigate the claims of torture. On 2 September 2021, the Cairo Criminal Court decided to include Al-Shater on the terrorism list for a period of five years. In March 2023, the first terrorism circuit of the Emergency State Security Criminal Court, held in the Badr Prison Complex, sentenced Al-Shater to 10 years in prison.

Al-Shater has been detained in Al-Qanater Prison for Women, where the cell is poorly ventilated with no bathroom. Since her detention, Al-Shater has been denied family/lawyer visits and communication. Also, she was held in solitary confinement for nine months.

During Al-Shater's detention, she was diagnosed with Aplastic Anaemia so she was transferred a few times to different hospitals due to severe bleeding. Al-Shater's medical condition is still critical. She is currently kept at Al-Qanater Prison Hospital due to her severely deteriorating health condition and is transferred to attend her court sessions by ambulance. According to the medical records, Al-Shater is in serious need of a hematopoietic stem cell. However, for more than two years, the prosecution and the court disregarded her request despite the forensic medical report stating that she needs to undergo surgery. Since Al-Shater's referral order to the court, she has repeatedly noted in court her deteriorating health condition and her need to undergo a hematopoietic stem-cell transplant, but those requests have been completely disregarded by the court. However, in a hearing session which was held on 15 May 2022, the court ordered that Al-Shater be referred to a medical committee to submit a report on her medical condition.

9. Egyptian Coordination for Rights and Freedoms: Mohamed Abuhorira

Mohamed Abuhorira Mohamed Abdulrahman (Mohamed Abuhorira) is a lawyer and former spokesman of the Egyptian Coordination for Rights and Freedoms (ECRF). ECRF had been involved with the UN mechanisms especially the Working Group on Enforced or Involuntary

Disappearances. He was arrested on 1 November 2018 (together with his wife Al-Shater). He was subjected to 3 weeks of enforced disappearance and was tortured. On 21 November 2018, he appeared before the State Security Prosecution which accused him under Case No. 1552/2018 with charges of joining a terrorist group and funding it. On 2 September 2021, the Cairo Criminal Court decided to include Abuhorira on the terrorism list for a period of five years. In March 2023, the first terrorism circuit of the Emergency State Security Criminal Court, held in the Badr Prison Complex, sentenced Abuhorira to 15 years in prison.

Since his arrest Abuhorira, has been banned from family/lawyer visits. He is currently held in Badr3, according to the latest information from his lawyer.

10. Youssef Mohamed Mansour Ragab (Youssef Mansour)

Mansour is a 26-year-old human rights lawyer. He was the lawyer of HRD and journalist Mohamed Oxygen and he had worked at the ANHRI – The Arabic Network for Human Rights Information which has engaged with the OHCHR. In May 2022, three special rapporteurs expressed serious concerns about arresting Mansour and restricting his rights. On 24 March 2022, several Masked National Security Agents and Police (about 30 Agents) with weapons, some in uniform and others in plain clothes, raided Mansour’s place of residence and searched it without showing an arrest or search warrant. Then, they dragged Mansour to an unknown place (later found to be one of the National Security Premises) where he remained under enforced disappearance for two days while he was interrogated about his human rights activism. After two days, on 26 March 2022, Mansour was brought before the State Security Prosecution and accused in Case No. 330/2022 of joining an illegal group and publishing false news inside. He is currently held in Badr I Rehabilitation and correction centre.

On 7 October 2022, UN Special Procedures urged Egypt to “ensure the safety and full participation of all parts of civil society at the UN Framework Convention on Climate Change (UNFCCC) Conference of Parties (COP27)... after a wave of government restrictions on participation raised fears of reprisals against activists.” The experts said that “arrests and detention, NGO asset freezes and dissolutions and travel restrictions against human rights defenders have created a climate of fear for Egyptian civil society organisations to engage visibly at the COP27...[and] warned that Egyptian NGOs have previously been subject to harassment, intimidation and reprisals for cooperating with the UN”. They also reported on the “lack of information and transparent accreditation criteria for Egyptian NGOs”.

During COP27 in Sharm-el-Sheikh, Egypt, climate activists and civil society were intimidated, harassed and surveilled as reported by UN Special Procedures on 18 November 2022. This included interrogation by Egyptian security forces and photographing civil society actors inside the COP27 venue. The UN experts also “expressed concern that once the spotlight shifts from Egypt at the conclusion of COP27, Egyptian human rights defenders could be targeted and risk reprisals for their engagement during the Conference”.

11. Cairo Institute for Human Rights Studies (CIHRS)

On 25 January 2023, hours after the Cairo Institute for Human Rights Studies (CIHRS) published a joint-report submitted to the United Nations Human Rights Council as part of Egypt’s mid-term

Universal Periodic Review (UPR) process, its website came under a DNS poisoning cyber-attack, rendering it inaccessible to users in Egypt. After CIHRS overcame the attack and restored access to its website, the website was blocked by Egyptian authorities in what constitutes an act of reprisal for CIHRS' cooperation with the UN. CIHRS' website now joins hundreds of human rights and media websites blocked by the Egyptian government, as part of its tightening control and censorship of cyberspace.

Equatorial Guinea

Alfredo Okenve is the Vice-President of the NGO Centro de Estudios e Iniciativas para el Desarrollo de Guinea Ecuatorial (CEID, also CEIDGE). 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, 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 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 unauthorised footage and stigmatisation 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.

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 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 unauthorised 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.

Okenve's case was not included in the SG report in 2021 nor 2022, despite the fact that the government never responded to the administrative appeal against the dissolution of CEIDGE. 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 organisations 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 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.

France

In 2020, ISHR submitted a [joint report](#) along with [Comité Adama](#), drawing the UN High Commissioner's attention to police violence that caused the death of Adama Traoré in France in 2016. It notably aims at [highlighting the racially charged police violence](#) and the judicial irregularities which usually surround the case. The case was featured in the High Commissioner's reports in [2021](#) and [2022](#).

Assa Traoré is a prominent woman human rights defender and founder of '*La Vérité pour Adama*'. She has been campaigning for years for truth and justice for her brother, Adama Traoré - a French Black man killed in police custody in 2016. She has [faced](#) judicial harassment for campaigning for a transparent investigation to establish the responsibility of the gendarmes for the death of her brother and for them to be brought to justice, and has faced reprisals by right-wing extremist groups and the union of the police following her participation in the CERD.

On 15 November 2022, during one of the CERD sessions, Assa Traoré, Adama Traoré's sister, travelled to Geneva to attend the review of France by the CERD. She spoke at the meetings with NGOs and CERD members and published on social media an extract from her speeches. Since her participation - and because of this participation - in the CERD review of France, Traoré has been facing intimidation online by extreme-right wing groups and the union of the police.

On 18 November 2022, the *Syndicat des Commissaires de la Police Nationale* (SCPN) [tweeted](#) and commented on an article published on the website of the right-wing media [Valeurs actuelles](#) entitled: 'Assa Traoré spoke at the UN to criticise France and the French police', with a photograph of Assa Traoré's face to illustrate the article. The SCPN posted, on its public Twitter account, followed by more than 23,000 people, the following press article: 'This person represents no one but a family criminal clan. The UN is not honoured by giving a platform to this lying, radicalised activist who spits on the [French flag]'. A similar statement was also pronounced by the Syndicat France Police, declaring that Assa Traoré, part of the 'gang Traoré', spoke at the UN to 'puke on France and the police'.

This online intimidation is a reprisal for Assa Traoré's work and specifically her engagement with the CERD, with the aim of intimidating her and dissuading her from testifying at the UN. This is not an isolated incident since it occurs in the context of [judicial harassment](#) against Assa Traoré since 2019. The French authorities are attempting to criminalise her and discredit her fight for justice for

her brother, mainly through lawsuits that are being used to divert the public attention from the justice that is expected for her brother's death but also to dissuade her from continuing her struggle. To this day, there has been hardly any progress made after six years toward the trial of those [involved in her brother's death](#).

The targeting of Assa Traoré, a family member of the victim of racially motivated police brutality, has a considerable adverse impact on all other families who wish to speak out and seek justice for the crimes and violence committed by the police. The UN Special Procedures have issued several communications in this regard ([FRA 1/2017](#); [FRA 10/2021](#); [FRA 11/2021](#)).

On 25 November 2022, the [CERD's Chairperson wrote a letter to France](#) referring to the information received by the Committee on 23 November 2022, regarding worrying information concerning a series of messages spread on the Internet against Assa Traoré following her cooperation with the Committee on 15 and 16 November 2022. In this letter, the Committee raised concerns about the defamatory online messages aimed at denigrating Assa Traoré and delegitimising her actions as well as her request to clarify the circumstances of her brother's death. It also added that it was even more concerned about the fact that some of the messages had allegedly been posted on the accounts of law enforcement unions. The Committee argued that these messages and the circumstances in which they were published by law enforcement unions may constitute intimidation against Assa Traoré and could have a chilling effect on those who report acts of racial discrimination and seek to cooperate with the Committee.

On 12 January 2023, [France responded to the CERD's letter](#). France thanked the Committee for its alerts concerning the defamatory messages posted on social media against Assa Traoré. It declared that it was taking these alerts into consideration and fully confirmed CERD's right to exchange with members of civil society in the framework of the United Nations' human rights mechanisms. The French authorities reiterated their full determination to prevent and respond to all forms of intimidation and reprisals against any person cooperating with the UN mechanisms and being attentive to the personal safety of Assa Traoré and her family. They also mentioned that the Paris prosecutor's office had opened a criminal investigation regarding the matter.

On 14 December 2022, the [CERD published its final observations regarding France's review](#). It reiterated its grave concerns regarding the intimidation and threats faced by human rights defenders, in particular when cooperating with the Committee, which 'impedes its effective functioning'. The Committee mentioned the defamatory messages and online threats – in particular on police union social media accounts – faced by Assa Traoré. It requested France to 'take immediate and effective measures to ensure the safety of Assa Traoré, to take disciplinary measures, to conduct the necessary investigations and, where appropriate, to initiate criminal proceedings against the public officials involved in these intimidating and threatening messages'. It also recommended the government take the necessary measures to protect all human rights defenders from threats and reprisals.

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 a 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 organisation CPSC as defender of human rights in India and helped foreign forces to project the image of India in a poor light".

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

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

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

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

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, 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 are 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 re-accredited 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.

In terms of follow-up, the Central Bureau of Investigation (CBI) visited the NGO 12 times (88 days in total) from January to November 2022. In total, 87,179 photocopy sheets and around 17,000 vouchers and documents were seized by the CBI.

In June and November 2022, The Income Tax Department (IT) under the India Ministry of Finance asked the NGO to give evidence and/or to produce, either personally or through an authorised representative, the books of account or other documents specified and not to depart until receiving permission to do so. On 27 January 2023, a phone call request was made by the same IT Department asking for the Trust Deed and Supplementary Deed of CPSC, which was answered by email. The latest communication dating 17 March 2023 asked for details of foreign donations received during the period from March 2006 to March 2017 along with supporting evidence, details of utilisation of these funds, documentary evidence and Income Tax Returns filed during that period along with forms, if any. All the required documents have been submitted to the IT Department in person by the senior office staff of CPSC's Accounts Unit on 20 March 2023 and we are waiting for further developments from the IT Department in this regard.

The CPSC is deeply troubled by the back-to-back questions and queries from the national government agencies since it is disabling the regular and standard functioning of the office. Unfortunately, these reprisals continue year after year and no authority is made responsible within the country to, at least, respond to these issues.

Regarding the Delhi High Court (DHC), the CPSC's FCRA case is still pending.

Israel

Addameer Prisoner Support and Human Rights Association (Addameer) provides free legal aid to Palestinian prisoners held in Israeli prisons, documents human rights violations directed at Palestinians relating to conditions of arrest, detention and incarceration, and advocates for the rights of Palestinian prisoners at national and international organisations, including United Nations human rights bodies and Special Procedures mechanisms.

Mentions in Past Reports by the Secretary-General

In his 2022 report on reprisals in relation to cooperation with UN human rights mechanisms, the Secretary-General noted that on 19 October 2021, the Israeli Minister of Defence designated six Palestinian human rights and humanitarian organisations, including Addameer, as “terrorist organisations” under the Counter-Terrorism Law of 2016. The report observed further that Special Procedures mandate holders publicly condemned the designations and noted that “at least for one of these organisations this decision may have been taken as a form of reprisal for cooperation with UN entities”. The report also documented that the High Commissioner for Human Rights emphasised in their report that “these organisations have worked for decades to promote human rights and provide critical humanitarian assistance in the Occupied Palestinian Territory, and are key partners of the United Nations”. The report further detailed that since the issuance of the designation decision, at least one staff member of Addameer has been arrested and placed under administrative detention, without charges or trial.

Referring to the Secretary-General’s 2021 report on reprisals, the Secretary-General reiterated Addameer’s mention in a public report by the Israeli Ministry of Strategic Affairs. The MSA report documented Addameer’s cooperation with 128 UN institutions, including the Human Rights Council, alleged that previous and current staff of Addameer are “affiliates” of the Popular Front for the Liberation of Palestine (deemed illegal under Israeli military law), and contended that Addameer has links with terrorism, for providing legal support to prisoners who are PFLP-affiliated. In the report, the ministry called upon “Western governments, international humanitarian organisations, 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.

Addameer was also included in the 2020 report of the Secretary-General in relation to a statement on the Ministry of Foreign Affairs’ website accusing Addameer and other human rights organisations that supported the report of the High Commissioner on business activities related to settlements, and of having ties to terrorism. Past reports by the Secretary-General have also highlighted the case of Isra Amro, founder of Youth Against Settlements in Hebron and winner of the 2010 OHCHR Human Rights Defender of the Year in Palestine award, who has been brutally harassed by Israeli occupation forces since 2013 in retaliation for his engagement with the Human Rights Council.

Follow-up in the current Reporting Period (April 2022- March 2023): In the past year, Israel has compounded ongoing efforts of intimidation and repression, targeting Palestinian civil society

organisations and Palestinian human rights defenders, through the abuse of anti-terror laws, forced deportations, and vicious smear campaigns by government organised non-governmental organisations (GONGO) to retaliate against Addameer’s cooperation with UN human rights mechanisms. Such reprisals target both Addameer as an organisation, as well as individual members of leadership and staff. Following Addameer’s spurious designation as a “terrorist” organisation in October 2021, Addameer’s offices have been raided and the organisation has struggled to access international financial donations. Travel restrictions have been imposed on at least three senior Addameer officials—Sahar Francis, Abdul-Latif Ghaith, and Salah Hammouri, a smear campaign has been launched by pro-Israeli GONGO NGO Monitor to attack Addameer’s past work at the UN, and Addameer’s UN representatives and legal advocacy officers have been heckled by pro-Israeli groups at press conferences at the Human Rights Council 52nd session in Geneva in March 2023.

i) Spurious Designation of Addameer as a “Terrorist” Organisation

On 19 October 2021, the Israeli Defense Ministry issued a military order that designated six Palestinian civil society organisations to be “terrorist” organisations. Amongst these six were Addameer, Al-Haq, Defense for Children Palestine, the Union of Agricultural Work Committees, Bisan Center for Research and Development, and the Union of Palestinian Women Committees. The military order followed a 2016 anti-terrorism law pursuant to which Israeli authorities have the right to shut down Addameer’s office, seize its assets, arbitrarily arrest its staff members, freeze its funding, and arrest those who express support for Addameer’s activities. The designation followed a sustained and targeted campaign by Israel to establish Addameer’s alleged affiliation with the Popular Front for the Liberation of Palestine (PFLP)—a Palestinian political organisation that is outlawed by Israel.

In April 2022, several UN experts called upon international donors to resume their funding and support of Addameer and the five other organisations, because “Israel’s disturbing designation of these organisations as ‘terrorist organisations’ has not been accompanied by any public concrete and credible evidence”. Although no donors have withdrawn funding after the designation, in October 2021, a week before the Ministry released the designation order, one of Addameer’s longtime core donor did not to not renew their funding to Addameer under vague justification for their decision. Moreover, Addameer has continued to struggle financially following the designation. Local Palestinian banks have shown reluctance to handle Addameer’s accounts fearing military raids and legal reprisal by the Israeli occupation authorities. Several American and European banks have refused to transfer funds from foreign donors to Addameer’s Palestinian accounts following the designation.

Needless to say, such financial restrictions have impeded Addameer’s operations by curtailing its ability to access funds swiftly—crucial for a fieldwork-focused legal aid organisation in an occupied territory that routinely engages in crisis-response work on the ground. Furthermore, these restrictions restrain donors’ ability to support Addameer’s work financially. It goes beyond saying that this spurious designation imposed by Israel upon human rights organisations like Addameer, and the financial constraints that ensue, is an organised effort to retaliate against Addameer’s far-reaching human rights work, to regulate its ability to continue engaging with UN human rights mechanisms and to cut its funding from donors who respect UN procedures.

ii) Raid of Addameer Office

In the early hours of 8 August 2022, at roughly 3:00 AM, Israeli forces entered Ramallah, and raided the offices of the six Palestinian civil society organisations that had been designated in October 2021. In addition to tampering with paperwork and official files, Addameer's door was welded shut with an iron plate, and a military order of forced closure was pasted outside. While the property damage was less significant than what the occupying forces inflicted upon the other six organisations, it is important to note that Addameer has been raided by Israel several times in the years past—in 2002, 2012 and 2019. In addition to the physical violence, which directly contravenes international law, the 2022 raids intimidated staff members, psychologically limiting their capacity to advocate for prisoners, because they feared that spyware and surveillance technology had been installed during the raid to monitor them individually. Further, these raids put at risk Addameer's beneficiaries, compelling staff to take meetings outside the office over security concerns, and dissuading Addameer's supporters and donors from being able and willing to engage with Addameer in person.

iii) Harassment of Addameer's Human Rights Defenders

Sahar Francis

In April 2022, Sahar Francis, a reputed Palestinian human rights defender, attorney, and Director-General of Addameer was not allowed to board an American Airlines flight from Tel-Aviv to Miami, United States en route to Mexico City where she was to attend and participate at the 2022 World Social Forum. Francis was in possession of an appropriate US visa which was valid until April 2023, and had successfully cleared the pre-boarding security checks at Tel Aviv airport. The unlawful denial of Ms Francis's entry into the US, to speak at a human rights forum no less, was a clear attempt to silence the humanitarian work undertaken by Addameer. Although the Biden administration has not outrightly supported Israel's designation of Addameer as a "terrorist" organisation, the unquestioning compliance of the US Customs and Border Protections Agency with this spurious designation—the only credible explanation for an Israeli passport-holding passenger with a valid US visa being denied entry into the US—exposed the US's complicity in limiting Addameer's work for the promotion of the rights of Palestinian prisoners at international fora like the UN.

Abdul Latif Ghaith

Founder of Addameer and long-time board member, Abdul-Latif Ghaith, has been banned from entering the West Bank by Israeli occupying forces since October 2011. On 8 March 2023, the Israeli occupation authorities once again notified him of a six-month renewal of his entry ban into the West Bank. Ghaith was told that he could appeal the decision for a month. Upon appealing, Ghaith's plea was rejected and the ban was renewed. Israel has withheld Ghaith's right to travel to the West Bank from October 2011 to September 2022. Ironically enough, as a resident of east Jerusalem, which the UN considers a part of the West Bank, Ghaith has technically resided in the West Bank throughout the length of the ban.

Ghaith was also banned from travelling outside of Palestine in 2017, and once again in 2019. The Israeli Interior Ministry cited his affiliation with the PFLP as the rationale for this restraint, claiming that Ghaith could use his time abroad to engage with foreign members of the PFLP and stoke greater support for the organisation's activities. In reality, Israeli occupying forces have routinely enforced travel bans against Ghaith to restrain his work as a prominent Palestinian human rights defender, who enjoys the unfledgling support and the respect of UN human rights bodies and experts.

Salah Hammouri

Palestinian-french human rights defender and senior lawyer at Addameer, Salah Hammouri, was forcibly deported to Paris by the Israeli forces on December 18, 2022. Hammouri's deportation followed his nine-month-long administrative detention without charges in inhumane and degrading conditions of imprisonment at several high-security Israeli prisons from March 2022 onwards. Hammouri's first deportation hearing, scheduled for December 1, 2022, took place without legal counsel because Israel refused to inform his lawyer about his last-minute transfer to an alternative court. When he refused to cooperate with his deportation order at that hearing, Israeli authorities rescheduled for another deportation hearing on December 6, 2022. During the hearings that followed, despite the presence of Hammouri's counsel, lawyers from several human rights organisations including Israeli civil rights groups like HaMoked, and French lawyers, Israeli authorities openly treated him with denigration and cruelty at court. Not only was he transferred from prison to his hearings restrained by two metal cuffs on his hands and feet and a connecting iron chain, Hammouri remained cuffed throughout the extended period of the hearings.

Hammouri first received deportation orders from the occupying forces of Israel on 3 September 2020, when the Israeli Ministry of Interior expressed to him its intention of revoking his permanent residency status for so-called "breach of allegiance" to the State of Israel. Israel alleged that Hammouri had ties to the PFLP, the common legal rationale used to suppress the rights of human rights defenders throughout Palestine. This arbitrary, punitive and unlawful decision was a profound violation of Hammouri's human rights, including his right to movement, family life, and free expression, and was an explicit reprisal against his robust opposition to Israeli policies and practices at the international level. Additionally, Hammouri's wife and son have been denied entry rights to Palestine by Israel, effectively estranging a family in an effort to retaliate against Hammouri's far-reaching human rights work that exposes Israel's settler colonial character at the UN and beyond. This case represents yet another example of Israel's protracted policies that aim to silence Palestinian human rights defenders.

Hammouri's case has drawn widespread attention and international condemnation in the past two years, following Addameer's advocacy efforts at the UN. Hammouri's forced deportation constituted a grave violation of the Fourth Geneva Convention, which prohibits an occupying power (Israel) from forcibly transferring a protected person (Hammouri) out of the occupied territory. Several international organisations have called for Israel's accountability in this case through the application of universal jurisdiction.

iv) Smear Campaign by GONGOs like NGO Monitor

Israel launches smear campaigns against Addameer, its staff and its leadership to directly retaliate against Addameer's public-facing advocacy work directed at the UN human rights mechanisms. Israel funds groups such as NGO Monitor and CAMERA to defame Palestinian human rights defended on its behalf. NGO Monitor documents all of Addameer's human rights work at the UN human rights bodies, and wilfully mischaracterises Addameer's work as "anti-semitic" and in "sponsorship of terror", in an effort to mould an anti-Palestinian public sentiment amongst its predominantly Zionist followers. For instance, NGO Monitor's website describes Addameer's Joint Submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel Zionist Settler Colonialism—a report titled 'Apartheid as the Root Causes of Israel's Ongoing Violations of the Inalienable Rights of the Palestinian People'—as "a flagrantly antisemitic report" which presents "a blatantly false historical account that denied Israel's right to exist, categorised Israel's very existence as illegal, and labelled Zionism as a form of racism". The website also expresses concern over Addameer's "anti-semitism," reflected in its April 2022 webinar titled 'Palestinian prisoners of apartheid demand justice' and its joint report with Al Mezan, Al-Haq, JLAC, and the Cairo Institute for Human Rights Studies (CIHRS) to the UN Human Rights Committee. NGO Monitor also characterises as "pro-BDS activity", Addameer's extensive engagement with UN Human Rights mechanisms in the forms of oral statements, written submissions, and report contributions, submissions to the Office of the Prosecutor at the International Criminal Court, and past contributions by Addameer to the Secretary-General's report on reprisals against human rights defenders. In the past, Addameer's documentation of torture and ill-treatment of Palestinian prisoners in Israeli interrogation centers, specifically the case of Samer Arbeed, led to numerous, ongoing, State and non-State media allegations of Addameer's association with and funding of "terrorist activities."

These smear campaigns retaliate against advocacy and cooperation with the UN human rights bodies by publishing organisational charts of Addameer employees with allegations of membership to the PFLP—an organisation deemed illegal under an Israeli military order, and accusations of partaking in military operations, despite lack of any credible evidence. These reports also disclose international donors and donations, including UN grants and grants sent for activities related to the ICC, to allege the funnelling of funds for terrorism. These allegations have been repeated by Israeli government reports, as well as non-State media reports. Smear campaigns serve to alienate Addameer from UN human rights bodies, reduce the gravity and legitimacy of its work in the eyes of international donors, and increase the scrutiny and harassment to which it is subjected by the Israeli occupation forces on grounds of security.

Thus to maintain its apartheid regime over the Palestinian people, Israel uses a variety of tactics to browbeat human rights defenders and civil society organisations into a restrained silence. The system of reprisals, used to limit Palestinians with strong political voices and access to the human rights spaces fostered by the UN, obstructs the work of human rights organisations like Addameer in a variety of ways. Aside from the immediate deterrent impacts of intimidation and harassment of staff members, such repression takes a psychological toll on the movement-building capacity of these organisations. Nonetheless, Addameer persists in its mission of advocating for Palestinian political prisoners and to overcome the full thrust of Israel's reprisals campaign.

Recommendations:

- 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, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;

- Israel immediately repudiates the designation of “terrorist” organisations for the six Palestinian civil society groups — Addameer, Al-Haq, Defense for Children Palestine, the Union of Agricultural Work Committees, Bisan Center for Research and Development, and the Union of Palestinian Women Committees—outlawed by a military order since 2021;
- Israel unconditionally and immediately restores Salah Hammouri’s residency rights, strikes down Abdul Latif-Ghaith’s denial of entry rights into the West Bank, and repeals the use of deportations, travel bans, and visa restrictions to prevent Palestinian human rights organisers from speaking at international conferences;
- Israel stops funding and outlaws organisations like NGO Monitor for misinforming the public about the human rights work done by Palestinian civil society groups.

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.¹⁵⁴

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.¹⁵⁵ 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 organisations, and other relevant stakeholders. The Committee’s decision firmly preserves in law and practise the right of national human rights institutions (NHRIs) to freely communicate with international human rights mechanisms The decision of the Supreme Court to

¹⁵⁴ https://www.ishr.ch/sites/default/files/documents/09-25-2016-complaint_to_humanrightscommittee_maldives.pdf

¹⁵⁵ https://www.ishr.ch/sites/default/files/documents/ccpr-c-130-d-3248-2018_e-.pdf

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 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. In the absence of a statutory recourse, the larger concern of a subsequent government reverting back to reprisals against human rights institutions remains a real possibility.

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.¹⁵⁶ 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.¹⁵⁷

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.¹⁵⁸ 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

¹⁵⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/093/43/PDF/G1709343.pdf?OpenElement>.

¹⁵⁷ [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).

¹⁵⁸ 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.

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 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.

A number of telephones from Saharaoui rights defenders were infected with Pegasus¹⁵⁹, including Claude Mangin-Asfari and her lawyer Joseph Breham¹⁶⁰. Some were confirmed infected as recently as March 2022.¹⁶¹ 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 Asfari and her lawyer, Breham.

Based on the schedule of confirmed remote connections, it is clear that 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 proceed¹⁶². It is clear to Mangin-Asfari that the orchestrated intimidation against her and Bouyssou was organised with full knowledge of details gathered through Pegasus obtained information.

Mangin-Asfari, her lawyer Breham, 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.

¹⁵⁹ 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

¹⁶⁰ <https://www.franceculture.fr/geopolitique/pegasus-la-question-du-sahara-occidental-au-coeur-de-lespionnage-de-francais-par-le-maroc>

¹⁶¹ <https://www.amnesty.org/en/latest/news/2022/03/morocco-western-sahara-activist-nso-pegasus/>

¹⁶² <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-IR7VYVDTYVD4HPH5ELERSBVB3I.php>

In July 2021, Braham informed the Committee against Torture about the above incidents,¹⁶³ 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 2021.¹⁶⁴

In terms of follow-up, Claude Mangin-Asfari has been, since the spring of 2022 and until February 2023, systematically writing a weekly postcard to Naâma which has never been delivered to him. When responding to these allegations to the CAT since 2016, Morocco always said that the letters have been delivered.

Naâma's situation has not improved. He still walks in the small courtyard without sun even though there is one in the sun. He has been denied access to the dentist and the ophthalmologist for the last 12 years, he does not have access to the gym and the library, has no access to his email and the letters from his sponsors never get delivered. It is only possible for Claude to call her husband for five minutes, two times a week, and she has been banned from the country since October 2016 for allegedly being a "danger to the internal and external security of the State". The right to visit prisoners for family members with the same name only concerns his two brothers, is limited to 15 minutes once a week and has serious financial consequences for the family, which made them stop visiting from July 2017, at the end of the appeal trial, except for special occasions.

Sid Ahmed Asfari, Naâma's brother, was prevented from going to Geneva to testify at the OHCHR session in September 2022 because the Swiss Embassy in Rabat, under pressure from the Moroccan government, did not grant him a visa.

Finally, Claude wrote to Emmanuel Macron in January 2023 about her right of access. His office replied that they recognised the "repeated" request and forwarded the letter to Mme Colonna, French Minister of Foreign Affairs so that she could reply.

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 organisations 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 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). According to the Group of Human Rights Experts on Nicaragua mandated by the Human Rights Council, 'over time, the authorities developed new regulations that imposed overly burdensome requirements on organisations, including the Foreign Agents Law.'

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

¹⁶³ https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MAR/INT_CAT_RLE_MAR_9500_F.pdf

¹⁶⁴ https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MAR/INT_CAT_RLE_MAR_9499_F.pdf

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, **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 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 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 Anibal Toruño, of Radio Darío, was included in the 2020 and 2021 reports of the Secretary-General. In January 2021, 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 metres 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, Aníbal Toruño was summoned for an interview before the Public Prosecutor's Office, in the framework of the criminal proceeding against former presidential candidate, Cristiana Chamorro, and Marcos Fletes and Walter Gómez (former employees of the Violeta Barrios de Chamorro Foundation), for alleged money laundering. 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, 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., María Mercedes Alonso, wife of Aníbal Toruño, was driving her vehicle near La Recolección 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 licence plate LE 20034, owned by an uncle of 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 offences 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 licence 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 Dominguez, 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 motorised vehicles, 11 riot police and 12 motorised 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 licences that allow the radio station to broadcast. In the areas surrounding the radio station during the aforementioned days to date, civilian motorised vehicles and police, sometimes riot police, have been present, causing tension among the radio station's personnel.

In terms of follow-up, Anibal Toruño is part of 94 people who were recently affected by banishment, property expropriation and de-nationalisation as well as being declared fugitives from justice. Furthermore, mid-March 2023, the 3 accounts of the Banco de Americas Central (BAC) were blocked and frozen.

Philippines

The cases of the Karapatan Alliance of People's Rights, a national alliance of human rights organisations, and of its Secretary General, 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 jointly¹⁶⁵ addressed killings of two members of the Karapatan alliance (**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 **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.¹⁶⁶ On July 25, 2021, Karapatan human rights worker **Marlon Napire** was killed.¹⁶⁷ At least 15 human rights workers of Karapatan have been killed since July 2016.

¹⁶⁵ 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 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.

¹⁶⁶ <https://www.karapatan.org/killings+spree+of+human+rights+defenders+continues+with+murder+of+peasant+organizer+in+bicol+activist+in+camarines+sur>

¹⁶⁷ <https://www.karapatan.org/karapatan+presses+chr+to+investigate+killings+of+albay+activists+reiterates+call+to+stop+the+killings+in+ph>

- 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 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.¹⁶⁸
 - 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.¹⁶⁹
 - Meanwhile, two Karapatan human rights workers who faced trumped up charges have had the charges against them dismissed. More information on their cases.¹⁷⁰
 - 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 2016.¹⁷¹
- 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.¹⁷² 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.¹⁷³ In 2021, Karapatan's website experienced waves of cyber-attacks.¹⁷⁴

¹⁶⁸ <https://www.karapatan.org/urgent+appeal+for+action+to+dismiss+trumped+up+and+malicious+charges+against+filipino+human+rights+defenders>

¹⁶⁹ <https://www.karapatan.org/urgent+appeal+for+action+to+dismiss+trumped+up+and+malicious+charges+against+filipino+human+rights+defenders>

¹⁷⁰ <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>

¹⁷¹ <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>

¹⁷² <https://www.rappler.com/newsbreak/investigative/how-propaganda-network-created-online-environment-justifies-shifted-killing-activists/>

¹⁷³ <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/3jw0XL>; <https://bit.ly/3Q2fv7L>; <https://bit.ly/3Qfu0FA>; <https://bit.ly/3jwgsOm>; <https://bit.ly/3v8GhCV>; <https://bit.ly/3O8mOLs>; <https://bit.ly/3juZnxE>; <https://bit.ly/3mBAnR>; <https://bit.ly/3KBULi9>; <https://bit.ly/3O3NNHR>; <https://bit.ly/3JyRWAF>; <https://bit.ly/37CkbAz>; <https://bit.ly/37EDcCC>

¹⁷⁴ <https://www.rappler.com/technology/curium-report-cyberattacks-target-karapatan-rights-group-philippines/>
<https://www.rappler.com/technology/features/philippine-human-rights-cyberattack-rest-of-world/>

- 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 2021.¹⁷⁵In 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).¹⁷⁶ 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 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 judgement 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 organisation 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.

In terms of follow up, in November 2022, Karapatan Secretary General Cristina Palabay led a delegation of human rights defenders, ecumenical leaders and victims of human rights violations in Geneva for the UPR of the Philippines. On November 15 2022, a day after the 4th UPR of the Philippines, former spokesperson of the National Task Force to End Local Communist Armed Conflict, Lorraine Badoy-Partosa and her co-hosts in a program called "Laban Kasama ang Bayan" red-tagged Palabay as a "CPP-NPA operative" and Karapatan as a "CPP front organisation". They called Palabay and Karapatan's engagement with the UN a form of tarnishing the country and the

¹⁷⁵ <https://www.ourcommons.ca/DocumentViewer/en/43-2/SDIR/news-release/11347278>

¹⁷⁶ <https://bit.ly/3O3p3IU>; <https://bit.ly/3xsGV0a>; <https://bit.ly/3xsHojo>; <https://bit.ly/37Cok7B>; <https://bit.ly/3O525lS>; <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>

Philippine government's reputation before the international community. The show is produced by the Sonshine Media Network Inc., an entity owned and run by Pastor Apollo Quiboloy, who is an ardent supporter of the NTF-ELCAC, former President Rodrigo Duterte and current President Ferdinand Marcos Jr.

During the show on November 14, 2022, Badoy-Partosa also ridiculed the engagement of Ibon Foundation, Bulatlat and Pinoy Weekly at the UN. A self-styled former rebel named Jeffrey Celis, also an anchor on the show, called on the Department of Justice and the Bureau of Immigration and Deportation (sic) and the Department of Foreign Affairs to cancel the passports of human rights defenders who engaged with the UN on the Philippines' UPR, to disallow their return to the Philippines, for them to be declared persona non grata in the country, to investigate them on terrorism allegations and to arrest them for "disrespecting" the country. He also threatened that given a chance, they would hound the HRDs in the airport.

On March 26, 2023, Badoy-Partosa posted on her Facebook account, citing the side event on March 23, 2023 organised by Civicus and other international and national NGOs where Palabay, abduction survivor and trade union organiser April Dyan Gumanao, church worker Mervin Toquero and lawyer Edre Olalia spoke, and repeated the same allegations against the resource persons at the side event.

Follow-up regarding the judicial harassment against Cristina Palabay and six national officers of Karapatan, a former national coordinator of the Rural Missionaries of the Philippines, and two officers of Gabriela: On January 9, 2023, Palabay and six other national officers of Karapatan, Rural Missionaries of the Philippines former national coordinator Sr. Elenita Belardo, and two officers of the women's group Gabriela were acquitted by the Quezon City Metropolitan Trial Court Branch 139 Judge Aimee Marie Alcera. This concerned the malicious and trumped up charges of perjury filed by former National Security Adviser (NSA) General Hermogenes Esperon Jr.

In a document dated March 2, 2023, prosecutors from the Quezon City Office of the Prosecutor, with General Esperon and current NSA General Eduardo Ano verifying the document, filed a petition for certiorari, impleading Judge Aimee Marie Alcera as public respondent and the ten human rights defenders as private respondents. They alleged that the public respondent committed "grave abuse of discretion" in acquitting the defenders. The petition for certiorari is yet another attempt to malign the reputation of the defenders, despite a court decision which is not a subject of appeal, and to continue the judicial harassment against them. It may also be viewed as a form of harassment against Judge Aimee Marie Alcera and the independence of her court.

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). 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, CESC, CCPR, UPR, FNCM), and regularly submitted shadow reports, parallel reports, stakeholder submissions and others since 1997.

In late November 2018, 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 Rohr and disputed his comments.

On 19 December 2018, 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 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 Rohr to follow up with the Russian embassy in Berlin.

Rohr's unlocked mobile phone was taken from him for several minutes. 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 Rohr was flown back to Berlin.

In January 2019, 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, 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. Rohr's appeal was rejected.

Because of the sequence of events, 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, 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, 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 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.¹⁷⁷

¹⁷⁷ Reference: AL RUS 8/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24932>

In terms of follow up, 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 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 **Anghkhana Neelapaijit** and other defenders were subjected to smear campaigns on social media. For example, a photo of Neelapaijit was circulated, and she was accused of manipulating the truth.

In 2019 the Secretary-General reported that the Government shared that 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.¹⁷⁸

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. 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 — 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 scrutinising 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, Lakkhanaadisorn said ISOC's witch-hunt was causing rifts within society.¹⁷⁹ One example of an IO (Information Operation) is “pulony.blogspot.com” which includes a claim that 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.¹⁸⁰ Instead of replying to the MP's questions, the Thai Prime Minister immediately left the meeting room.

¹⁷⁸ A/HRC/42/30 at para 102.

¹⁷⁹ <https://www.bangkokpost.com/thailand/politics/1866364/govt-to-probe-cyber-war?fbclid=IwAR2oAu2DYAZGcFes3f-wJ3UTbFry7dnP9OwhJYTrLzghvtqknvVFc3b7I>

¹⁸⁰ http://pulony.blogspot.com/2017/11/3_9.html; <http://pulony.blogspot.com/2018/08/ngos.html>; <http://pulony.blogspot.com/2019/02/permas.html>;

<http://pulony.blogspot.com/2018/10/apakah-matlamatnya-untuk-diadakan-ngos.html>;

http://pulony.blogspot.com/2019/07/blog-post_26.html;

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

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.¹⁸¹

On 4 November 2020, 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.

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 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.

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.¹⁸²

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.

In terms of follow-up, on 16 February 2023, the Court issued a verdict on Neelapaijit's complaint about the online bullying on "Pulony.blogspot.com". The court ruled that Neelapaijit could not prove beyond reasonable doubt that ISOC (Internal Security Operation Center) was indeed operating the website, citing the lack of technical evidence like web traffic data so it's simply not possible to pinpoint the perpetrators. However, the Court affirmed that the passages published by

http://pulony.blogspot.com/2019/10/blog-post_21.html; <http://pulony.blogspot.com/2019/11/blog-post.html>

¹⁸¹ <https://www.thr2014.com/?p=16303&fbclid=IwAR2mmgl-nD-u9aFuZnboJetX3AicvNQEogchrHSZjSCYkuZjogK3TRjCJA&lang=en>

¹⁸² https://www.hrw.org/news/2022/04/13/thailand-prominent-rights-defender-harassed?fbclid=IwAR3T_2UKzuDBxTuvd_glxFZmQpUHXwiQsqN-dTDkuq2XqEbjrULu4lDoe50

“Pulony.blogspot.com” were slanderous in nature, and recognised Neelapaijit as a human rights defender whose rights were violated by Pulony’s smear campaigns.

The court went as far as to suggest that regarding the Thai Constitution 2017, Neelapaijit should be compensated, but as Thailand has no domestic law on compensation the court cannot order the government to provide any compensation or redress.¹⁸³

United Arab Emirates

1. Ahmed Mansoor

The case of **Ahmed Mansoor**, advisory board member of the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was included in the 2014, 2017, 2018, 2019, 2021 and 2022 reports of the Secretary-General. Mansoor is alleged to have suffered intimidation and reprisals for his collaboration with UN human rights mechanisms. In 2011, his detention was deemed arbitrary by the Working Group on Arbitrary Detention ([A/HRC/WGAD/2011/64](#)). In January 2021, special procedure mandate holders raised concerns about the continued imprisonment and alleged ill treatment of Mansoor, and his placement in solitary confinement since 2018 ([ARE 1/2021](#)), to which the Government responded.

According to information received by OHCHR, Mansoor’s detention conditions worsened further after the publication in a London-based media outlet in July 2021 of a secret letter he had written from prison in October 2020 describing the human rights violations he allegedly was subjected to. Reportedly, following the publication of the letter, Mansoor was moved into a smaller and more isolated cell, his reading glasses were removed, access to medical care was denied, and he remained in solitary confinement, where he sleeps on the floor.

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 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 remained 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 had 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

¹⁸³ For more information, please see, <https://www.nationthailand.com/blogs/thailand/politics/40025216>

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.

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.

2. **Maryam Soulayman Al-Ballushi and Amina Alabduli**

The cases of **Maryam Soulayman Al-Ballushi** and **Amina Alabduli** were included in the 2019, 2020 and 2021 reports of the Secretary-General. They were arrested in 2015 on State security charges and sentenced to five years in prison, and it was reported to OHCHR that their conditions had worsened after information was transmitted to the UN.

In February 2019, Special Procedures mandate holders had raised allegations of torture and ill-treatment in detention and lack of appropriate medical treatment (ARE 2/2019). Subsequently, in July 2019, Al-Ballushi and Alabduli were brought before the Federal State Security prosecutor for three new charges under Federal Law No.5 of 2012 on Combating Cybercrimes, relating to their efforts to raise awareness about their cases.

In November 2020, the Working Group on Arbitrary Detention found the detention of Al-Ballushi and Alabduli arbitrary, urged their immediate release and called on the Government to provide compensation and other reparations (A/HRC/WGAD/2020/61, paras. 97–99).

The Working Group noted that "their prosecution on new charges appears to be a clear reprisal for seeking the assistance of the international community" (para. 77) and took note of allegations that the two women "have faced reprisals, including ill-treatment in detention that appears to be based on their gender, for having brought their conditions of a detention to the attention of special procedures" (para. 94). It was reported to OHCHR in May 2021 that Al-Ballushi and Alabduli had finished serving their sentences in November 2020 but have not yet been released

On April 28, 2021, the Federal Court of Appeal in Abu Dhabi issued a 3-year prison sentence against two Emirati activists, Maryam Al Balushi and Amina Al Abdouli, in Case No. 61 of 2021, on charges of "publishing false information that disturbs public order." This new sentence came due to their efforts to raise awareness of their cases.

3. Janan Al-Marzouqi

Janan Al-Marzouqi is an Emirati activist who lives in the United States of America and who is subjected to acts of intimidation and reprisals from the UAE authorities because of her human rights activities.

On May 20, 2022, a UN expert expressed her concern for the safety of the Emirati human rights defender, Janan Al-Marzouqi, after she was subjected to a large number of threats due to her human rights activities in the UAE. Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders, said in a tweet: "I hear disturbing reports that Janan Al Marzouqi, a human rights defender, is receiving abuse and threats online and offline in retaliation for her work defending human rights in the UAE". Lawlor continued in her tweet and declared: "I have serious concerns about her safety in particular since the authorities revoked her Emirati citizenship".

It is important to note that Janan Al-Marzouqi is the daughter of the prisoner of conscience Abd al-Salam Doreesh Al-Marzouqi, and that she and her family were subjected to systematic retaliation from the UAE authorities after they were forced to leave the country since 2016 on a medical trip to the United States. The Marzouqi family was surprised 5 years ago by a call from the Abu Dhabi government informing them of the withdrawal of their nationality and asking them to return to the Emirates to hand over their passports and identity documents. Then, the violations of the authorities continued, since they suspended the Marzouqi pension, which is the only source of income for the family.

In recent years, the authorities' violations began to take a disturbing course, by sending continuous threats to Janan to force her to stop talking about her father's case and the issues of prisoners of conscience in the UAE. Some of the messages included indirect death threats, including the fact that she would suffer the same fate as Emirati human rights defender Alaa Al-Siddiq, who died in a car accident in the United Kingdom in June 2021.

Venezuela

1. NGO law

On 24th January 2023 the draft 'Law on Control, Regularization, Operations and Financing of Non-Governmental and Related Organisations,' passed a first reading in the National Assembly of Venezuela. The proposed law will require Venezuelan NGOs to seek authorisation to operate and to periodically disclose the receipt of foreign funding. The draft law prohibits "political activities" or activities that "threaten national stability and the institutions of the Republic," but fails to define these terms. NGOs that fail to meet these new requirements or are deemed to be carrying out "political activities" face fines, the cancellation of their official registration or criminal charges.

Francisco Cox, member of the UN Independent International Fact-Finding Mission (the Mission), has said that "the proposed law would put in place formal requirements on existing and prospective NGOs which are so onerous that, in practice, it would grant the State a quasi-permanent power to suppress them. The law is clearly aimed at obstructing, as opposed to facilitating, the exercise of the right of association."

Non-governmental organisations and human rights defenders in Venezuela already face the risk of attacks and threats and experience legal and operational hurdles to their work, including in

access to funding. In its 2020 report to the Human Rights Council (A/HRC/45/33), the Mission concluded there were reasonable grounds to believe that violations and crimes amounting to crimes against humanity were committed by members of State structures in Venezuela to further 'a policy to silence, discourage and quash opposition to the Government'.

This context and the terms of the draft law prompted the Chair of the UN Independent International Fact-Finding Mission on Venezuela to describe the law – if passed – as 'a point of no return in the closure of the civic and democratic space in Venezuela'.

NGOs or individuals that have no recourse to independent judicial bodies at national level and are similarly denied access to regional human rights mechanisms, have in recent years sought to engage with international human rights mechanisms. The draft law will place further restrictions on NGOs ability to operate and may put their very existence in doubt.

As a further indication of what this bill represents, it was introduced by Diosdado Cabello, second in command to President Maduro, who, it was reported on the National Assembly's website, said, wholly without foundation, that the bill 'represented a debt owed to the Venezuelan people because the ONGs had been used to destabilise the country.' Diosdado Cabello has already been criticised for reprisals against civil society representatives. In 2015 UN Special Rapporteurs denounced the 'televised reprisals' he carried out on his show 'Con el Mazo Dando' on the main State network.

2. Javier Tarazona

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, FundaREDES 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 criminalise 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.

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 centre. Javier Tarazona has informed colleagues at FundaREDES that he has been a victim of physical and psychological torture during his detention in the Helicoide. He has been a victim of mechanical asphyxia; has been forced to take narcotic substances against his will and he has been regularly beaten.

In her June 2022 report to the Human Rights Council (A/HRC/50/59), the High Commissioner for Human Rights noted Javier Tarazona's request for specialised medical care, 'owing to the reported deterioration in his health while in detention'. To date he has not received such care. In their September 2022 report to the Human Rights Council (A/HRC/51/CRP3) the Independent International Fact-Finding Mission on Venezuela noted that Javier Tarazona had been subjected to torture during his detention.

On the 30th October, 2022, the Inter-American Commission on Human Rights provided a change of focus and follow-up to the precautionary measures first granted in June 2020 given Javier Tarazona's detention in July 2021. The Commission expressed concerns of 'possible acts of torture, severe conditions of detention and lack of required medical treatment', and requests that the Venezuelan State adopt a range of measures to protect his right to life, physical integrity and health. The Commission also makes the request to visit the Helicoide prison where Javier Tarazona is detained to encourage compliance with these measures.

In March 2023, Javier Tarazona was awarded the The Homo Homini Award, by NGO 'People in Need', and Amnesty International have designated him a prisoner of conscience who has been arbitrarily detained for his human rights work.

3. Rafael Tarazona and Omar de Dios García

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.

4. Lourdes Afiuni

The case of judge **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, Afiuni was granted a conditional release.¹⁸⁴ 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

¹⁸⁴ 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.

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 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 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 Afiuni's punishment represents an emblematic case that reportedly results in a generalised 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).

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.

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 terms of follow-up, as of March 2023, Afiuni is still awaiting the results of the penitentiary tests, which should have taken around two business months, and the preventive measures - international travel ban and prohibition to speak to media - still remain.

5. Fernando Alban

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.

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.

In terms of follow up, Alban's son and daughter, his widow and his lawyer were subsequently persecuted as part of the policy of State persecution. His legal team has not been able to return to the country because of that persecution and fear of further reprisals.

6. 'Misión Verdad'

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 organisations. Since September 24th, the social network account 'Misión Verdad' (Truth Mission) has carried out a campaign to criminalise, harass, and stigmatise various Venezuelan non-governmental organisations, accusing them of providing the FFM with false information. The campaign directly targets organisations 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 organisations with a recognised track record in documenting

and defending human rights in the country.¹⁸⁵ In the case of COFAVIC, the site links to an article that points to the organisation as the main source of information for the UN report and includes a photo of its director, Liliana Ortega.¹⁸⁶ For several years, 'Truth Mission' has been disseminating content that seeks to criminalise the work of organisations 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.

7. Attacks against human rights organisations

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 2019, 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 (Observatorio Venezolano de Conflictividad Social, OVCS)**, **Liliana Ortega** of COFAVIC, **Rafael Uzcátegui de Provea**. The organisations were accused of being financed by the United States, targeted and delegitimised 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

¹⁸⁵ <https://omct.org/es/human-rights-defenders/urgent-interventions/venezuela/2020/09/d26094/>

¹⁸⁶ https://twitter.com/mision_verdad/status/1309276631907864576?s=12

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, Michelle Bachelet in June 2019 and the report presented by her office after the visit on July 5, 2019, as mandated by the Human Rights Council, subsequent oral updates in September and December 2019, as well as March 2020, the renewal of the mandate by the Human Rights Council to continue monitoring the situation in Venezuela, as well as the establishment of a Fact-Finding Mission to establish accountability and advance truth and justice processes for victims.

Within this framework, human rights defenders and organisations 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 stigmatise and harass them.

The attacks against the OVCS continue and remain unpunished; while the organisation continues to be a main reference for international mechanisms such as the Office of the High Commissioner and the Independent International Fact-Finding Mission. Between 2022 and 2023 they have been targeted for their reports, as well as victims of repeated digital attacks.

While the organisation's documentation, denunciation, and advocacy activities continue, the State maintains its Repressive Policy without investigating and punishing the attacks and reprisals against the OVCS and, given the context of criminalisation of activities framed within International Cooperation and the attacks on those who report to international mechanisms, including those of the United Nations, remain a high level of risk.

Trends and patterns

- From its research and monitoring work, the CDJ has been able to identify the trends and patterns that have marked the period covered by this report in terms of reprisals for cooperating with United Nations mandates. The observed trends are based on the quantitative and qualitative analysis of the attack modalities described above.
- In the April-March period, the Center for Defenders and Justice was able to identify a total of 466 attacks. We emphasise that the Criminalization Policy is not only evidenced by the commission of attacks but also through the adoption and validity of restrictive measures, as well as the impunity that permeates in cases of attacks against organisations and defenders. This, together with the pattern of attacks, the restrictive measures, and the circumstantial and structural factors in the country's socioeconomic apparatus, make the Venezuelan context a hostile and adverse one for the defense of human rights.
- In this sense, the Center for Human Rights Defenders and Justice was able to identify 33 attacks that took the form of reprisals in the period to be analysed by the Secretary - General. These events were distributed and characterised as follows: 29 were stigmatisation facts; 2 were threats; 2 were acts of intimidation and harassment.
- On this, we highlight according to the documented trend in this period, as in previous ones, reprisals tend to increase in the framework of pronouncements or actions carried out by the

United Nations mandates that act on Venezuela. Likewise, regarding the use of stigmatisation as a form of retaliation, we recall that stigmatisation is the starting point from which the execution of other types of attack is derived, including prosecutions and acts of intimidation and harassment. Additionally, the institutionalisation of the State discourse has resulted in the existence of the normative framework described above, which is why the CDJ is concerned that the use of stigmatisation as retaliation could motivate other actors to commit acts of retaliation against people and advocacy organisations doing advocacy work at the United Nations.

- Those primarily responsible for the acts of reprisals have been officials of different ranks of the State belonging to the public powers, including the Legislative and Executive Powers, as well as the Attorney General of the Republic, the National Secretariat for Human Rights. Likewise, the platforms that are members of the National System of Public Media and those related to the government party were in charge of disseminating and echoing the statements made by officials, ministries, and institutions against the independent human rights movement. On the other hand, on social networks, members of militias and entities of the Peace Protection System (SP3) made intimidating statements against the organisations from anonymity; Regarding this, the CDJ recalls that these components, due to their territorial nature and with social intelligence functions, can carry out identification processes in order to intimidate and threaten human rights defenders in the municipalities.
- Despite the complaints from organised civil society and the international mechanisms of the United Nations, the Venezuelan State has not taken the necessary corrective measures to reverse and put an end to the Criminalization Policy; on the contrary, it continues to nurture and refine its patterns and measures. Proof of this is the recent approval in the first discussion of a Law for the Control, Regularization, Financing, and Action of non-governmental and related organisations in the month of January. Taking this as a precedent, the CDJ is concerned that acts of retaliation continue to be committed within the framework of the criminalisation of international cooperation. In the same way, we emphasise that the cases of people or organisations that have been the object of attacks continue with impunity, and the organisations in charge of ensuring the validity of human rights, such as the Attorney General's Office, remain silent in the face of the deepening of criminalisation and far from investigating. and punish those responsibly, it has dedicated itself to opening arbitrary proceedings against human rights defenders for carrying out denunciation work in the country.
- The Venezuelan State is increasingly moving away from its international commitments and obligations in the field of human rights and continues to undermine rights through actions and omissions in order to silence and neutralise the independent human rights movement through the criminalisation of its job. We reiterate that defenders and organisations require a safe and conducive environment to carry out their work without fear of retaliation that could compromise their operability and integrity. This is especially important in a context such as Venezuela, in which, with the Judicial Power subject to the Executive Power, the chances of obtaining justice at the national level are scarce, for which reason the spaces of the universal system are presented as an alternative to reporting cases.
- To the extent that this policy persists, the risks for the movement increase, thus compromising not only the right to defend human rights, freedom of association, expression,

and peaceful demonstration, but also the victims of serious human rights violations in Venezuela that count on non-governmental organisations to represent and monitor their cases to achieve justice, truth, and reparation.

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 organisation's cooperation with the UN, including its public engagement with, and participation in, the 42nd session of the Human Rights Council. These incidents were committed by de facto-authorities, Security Belt forces, and forces loyal to the President of Yemen. In January 2020, in the context of their application for ECOSOC consultative status, a smear campaign against Mwatana was reportedly launched on social media, based on the reportedly false accusation that the organisation had stolen money. High-ranking public officials in the internationally recognised Government of Yemen have reportedly been involved in this campaign on Twitter, accusing the organisation 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.

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 organisations (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 legitimatise 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 statement¹⁸⁷ 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 2020¹⁸⁸ on the situation of women human rights defenders in Yemen.

Mwatana for Human Rights: It is an independent Yemeni organisation engaged in defending and protecting human rights and operates through field investigation and research.¹⁸⁹ Within the reporting period, fourteen incidents targeted Mwatana's field researchers and lawyers. These 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, show 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 metres 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.

¹⁸⁷ 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).

¹⁸⁸ The Implementation of CEDAW in Yemen, Source: The Yemeni NGOs CEDAW Collation (October 2020), See at: <https://static1.squarespace.com/static/5e21d2d4aa9bc02b2a6fcb06/t/5f87267f89e5f722dcca54b8/1602692738643/yemen+cedaw+shadow+report+4+october+2020.pdf>.

¹⁸⁹ Mwatana for Human Rights, available at: <https://www.bing.com/newtabreaddir?url=https%3a%2f%2fmwatana.org%2fen%2f>

- In January 2022, a lawyer was threatened to be detained by a Houthi person for following up on legal cases.
- The internationally recognised 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.
- 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.

In terms of follow up, Mwatana remains the only partner of the UN Monitoring and Reporting Mechanism in Yemen. Between Mar 2022 to Mar 2023, 15 incidents of threats, intimidation, arbitrary detention, and, travel ban happened against Mwatana employees in the centre and field (researchers and lawyers) in Sana'a, Taiz (the city under the control of the Internationally recognised government and areas under the control of Houthis), Hadhramout, Marib, Dhamar, Hajjah, Aden, Al Dhalea and Abyan. Houthis are responsible for 8 incidents divided into 5 incidents of threatening, 2 incidents of arbitrary detention, and 1 travel ban. The internationally recognized government of Yemen is responsible for 1 incident of arbitrary detention, 2 incidents of threat, and 1 incident of intimidation. The Southern Transitional Council (STC) is responsible for 3 incidents of threats. One of these threats accompanied an incitement and smearing campaign and expelled a lawyer in the field.

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 popularise 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 marginalised.
- 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 publicise these obstacles and hold States accountable.

Recommendations to the 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.
- Recognising 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.
- Recognise 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.
- Recognise 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.

Recommendations 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.



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