



# 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 2024

## 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 2023 – 30 April 2024). 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.<sup>1</sup>

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



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

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

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

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

## 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](#)

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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.<sup>7</sup>

ISHR acknowledges that the senior official is complementary to existing UN mechanisms to address reprisals and encourages coordination and collaboration amongst mechanisms. We continue to emphasise that the establishment of the senior official does not in any way diminish the obligation of other UN bodies and mechanisms to develop and implement policies and take necessary steps to prevent, investigate and remedy cases of reprisals.

We understand that the senior official primarily fulfils her mandate through private representations, addressing cases of reprisals bilaterally with the relevant State, although she may also make public statements and representations. ISHR notes that her predecessor, Andrew Gilmour, spoke publicly in very few instances. He addressed cases of reprisals in Egypt and Bahrain while presenting the Secretary-General's Reprisals Report to the Human Rights Council in September 2017.<sup>8</sup> In a May 2018 opinion piece, the ASG also addressed cases of reprisals against human rights defenders in Asia, including against mandate holders.<sup>9</sup> He addressed cases of reprisals against two NGOs (**Alkarama and the International Dalit Solidarity Network (IDSN)**) in his remarks to the 39th session of the Human Rights Council.<sup>10</sup> He also raised IDSN and Alkarama, at a side event at the General Assembly's Third Committee in October 2018,<sup>11</sup> where he also raised the case of the head of B'tselem who was attacked and threatened after briefing the UN Security Council, as well as threats of reprisals in Myanmar and South Sudan in the context of Security Council visits. The senior official also specifically mentioned the case of the head of B'tselem in a statement at the Cairo Institute of International Studies Third Regional Forum of the Arab Human Rights Movement, in Tunis in November 2018.<sup>12</sup> He mentioned the case of Egyptian defender, **Ibrahim Metwally**, in his closing remarks during his interactive dialogue with the Human Rights Council in September 2019.<sup>13</sup>

**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

7 Fact Sheet # 1 on Reprisal in Africa, African Commission on Human and Peoples' Rights, 2019, available at: <https://achpr.au.int/en/documents/2023-11-23/fact-sheet-no-1-reprisals-africa>

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

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

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

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

Review process.<sup>14</sup> The Human Rights Council's President and Bureau have the responsibility to protect the Human Rights Council's processes and defend its integrity, particularly as it relates to the right of civil society to participate fully and safely in its work.<sup>15</sup> Attacks against those that cooperate with the Human Rights Council, or its mechanisms, constitute an attack not only on those individuals but on the institution itself.

While the President and Bureau of the Human Rights Council maintain their rhetorical commitment to addressing reprisals, visible action to prevent and if necessary, respond and ensure accountability for cases of reprisals remains weak. 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

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<sup>14</sup> See further Memorandum of Advice from Freshfields Bruckhaus Deringer, Sir Nicolas Bratza and Professor Egbert Myjer of October 2014: available at <http://www.ishr.ch/news/human-rights-council-time-act-legal-obligation-end-reprisals>.

<sup>15</sup> See further Memorandum of Advice from Freshfields Bruckhaus Deringer, Sir Nicolas Bratza and Professor Egbert Myjer of October 2014: available at <http://www.ishr.ch/news/human-rights-council-time-act-legal-obligation-end-reprisals>.

database; and Letters of allegations are sent to States privately and then published after 60 days in the public communication database. The HRC Presidency should provide short oral updates on cases of alleged intimidation or reprisal, including actions taken, at the start of the Item 5 general debate of each Human Rights Council session and provide States concerned with the opportunity to respond.

At its 36th session, the Human Rights Council adopted resolution 36/21<sup>16</sup> on reprisals. Notably, the resolution asks the senior official to present the annual report of the Secretary-General on reprisals to the Council and for it to serve as the basis of an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned. In practice, the Council's discussion of cases in the reprisals report and follow-up to those cases has not been very systematic. The interactive dialogue could theoretically ensure adequate attention to the report and to sharing good practices, challenges and lessons learned and for States to raise cases and push other States to ensure the safety of the human rights defenders involved.

At the first such dialogue in September 2018, only one State, Germany, raised a specific case of reprisals during the dialogue, citing the case of Egyptian lawyer **Ibrahim Metwally**, detained since October 2017 by the Egyptian authorities. Furthermore, half of the States cited in the report intervened during the dialogue to deny the allegations against them.<sup>17</sup>

During the second such dialogue in September 2019, Germany 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).<sup>18</sup> 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**).<sup>19</sup>

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 Escorcía, Anibal Toruño, Marcos Carmona and Jonathan López**.

<sup>16</sup> Human Rights Council, 'Cooperation with the UN, its representatives and mechanisms in the field of human rights', A/HRC/RES/36/21, 29 September 2017, <http://undocs.org/A/HRC/RES/36/21>.

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

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

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



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, Dieudonné 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. 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.

In September 2023, 13 States publicly raised specific cases and situations of reprisals and intimidation.

- **Luxembourg**, on behalf of the **BENELUX States**, publicly addressed the situations of the Bangladeshi organisation **Odhikar** and its members **Adilur Rahman Khan and Nasiruddin Elan, Abdulhadi Al-Khawaja in Bahrain, and Félix Alejandro Maradiaga, Aníbal Toruño and Vilma Núñez de Escorcía** of the Nicaraguan group **Comisión Permanente de Derechos Humanos**. They also included in their statement mentions of **Belarussian NGO Viasna** and **Ibrahim Metwally Hegazy in Egypt, Jiang Tianyong in China and Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana** from **Burundi**.
- **Germany** also raised the case of **Viasna**, as well as those of **Chinese** defenders **Gui Minhai, Ilham Tohti, Li Qiaochu, Li Yuhan, Yu Wensheng and his wife Xu Yan**, and of **Egyptian activists Alaa Abd el-Fattah and Alaa El-Din El-Adly**.
- The **United States** cited the targeting of **civil society organisations under Hong Kong's sweeping 'National Security Law'** and also included in their statement the harassment of the legal team defending the jailed pro-democracy media mogul **Jimmy Lai**.
- **Pakistan** cited the cases of **Kashmiri activists Khurram Parvez and Irfan Mehraj**.
- **Liechtenstein and Czechia** also raised the case of **Viasna** before denouncing **legislative measures to criminalise assistance to and cooperation with international bodies in Belarus and Russia**. The **Russian measures** were also mentioned by the representative **Lithuania**, speaking on behalf of **Poland and Ukraine**.
- **Denmark** cited the case of **Abdulhadi Al-Khawaja** detained in **Bahrain**. The **United Kingdom** also cited the case of **Sebastien Lai, the son of Jimmy Lai from Hong Kong** as well as the cases of **Anexa Alfred Cunningham** from **Nicaragua**.
- The **UK** also addressed the situation of the **NGO Viasna** and trade unionist **Alexander Yaroshuk** from **Belarus** and the lawyers **Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana** from **Burundi**.
- The representative of **Botswana** called out acts of reprisals committed against official UN mandate holders, which are not included in the Secretary-General's annual report.

Additionally, the report on reprisals was introduced for the second time at the General Assembly on 12 October 2023. Specific cases and situations of intimidation and reprisal were raised for the first time

during the dialogue with the Assistant Secretary-General. The case of **Anexa Alfred Cunningham** and the **situation in Hong Kong** were cited by the **United States**.

Additionally, 80 States joined the cross-regional statement on reprisals led by Ireland and Uruguay, delivered at the General Discussion on the promotion and protection of human rights (item 71) at the General Assembly's Third Committee. This is the same number of States who joined the statement in the previous two years.

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**, **Abdulahdi 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 March 2024 at the 55th session of the HRC, BENELUX raised the following cases: **Abdulhadi Al-Khawaja (Bahrain)**, **Viasna (Belarus)**, **Li Qiaochu (China)**, **Kadar Abdi Ibrahim (Djibouti)**, **Felix Maradiago (Nicaragua)**.

In November 2020, The Netherlands raised a case from Andorra (**Vanessa Mendoza**) in the context of the UPR.<sup>20</sup>

On March 14, 2024, **nine European Human Rights Ambassadors released a [joint statement](#)** honouring Cao Shunli's legacy and calling on all States to stop engaging in acts of reprisals and to allow for safe and unhindered access to, and communication with, the UN.

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.

At HRC 54 in September 2023, States adopted another resolution by consensus. The resolution encourages, inter alia, all UN entities to strengthen efforts to prevent and address acts of intimidation or reprisal, including through adopting dedicated protocols or guidelines, and ensuring that dedicated civil society focal points are adequately resourced to proactively promote an enabling space where civil society actors can safely contribute, at the country and global levels, to United Nations meetings, networks, processes and arrangements, and calls upon all States and relevant stakeholders to contribute to these efforts.

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<sup>20</sup> <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.<sup>21</sup>

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.<sup>22</sup> This welcome move led by the Permanent Mission of the United Kingdom to the UN is in line with the call made in resolution 42/28 at the Human Rights Council for the General Assembly to remain seized of all work in this area.

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.

During the 78th session of the General Assembly, Ireland together with Uruguay 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

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<sup>21</sup> The statement was made by the United Kingdom on behalf of Afghanistan, Albania, Andorra, Australia, Austria, the Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Panama, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Samoa, San Marino, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Tuvalu, Ukraine, the United States, Uruguay and Vanuatu.

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



sought to cooperate with the treaty bodies, in particular human rights defenders. The Chairs further recommended that the practices of the treaty bodies in implementing the San José Guidelines, including the role of focal points and rapporteurs be further aligned, including by sharing good practices in that regard. The Chairs also encouraged focal points and rapporteurs in the various treaty bodies to work together between sessions as needed and recommended that treaty bodies make information about reprisals available on their websites. Finally, for their 31st annual meeting, the Chairs requested the Secretariat to prepare a paper on the role of focal points and rapporteurs with respect to reprisals against those who were cooperating, had cooperated or sought to cooperate with the treaty bodies, including good practices in that regard.<sup>23</sup>

In response to the call by the Chairs of the treaty bodies to identify good practices and the roles of focal points and rapporteurs with respect to addressing reprisals, OHCHR and the International Service for Human Rights (ISHR) jointly organised a workshop in Geneva on 12 and 13 December 2018, together with Amnesty International and the NGO Network on UN Treaty Bodies<sup>24</sup>. The objective of the workshop was to facilitate a discussion between focal points and rapporteurs on reprisals and other members of treaty bodies to help develop a common understanding of the scope and impact of the issue and to identify good practices and proposals to align the roles and approaches of the treaty body rapporteurs and focal points on reprisals. The outcome of the workshop includes a compilation of good practices in handling reprisals and a set of recommendations by participants. The recommendations touch on a range of issues including: the role of the rapporteurs or focal points on reprisals, preventative and further measures (for State party reviews, monitoring visit and inquiries, individual complaints, awareness-raising), coordination with other mandates, mechanisms or procedures, as well as monitoring the implementation and dissemination of the San José Guidelines.<sup>25</sup>

In April 2019, the Secretariat developed a shared internal repository of information and a common webpage on reprisals against those cooperating with the treaty bodies. The common webpage sets out information on the role of the rapporteurs and focal point and on how to submit information on reprisals.<sup>26</sup>

There is still significant divergence between treaty bodies in both the accessibility of information about reprisals and in the response to reprisals.

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<sup>23</sup> [docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FhOD6sgqgzAhFXD9F%2FeKaHS27qvpChe6dsIpF%2FUJwxkQCmg2yyFOqfuyHPMxGh9eNqz4ukR%2FFOT8vqUHYjK0oLQvVcrscJgYPyZtQoOtsqnOxVGpCw+6iZsdpUmY43q%2F](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FhOD6sgqgzAhFXD9F%2FeKaHS27qvpChe6dsIpF%2FUJwxkQCmg2yyFOqfuyHPMxGh9eNqz4ukR%2FFOT8vqUHYjK0oLQvVcrscJgYPyZtQoOtsqnOxVGpCw+6iZsdpUmY43q%2F) at page 16.

<sup>24</sup> [https://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/31Meeting/HRI\\_MC\\_2019\\_CRP\\_2.docx](https://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/31Meeting/HRI_MC_2019_CRP_2.docx)

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

<sup>26</sup> <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 <sup>27</sup>	Yes <sup>28</sup>	Yes August 2014
Human Rights Committee	No	Yes	No	No	Yes <sup>29</sup> June 2016
Committee on Economic, Social and Cultural Rights	No	Yes <sup>30</sup>	No	No	No <sup>31</sup>
Committee on the Elimination of Discrimination against Women	Yes	Yes	Yes	No	Yes July 2018
Committee against Torture	Yes	Yes	Yes <sup>32</sup>	Yes	Yes <sup>33</sup> September 2015

<sup>27</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FRLE%2F9029&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FRLE%2F9029&Lang=en)

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

<sup>29</sup> <https://www.ungeneva.org/en/news-media/meeting-summary/2016/06/human-rights-committee-discusses-methods-work>

<sup>30</sup> The Bureau of the Committee acts as the focal point

<sup>31</sup> E/C.12/2016/2.

<sup>32</sup> CAT/C/55/2.

<sup>33</sup> 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 <sup>34</sup>	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 <sup>35</sup>	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 <sup>36</sup>	Yes	Yes	Allegations of reprisals disclosed when visit reports are made public	Yes <sup>37</sup> 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.<sup>38</sup>

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

<sup>34</sup> Endorsed the San José Guidelines.

<sup>35</sup> [www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx](http://www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx)

<sup>36</sup> CAT/OP/6/Rev.1

<sup>37</sup> Endorsed the San José Guidelines at its twenty-seventh session

<sup>38</sup> 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.<sup>39</sup>

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.<sup>40</sup> In 2024, the treaty bodies reported that there seemed to be a slight decrease in allegations reported to the focal points, working-level Secretariat focal points and rapporteurs and treaty body experts compared with the previous reporting period, though also reported that it is difficult to ascertain whether this is reflective of reality, due to self-censorship or due to the preventive actions and responses to allegations that the treaty bodies are taking that are effective in the prevention of cases.<sup>41</sup>

The Chairs expressed concern about the capacity of the Chairs to provide protection to human rights defenders and cautioned against limiting work on reprisals to engaging only with States parties. The Chair of the thirty-fifth meeting stressed that the concluding observations of the treaty bodies highlighted the importance of supporting civil society interlocutors and that it was always important to look at every case and the context in which reprisals occurred. Following the discussions on engagement with stakeholders, during their thirty-fifth annual meeting, the Chairs agreed to develop common guidelines in this regard and to strengthen their cooperation to prevent and address acts of intimidation and reprisals for cooperation with the human rights treaty bodies, in line with the San José Guidelines.<sup>42</sup>

## 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 2023, 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 of intimidation and reprisal was raised, as appropriate, with the President

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<sup>39</sup> <http://undocs.org/HRI/MC/2022/4>

<sup>40</sup> HRI/MC/2023/2

<sup>41</sup> HRI/MC/2024/2, para 17.

<sup>42</sup> HRI/MC/2024/2, paras 12-13.



of the Human Rights Council and/or the Chair of the Third Committee of the General Assembly. Mandate holders held a dedicated discussion during their annual meeting and revised the enhanced response to reprisals adopted in 2015. Sorch MacLeod, the focal point of the Coordination Committee on the issue, led the discussion, which allowed for an assessment of the actions taken by special procedures and the United Nations to address the issue, as well as the identification of trends and possible follow up actions by the Committee. Mandate holders acknowledged the growing use of online platforms and new technologies for intimidation and reprisal. They also underscored the significance of reacting to such cases through various tools at their disposal and reporting on incidents in the annual report of the Secretary-General.<sup>43</sup>

The 2023 report of the Secretary-General on reprisals includes new allegations from 10 communications concerning 9 States and 1 non-State actor, and follow-up information on cases and legislation concerning 12 States). The mandate holders noted concerns about reprisals due to cooperation with the United Nations in eight reports and one oral statement to the Human Rights Council, and in three reports to the General Assembly. They also included references to the issue in two public statements following country visits and in five press releases addressing restrictive legislation, actions at a United Nations conference and two individual cases concerning four countries.

### Attacks against mandate holders

ISHR continues to be very concerned about attacks of a personal nature against Special Procedure mandate holders, as well as members of Expert Mechanisms and Commissions of Inquiries<sup>44</sup> by several UN member States. ISHR views these attacks as reprisals against mandate holders for their work to investigate and report on allegations of human rights violations and abuses. It is wholly unacceptable that these individuals have been targeted simply for trying to fulfil the mandates given to them by the Human Rights Council. Beyond the impact on these individuals themselves, these acts of intimidation and reprisal constitute an attack on the Human Rights Council and the UN human rights system more broadly. We are particularly concerned at the proliferation of attacks, which speaks to a 'copycat' phenomenon regarding States' tactics to effectively discredit, disparage, defame, threaten, and otherwise undermine these experts, ultimately hampering their abilities to fulfil their mandates. Furthermore, prominent UN experts being attacked without consequence may deter civil society from engaging with the mechanisms and is likely to increase fear in those seeking the protection of the UN.

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**.<sup>45</sup>

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 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.

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<sup>43</sup> A/HRC/55/69, para 70.

<sup>44</sup> See also <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

<sup>45</sup> <https://www.theguardian.com/world/2021/mar/23/top-saudi-official-issued-death-threat-against-uns-khashoggi-investigator>

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.<sup>46</sup>

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.<sup>47</sup> Human rights organisations and humanitarian organisations face a disproportionately high likelihood of being deferred compared to 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.<sup>48</sup>

Member States working within multilateral institutions are legally obligated to ensure the full and effective participation of civil society. The Declaration on Human Rights Defenders affirms 'the right, individually and in association with others, to unhindered access and communication with international bodies.'<sup>49</sup> The Committee on NGOs must ensure apolitical, fair and transparent consideration of all NGO applications for consultative status.

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

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<sup>46</sup> <https://www.ishr.ch/news/ngo-committee-accusations-terrorism-remain-unretracted>

<https://www.ishr.ch/news/un-ngos-relationship-must-evolve-take-full-advantage-civil-society-expertise>; <https://www.swissinfo.ch/eng/politics/ngos-face-uphill-battle-to-gain-access-to-the-un/48318440>;

<sup>47</sup> <https://ishr.ch/latest-updates/committee-on-ngos-politicised-committee-defers-almost-two-thirds-of-ngos-seeking-un-accreditation/>

<sup>48</sup> <https://ishr.ch/latest-updates/un-finally-grants-access-to-dalit-rights-organisation-blocked-for-a-record-15-years/>

<sup>49</sup> General Assembly resolution 53/144 (1998) <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders>

On 20 June 2019, the Coordination Committee of the Special Procedures sent a letter to the Committee on NGOs,<sup>50</sup> 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.

The Coordinating Committee recommended that the Committee on NGOs:

- Institute safeguards against arbitrary delays, deferrals or denials of consultative status by, among other things:

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<sup>50</sup> [https://www.ohchr.org/Documents/HRBodies/SP/CC\\_Chair\\_letter\\_to\\_NGO\\_Committee\\_20062019.pdf](https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf)

- 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'<sup>51</sup> informal meeting of the Security Council to address reprisals against women human rights defenders and women peacebuilders who engage with the Security Council. States overwhelmingly reaffirmed their responsibility to protect civil society briefers from intimidation and reprisals related to their engagement with the Security Council. However, many 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.<sup>51</sup> Member States of the Security Council

<sup>51</sup> <https://www.ishr.ch/news/reprisals-new-ishr-policy-brief-reprisals-and-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.<sup>52</sup>

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 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

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<sup>52</sup> <https://www.womenpeacesecurity.org/resource/statement-unscc-wps-open-debate-january-2022/>

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.

The 2023 report of the SG on Women, Peace and Security reported that the Security Council used stronger language on protecting women who defend human rights from reprisals, as well as more attention being paid by Council members to preventing reprisals against women briefers from civil society who are invited to provide briefings, or to addressing such reprisals, when they occur. UN-Women launched a survey to collect information about reprisals against these civil society briefers in order to improve the reporting and documentation of such cases. In 2022, the survey was sent to 56 women who briefed the Council that year, 24 of whom responded, with 7 who self-reported having been targeted as a consequence to their briefing. Three cases reported through the survey are included in the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, two of them having been included anonymously owing to the fear of further reprisals (A/HRC/54/61, para. 13).<sup>53</sup>

The 2023 report of the SG on Women, Peace and Security also mentions that between May 2021 and April 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented incidents of reprisal and intimidation against 172 women, girls, women human rights defenders and civil society organisations working in the field of human rights, who were targeted for their cooperation with the United Nations.

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<sup>53</sup> <https://undocs.org/S/2023/725>

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

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

In 2016, ISHR developed in consultation with over 500 defenders from every region a Model Law for the Recognition and Protection of Human Rights Defenders, which was then settled and adopted by 28 of the world's leading human rights experts and jurists.<sup>54</sup> The Model Law provides authoritative guidance to States on how to implement the UN Declaration on Human Rights Defenders at the national level and specifically contains provisions relating to the protection of defenders from reprisals.

In March 2019, ISHR made a Submission to the 2019 UN Secretary-General's report on 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights' outlining Good practices in the legal and policy framework at the national level to ensure the right to participation at the international level.<sup>55</sup> The submission puts forward arguments for a legislative response by individual States and provides a brief review of the extent to which the national human rights defender laws and policies have addressed the right to unhindered access to and communication with international bodies, and the obligation to prevent and ensure protection from intimidation and reprisals.

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 national laws in the Democratic Republic of the Congo (DRC), Ecuador, Mongolia, Niger and Perú, as well as provincial laws in the DRC and Mexico. Before them, Brazil, Burkina Faso, Colombia, Côte d'Ivoire, Honduras, Mexico (including State-level laws) 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, Costa Rica, Colombia, 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.<sup>56</sup>

While much valuable work is being done to evaluate how well defenders are protected by these laws and policies,<sup>57</sup> little has been said on the need for them to provide specifically for the right of

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<sup>54</sup> <https://www.ishr.ch/news/model-law>

<sup>55</sup> <https://www.ishr.ch/ishr-submission-sg-report-reprisals-good-practices-legal-and-policy-framework-national-level>

<sup>56</sup> <https://colombiareports.com/colombia-massively-violating-rights-of-human-rights-defenders-court/>

<sup>57</sup> 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.

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.<sup>58</sup>

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.<sup>59</sup>

**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**,<sup>60</sup> section 10 incorporates the Model Law language; in the **Burkinabe** law, only the right to be affiliated with non-governmental organisations is mentioned in Article 6;<sup>61</sup> 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);<sup>62</sup> the **Honduran** law speaks of the right to communicate with NGOs and intergovernmental organisations (Article 4[5]);<sup>63</sup> the law in **Mali** (Article 3[3])<sup>64</sup> and draft law in **Niger** (Article 4)<sup>65</sup> 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]);<sup>66</sup> Only one of the regional edicts from the DRC (South Kivu) recognises this right in Article 4d).<sup>67</sup>

**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])<sup>68</sup> and the bill being considered in the Philippines (section 10)<sup>69</sup> 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;<sup>70</sup> The law in **Mali**

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58 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.

59 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.

60 [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.

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

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

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

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

65 [Loi N°2016- / du portant droits et responsabilités des défenseurs des droits humains en République Du Niger](#)

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

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

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

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

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



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);<sup>71</sup> 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;<sup>72</sup> 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 .<sup>73</sup>

**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;<sup>74</sup> 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 authorisation and the relevant ministry having been informed;<sup>75</sup> 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).<sup>76</sup> 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.<sup>77</sup> 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.<sup>78</sup>

**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,<sup>79</sup> as does the draft being developed by civil society in **Sierra Leone** (Part IV, Section 11);<sup>80</sup> 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);<sup>81</sup> 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);<sup>82</sup> 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

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

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

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

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

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

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

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

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

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

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

81 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 Défenseurs des Droits Humains au Burkina Faso](#), 2017

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

and 12) and to protect them, their families and their collaborators from risk arising from their activities (Article 15);<sup>83</sup> 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);<sup>84</sup> 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).<sup>85</sup> 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.<sup>86</sup> 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.<sup>87</sup>

**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;<sup>88</sup> the law in **Mali** states that violations against defenders shall be sanctioned in accordance with applicable laws (article 17);<sup>89</sup> 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);<sup>90</sup> Part V(10) of the draft law being developed by civil society in **Uganda** makes it an offence to intimidate a human rights defender;<sup>91</sup> 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).<sup>92</sup> The **DRC South Kivu** edict states in Article 15 that violations against HRDs shall be sanctioned in conformity with the Congolese Penal code.<sup>93</sup> 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.<sup>94</sup>

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

84 Loi N°2016-\_\_\_\_\_/ du portant droits et responsabilités des défenseurs des droits humains en République Du Niger Avant-Projet De Loi De Protection des Défenseurs des Droits Humains en République du Niger

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

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

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

88 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 Défenseurs des Droits Humains au Burkina Faso, 2017

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

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

91 The human rights defenders' bill, 2018.

92 The Human Rights Defenders Bill 2017.

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

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

## REGIONAL AGREEMENTS

On 21 October 2021, the Meeting of the Parties to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) adopted a decision establishing a rapid response mechanism for the protection of environmental defenders (the Special Rapporteur on Environmental Defenders under the Aarhus Convention). The mandate of the Special Rapporteur is to: take measures to protect any person who is either: (a) Experiencing persecution, penalization or harassment, or (b) At imminent threat of persecution, penalization or harassment in any way, for seeking to exercise their rights under the Aarhus Convention. Such penalization, persecution or harassment may arise from the acts or omissions of public or private entities or individuals.<sup>95</sup> The first mandate holder, Michel Forst, was appointed on 24 June 2022.

On 4 March 2018, the Escazú Agreement was adopted, becoming the first binding international agreement to explicitly mention human rights defenders (specifically, those in environmental matters) and the obligation to protect them and ensure a safe and enabling environment for their work.<sup>96</sup> The Agreement entered into force on 22 April 2021.

The Committee to Support Implementation and Compliance of the Agreement (the Committee) can consider allegations of non-compliance with the Agreement from a Party with respect to itself, a Party with respect to another Party or a member of the public with respect to a Party. Non-compliance can arise from reprisals suffered by HRDs. Furthermore, article VII.6(a) of the Rules of Procedure of the Committee states that the Committee may withhold information if it considers that people related to the information may suffer reprisals or prosecution.<sup>97</sup> The first members of the Committee were appointed on 21 April 2023 and they will start their operations on 25 April 2024.<sup>98</sup>

On 25 October 2017, the "Joint mechanism of the Inter-American Commission and OHCHR Latin America for the protection of HRDs" was launched. The mechanism aims to improve protection of HRDs in the region, including from reprisals for cooperating with the Inter-American System and the UN.<sup>99</sup>

## THE ISSUE OF SELF-CENSORSHIP

In October 2018, the then ASG noted that he was conscious of 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 was aware many cases go unreported, in addition to those that are not included in the Secretary-General's report on reprisals because consent has not been obtained from the victims or

<sup>95</sup> Decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention, ECE/MP.PP/2021/2/Add.1, available at: <https://documents.un.org/>

<sup>96</sup> Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean. Article 9.

<sup>97</sup> Rules relating to the structure and functions of the Committee to Support Implementation and Compliance. annex 1 of decision I/3 of the first meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

<sup>98</sup> Members were elected on 21 April 2023. See Decision II/1 of the COP to Escazú (21 April 2023)

First session on 10 August 2023

<sup>99</sup> La CIDH y Oficinas de Derechos Humanos de la ONU se comprometen a desarrollar mecanismo para personas defensoras de derechos humanos y periodistas  
[Mecanismo de Acciones Conjuntas para Contribuir a la Protección de Personas Defensoras de Derechos Humanos en América](#)

their families. He further noted that he was also aware that his office is likely to receive information from countries where there is a relatively vibrant civil society who have been able to engage with the UN (and then suffered reprisals). This comment was made to explain that the report presents a slightly distorted picture insofar as there is more coverage of those countries than of others which may be even more closed and repressive and where it is impossible for the UN to engage with civil society at all.<sup>100</sup>

In 2019, the SG reported that he was 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.<sup>101</sup> In his dialogue with the Human Rights Council at the 42nd session in September 2019, the ASG said that self-censorship is the aim of States and others who carry out reprisals and intimidation and that it is only when defenders refuse to self-censor that reprisals are taken. The ASG noted that it is a very difficult issue because it is hard to prove if human rights defenders and 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’](#).<sup>102</sup>

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

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

<sup>100</sup> <https://www.ohchr.org/Documents/Issues/Reprisals/CommentsReprisalsEvent24Oct2018.docx>

<sup>101</sup> A/HRC/42/30

<sup>102</sup> [https://www.ishr.ch/sites/default/files/documents/final\\_ishr\\_intimidation\\_reportweb.pdf](https://www.ishr.ch/sites/default/files/documents/final_ishr_intimidation_reportweb.pdf)

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, by extensive use of speaking slots at the Human Rights Council, and convening side events or exhibitions in UN premises; 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. 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 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. 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

In recent years, UN Headquarters in New York and Geneva have furthered the implementation of the practice of requiring individuals to hold a passport issued by a UN member State (or an ID card from a member State of the Schengen area in the case of the UN Office in Geneva) as a precondition to be allowed access into UN premises.

This practice is reportedly backed by internal regulations or guidance that are not public. This practice also does not appear to be driven by necessary and proportionate security needs of identification and management of entry and exit of UN premises, but by unrelated considerations of national sovereignty and State recognition thereof. This poses significant obstacles to a significant number of individuals who, for a diverse range of reasons, do not possess a passport issued by a UN member State. This includes stateless persons and other individuals in possession of travel documents exclusively. This also includes Taiwanese individuals, who do not hold passports issued by the People's Republic of China, and who are unable to request or obtain, or have been refused by the Chinese authorities, a 'Mainland Travel Permit for Taiwan Residents' (known as *taibaozheng*).

### 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, 2022, nor 2023, 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

#### **1. Kaddour Chouicha and Jamila Loukil, members of the Algerian League for the Defence of Human Rights (LADDH)**

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 faced criminal charges, including 'enrolment in a terrorist or subversive organisation active abroad or in Algeria'. 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".

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.

In terms of follow up, On 5 December 2023, the Special Rapporteur on human rights defenders welcomed the acquittal of three human rights defenders, including Jamila Loukil and Kaddour Chouicha, of terrorism charges in Dar El Baida court on 3 December 2023. However, a few days after the acquittal, the prosecutor appealed so there will be another proceeding, the date of which is not set.

Furthermore, Kaddour filed a complaint about his travel ban on February 14, 2023 with the competent court after having sent complaints to various national security authorities and to the Ministry of the Interior. The Algerian government responded to the UN that the complaint had been processed on 14 June 2023, and that it had been rejected. Kaddour's lawyers in Oran and Algiers, who had not been notified, went to the registry to verify this, and were told the case is still pending. Finally, his Algiers-based lawyer was able to obtain the judgement on 19 January 2024, which rejected Kaddour's complaint on the basis that he had not proved that he had been prevented from leaving the country, and that the Ministry of the Interior had nothing on him, confirming his long-standing argument that there is no decision issued by the justice system that affects him.

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.

In terms of follow up, LADDH has appealed the dissolution. The Algiers Administrative Court of Appeal was due to hold a session in the morning of 19 January 2024, but had to postpone it for the afternoon, as a change of president had to be made as the one presiding over the morning session was the one who had ruled for the dissolution of the LADDH in the first instance. When the session resumed in the afternoon, the LADDH's lawyer asked for a postponement, as he had learned that there was a reply from the Ministry of the Interior's lawyer but had not been informed of this. In the end, LDDH's lawyer was able to obtain the reply from the Ministry of the Interior within a week of the first session, and filed a reply and comments. Another session was scheduled for 8 April 2024, but was postponed until April 22, 2024. In the complaint lodged by the Ministry of the Interior, the request for dissolution was justified on the basis of Kaddour being "A person who held meetings in Tunisia, France and Switzerland to denigrate the Algerian authorities."

We call on Algeria to take specific actions to resolve this case, including removing the travel ban, upholding the acquittal, 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.

## **2. Yamina Maghraoui**

**Yamina Magharaoui** is the President of the "Confédération Générale Autonome Des Travailleurs En Algérie" (CGATA). She met with the Special Rapporteur on Freedom of Association and Assembly, Clément Voule during his visit to Algeria in October 2023. On 6 November 2023 Maghraoui received a police summons and a notification to appear before the examining magistrate of the criminal division of the Dar Elbeida court in Algiers on 13 November 2023. Maghraoui was questioned by the examining magistrate on 13 November 2023 regarding her statements on the El-Magharibia television channel. However, due to her deteriorating health, the judge granted her a new deadline to appear before him in order to complete the judicial inquiry on 23 November 2023. She is on provisional release.

According to Maghraoui's lawyer, this interrogation could lead to her being charged with undermining national unity, national security or even terrorism, in accordance with article 87 BIS of the penal code, which the Algerian authorities have used extensively to prosecute activists, human rights defenders and journalists over 'crimes' related to 'terrorism.'

Although Maghraoui's meeting with the Special Rapporteur was not officially mentioned by the examining magistrate, it is important to note that Maghraoui has been appearing regularly on this channel for over 10 years without any incident. The fact that these statements have suddenly become problematic for the judiciary is not consistent with the government's prior behaviour. It seems Maghraoui's interventions on this channel are being used as a pretext to harass her because of her meeting with the Special Rapporteur. Interestingly, the Special Rapporteur himself appeared on this channel three weeks before Maghraoui was summoned.

Furthermore, on April 4, 2024, Maghraoui received a new summons from the police, but she has not yet appeared.

### 3. Ahmed Manseri

**Ahmed Manseri** is a human rights defender, blogger and trade unionist in Algeria. He is the head of the Tiaret city section of the Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH, Algerian League for the Defense of Human Rights) an independent association working on the documentation of human rights violations in Algeria committed by security services and armed groups. The organisation mainly focuses on cases of prisoners of conscience and enforced disappearance.

Following his meeting with the UN Special Rapporteur on Freedom of Association and Assembly in Algiers on 17 September 2023,<sup>103</sup> Ahmed Manseri was arrested on 8 October 2023. The police raided his house and confiscated electronic devices. The police also violently arrested his wife. While she was released that evening, Ahmed was put in pre-trial detention. He was charged on 11 October 2023 with harming public security and order, for incitement to an unarmed gathering, and being part of a terrorist organisation (article 87 bis of the penal code).

The Special Rapporteur on human rights defenders met with him while he was in detention. According to the Special Rapporteur on human rights defenders, a "picture of him meeting the Special Rapporteur on Freedom of Association and Assembly was included in his case file".<sup>104</sup> During the trial on 14 January 2024 in the Ksar Chellala tribunal, the judge interrogated Manseri on his meeting with the Special Rapporteur. Manseri answered that he was a human rights defender and a member of the LADDH. The judge answered that since the organisation was dissolved, Manseri was not authorised to meet the Special Rapporteur.

On 27 December 2023, the charges were reclassified. Charges related to 'membership of and participation in a terrorist organisation whose aim it is to undermine state security, national unity and the stability of institutions and its normal functioning' were dropped and only the offence of 'committing acts likely to undermine national unity' was retained, with reference to article 79 of the penal code. On 14 January 2024, Manseri was sentenced to 6 months imprisonment, of which 3

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<sup>103</sup> <https://www.ohchr.org/en/press-releases/2023/09/algeria-must-open-civic-space-and-let-critical-voices-be-heard-un-expert>

<sup>104</sup> <https://www.ohchr.org/sites/default/files/documents/issues/defenders/statements/20231205-eom-algeria-sr-defenders-en.pdf>



months were suspended. He left prison that day. The prosecution had requested 3 years of imprisonment and a fine of 100,000 dinars.

The Special Rapporteur on Freedom of Association and Assembly reported that activists told him that they were not willing to meet him during his visit “in person as they feared they could be subject to reprisals by authorities for undermining national security.”<sup>105</sup> The Special Rapporteur on Human Rights Defenders also reported that some defenders she intended to meet “refused or cancelled at the last minute, for fear of reprisals”<sup>106</sup> and that individuals were self-censoring “for fear of being charged under Article 87 bis”.<sup>107</sup>

## 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, 2022, and 2023 ISHR reported that these recommendations had not been implemented and the status of the case remained the same. The same is true in 2024. 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

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<sup>105</sup> <https://www.ohchr.org/sites/default/files/documents/issues/association/statements/20230926-EOM-SR-FOAA-Algeria-en.pdf>

<sup>106</sup> <https://www.ohchr.org/en/press-releases/2023/12/algeria-continued-restrictions-human-rights-defenders-undermine-social>

<sup>107</sup> <https://www.ohchr.org/en/press-releases/2023/12/algeria-continued-restrictions-human-rights-defenders-undermine-social>

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.

More recently, in September 2023, the Bahamas has, in response to a UPR recommendation on LGBTQI+ people, stated that they are not aware of the high rates of hate speech or violence against “LGBTQI and gender identity persons.”

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.<sup>108</sup>

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.<sup>109</sup>

<sup>108</sup> 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>

<sup>109</sup> 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](https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_48_28.docx)

- 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,<sup>110</sup> 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.<sup>111</sup> The Bahrain Government responded on 1 February 2022.<sup>112</sup>
- On 4 March 2022, the UN Committee on Economic, Social and Cultural Rights published concluding observations on Bahrain expressing concerns about "the lack of information regarding the situation of several human rights defenders, including 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.<sup>113</sup>
- 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.<sup>114</sup>
- 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".<sup>115</sup>

### Abdulhadi AlKhawaja:

The case of Abdulhadi Al-Khawaja was included in the 2011, 2012, 2021 and 2023 reports of the Secretary-General<sup>116</sup> due to arbitrary arrest, torture and heavy sentencing following his engagement with the UN, including the UPR and treaty bodies. Since 2011, Al-Khawaja has been serving a life sentence on terrorism related charges. Al-Khawaja is a human rights defender and former Protection Coordinator of Frontline Defenders as well as former President of the Bahrain Center for Human Rights (BCHR). His case has been addressed by special procedures mandate

<sup>110</sup> Bahrain Government response, Explanatory note in response to communication No. AL BHR 2/2021. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36397>

<sup>111</sup> AL BHR 5/2021. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26918>

<sup>112</sup> 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>

<sup>113</sup> 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.adhhrb.org/ar/wp-content/uploads/2022/03/E\\_C-12\\_BHR\\_CO\\_1\\_48031\\_E2.docx](https://www.adhhrb.org/ar/wp-content/uploads/2022/03/E_C-12_BHR_CO_1_48031_E2.docx)

<sup>114</sup> Americans for Democracy & Human Right in Bahrain, Twitter, 22 March 2022, 11:43. Available at <https://twitter.com/ADHRB/status/1506235100543041539>

<sup>115</sup> 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>

<sup>116</sup> A/HRC/21/18, paras. 53–54; A/HRC/18/19, paras. 15–24; A/HRC/48/28 Annex II paras. 7–8.

holders on several occasions<sup>117</sup> to which the Government has responded.<sup>118</sup> In 2012, the Working Group on Arbitrary Detention found the detention of Al-Khawaja arbitrary (Opinion No. 6/2012). On 22 June 2021, the Special Rapporteur on the situation of human rights defenders publicly called<sup>119</sup> on Bahrain to release three human rights defenders held in long term detention and with deteriorated health conditions, including Al-Khawaja. Al-Khawaja is still in detention and his health status and access to adequate medical care remain a source of serious concern.

**Updates:** Interventions calling for his release have been made frequently by Denmark and civil society actors during various sessions. Following statements made by the Danish Mission in the Human Rights Council on 26 September 2022 and the UPR 41st session on 7 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 of due process. The timing of his conviction suggests that the court proceedings may have been a reprisal related to 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 arbitrary detention and the systematic abuse of his human rights have worsened his health.<sup>120</sup> 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.

After experiencing cardiac arrhythmia on 28 February 2023, Al-Khawaja was not able to see a cardiologist until 1 June 2023 at Salmaniya Hospital. However, the cardiologist did not have access to his medical file or necessary equipment to conduct a proper examination, and stated that Al-Khawaja required an X-ray and specialised medical monitoring for several days at the hospital, which was denied by authorities.

On 9 May 2023, Al-Khawaja staged a daily protest in front of the CCTV cameras in the yard of Jau Prison demanding adequate medical care, holding up a sign that read "Preventing medical treatment is slow, systematic murder" and "You commit torture and prevent medical treatment". He suspended this strike on 14 May 2023.

On 9 August 2023, Al-Khawaja launched a hunger strike to protest prison conditions in Jau Prison, denial of medical care, and continued arbitrary detention. Two days later, he was rushed to the intensive care unit of the Bahrain Defense Force Hospital due to cardiac problems. The

117 paras. 7–8. 5 BHR 3/2012; 18/2011; 17/2011; 9/2011; 5/2011; 4/2011; 2/2009; 2/2007; 6/2005.

118 <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=30542> ; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=30543> ; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=30544> ; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=30545> ; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=30187>.

119 <https://www.ohchr.org/en/press-releases/2021/06/bahrain-un-expert-alarmed-prolonged-detention-human-rights-defenders>

120 <https://www.ohchr.org/en/press-releases/2021/06/bahrain-un-expert-alarmed-prolonged-detentionhuman-rights-defenders>

attending doctor stressed the imminent danger to Al-Khawaja's life and administered an intravenous injection to stabilise his heart rate.

On 15 September 2023, Al-Khawaja's daughter Maryam Al-Khawaja, who is also a human rights activist, was prevented from checking in at London Heathrow Airport for a flight to Bahrain, reportedly as a result of Bahraini immigration officials telling the airline not to allow her on the plane. She was accompanied by other activists, including the Secretary-General of Amnesty International, Agnès Callamard.

### **Dr Abduljalil Al-Singace:**

The case of Abduljalil Al-Singace was included in the 2011, 2021, 2021 and 2023 reports of the Secretary General<sup>121</sup> due to arbitrary arrest, torture and heavy sentencing following his engagement with several UN bodies and mechanisms, including the UPR and treaty bodies. Since 2011, Al-Singace has been serving a life sentence on terrorism related charges. Al-Singace was the Director and Spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy. Al-Singace has a disability and requires the use of a wheelchair, and his case has been addressed by special procedures mandate holders on several occasions<sup>122</sup> to which the Government has responded.<sup>123</sup>

On 15 November and 29 December 2021, special procedures mandate holders addressed the long-term detention and deteriorating health of Al-Singace and expressed concerns about allegations of torture, ill-treatment as well as poor conditions of detention. Al-Singace lacks reasonable accommodation for his disability (BHR 4/2021 and BHR 5/2021). On 8 July 2021, Al-Singace started a hunger strike in protest for the ill-treatment and the confiscation of papers written over the course of four years in prison. On 18 July 2021, after a week in Al-Kalaa Hospital, Al-Singace was transferred to Ebrahim Khalil Kando Community Medical Centre, where he has reportedly remained since.

On 4 March 2022, in its concluding observations<sup>124</sup> following the consideration of the initial report of Bahrain, the Committee on Economic, Social and Cultural Rights expressed concern about the lack of information regarding the situation of several human rights defenders, including Al-Singace. The Committee recommended the State protect human rights defenders from harassment, intimidation, and reprisals, and ensure the effective protection of Al-Singace.

In terms of follow up, on 7 January 2024, Al-Singace went on a full hunger strike (except for water) after his family was subjected to harsh measures during their visit to him at Kanoo Medical Center.<sup>125</sup> One day later, on 8 January 2024, authorities told him that they would give him an exceptional visit to make up for the visit where there was an issue, following which Al-Singace said that he had ended his full hunger strike. Al-Singace believes restrictions have been deliberately tightened to pressure him into declining visitations altogether.

<sup>121</sup> A/HRC/21/18, paras. 53-54; A/HRC/18/19, paras. 15-24; A/HRC/48/28, Annex II, paras. 7-8.

<sup>122</sup> BHR 1/2019, 5/2016, 18/2011, 4/2011, 7/2010 and 5/2010.

<sup>123</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34960>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=2110>

<sup>124</sup> E/C.12/BHR/CO/1, paras. 8-9.

<sup>125</sup> Tweet by sayed Ahmed Alwadei (@SAlwadei), 8 January 2024, available at: <https://twitter.com/SAlwadei/status/1744329974482370894>



Despite being held in a medical centre, Al-Singace has been denied adequate medical care for years.<sup>126</sup> He suffers from numerous health problems, and these issues require specialised and immediate treatment, including an eye specialist, an operation for a prostate tumour and a urologist consultation and treatment for shoulder pain. He has also been subjected to prolonged solitary confinement and is denied sunlight and adequate ventilation. Authorities continue to deny him access to information, including banning English and Arabic newspapers and limiting the number of TV channels allowed. Authorities also deny him access to a hot water bottle for pain relief and medical slippers to prevent slipping in the bathroom.

Since July 2021, Al-Singace has been sustaining himself on multivitamin liquid supplements, tea with milk and sugar, water and salts. The third of April 2024 marked 1000 days since Al-Singace went on a solid food strike to protest the confiscation of his intellectual property, in the form of handwritten research on Bahraini dialects, by the Bahraini authorities.<sup>127</sup>

Twenty-eight rights groups and associations wrote to the King and Crown Prince of Bahrain urging their intervention to secure Al-Singace's immediate and unconditional release; however, there has been no response or changes in policy as of the date of this submission.

## 2. Hassan Mushaima

The case of Hassan Mushaima, the former Secretary of the main opposition group Haq movement for Liberty and Democracy, who was imprisoned and sentenced to life on terrorism charges, was included in the 2011, 2012, 2021 and 2023 reports of the Secretary-General<sup>128</sup> following his engagement with the UN human rights mechanisms, including the Human Rights Council and the Committee against Torture, and special procedures mandate holders who have addressed his situation on multiple occasions.<sup>129</sup> On 18 July 2021, Mushaima was transferred to Kanoo Medical Centre where he remains at present. In September 2021, following Mushaima's refusal of an offer for conditional release, his video and phone calls to his family were suspended. As of 30 April 2022, Mushaima's health status and access to adequate medical care remain a source of serious concern.

During the 52nd session of the Human Rights Council held in March 2023, Americans for Democracy and Human Rights in Bahrain (ADHRB) raised 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 Mushaima's family were arrested after staging a protest demanding urgent medical treatment for Mushaima. 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

<sup>126</sup> "Joint Statement Marking Human Rights Defender's 1,000-Day Hunger Strike", Human Rights Watch, 3 April 2024, available at:

<https://www.hrw.org/news/2024/04/03/joint-statement-marking-human-rights-defenders-1000-day-hunger-strike>

<sup>127</sup> Joint letter: Bahrain: Free Al-Singace as he enters 1000 days of hunger strike", Bahrain Institute for Rights and Democracy, 3 April 2024, available at:

<https://birdbh.org/2024/04/joint-letter-bahrain-free-al-singace-as-he-enters-1000-days-of-hunger-strike/>

<sup>128</sup> A/HRC/21/18, paras. 53–54; A/HRC/18/19, paras. 15–24; A/HRC/48/28, Annex II paras. 5–6

<sup>129</sup> BHR 2/2007; BHR 3/2011; BHR 4/2011; BHR 17/2011; BHR 4/2012; BHR 5/2014; BHR 1/2019.

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 be 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 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.

In terms of follow up, on 30 November 2023, BIRD received alarming news from Mushaima’s family indicating that his kidneys are significantly damaged and that he might soon need dialysis. According to his family, when Mushaima insisted on knowing the details of the damage the doctor told him that they could not disclose this information without permission from the Interior Ministry.<sup>130</sup>

According to family members, Mushaima was taken to the emergency department at the Bahrain Defense Force Hospital (BDF) on 25 March 2024 after suffering from severe knee pain. X-rays were conducted, and he was discharged after two hours with only mild painkillers. As he continued to suffer, Mushaima informed his doctor at the Kanoo Medical Centre on 27 March about the urgent need for his referral to Dr. Ali Redha Karashi, and Orthopaedic Consultant at Salmaniya Hospital who treated him previously when he suffered similar issues and prescribed an effective treatment. However, he was informed that consent from the Interior Ministry is required.<sup>131</sup> On 8 April 2024, Mushaima was informed that the Ministry of Interior allowed him to meet with a specialist for examination, but a date is yet to be set.<sup>132</sup>

### 3. Sayed Ahmed Alwadaei

The cases of Sayed Ahmed Al-Wadaei and several of his relatives were included in the 2018, 2019, 2020, 2022 and 2023 reports of the Secretary-General.<sup>133</sup> on allegations of arbitrary arrest, ill-treatment, removal of citizenship and reprisals against family members for Al-Wadaei’s continuous engagement with the UN. Al-Wadaei, a human rights defender and co-founder of the NGO BIRD, fled Bahrain in 2012 and currently lives in exile. The Working Group on Arbitrary Detention found the detention of Al-Wadaei’s relatives to be arbitrary, in reprisal for his cooperation with the UN, and based on their family ties with him.<sup>134</sup> In July 2021, forensic evidence from an investigation reportedly showed that Al-Wadaei was amongst nine human rights defenders targeted and successfully hacked using NSO Group’s Pegasus spyware on their mobile phones between June 2020 and February 2021.

In terms of follow up, on 29 September 2023 Al-Wadaei was stopped by the United Kingdom Border Force upon his return from Geneva,<sup>135</sup> where he had addressed the United Nations Human Rights Council to shed light on abuses faced by political prisoners in Bahrain. He was detained for two and half hours at Gatwick Airport without sufficient explanation.<sup>136</sup> During his

<sup>130</sup> “Urgent Medical Care Needed for Imprisoned Bahraini Opposition Leader”, Human Rights Watch, 11 December 2023, available at: <https://www.hrw.org/news/2023/12/11/urgent-medical-care-needed-imprisoned-bahraini-opposition-leader>

<sup>131</sup> Tweet by Sayed Ahmed Alwadaei (@SAlwadaei), 2 April 2024, available at: <https://twitter.com/SAlwadaei/status/1774985260612075681>

<sup>132</sup> Tweet by Ali Mushaima (@AMushaima), 9 April 2024, available at: <https://twitter.com/AMushaima/status/1777829098225618953>

<sup>133</sup> A/HRC/39/41, Annex I para. 5; A/HRC/42/30, Annex II, paras. 3–6; A/HRC/45/36, Annex II paras. 1–4.

<sup>134</sup> WGAD/2018/51, paras. 85, 93 and 96.

<sup>135</sup> Tweet by Sayed Ahmed Alwadaei (@SAlwadaei), 29 September 2023, available at: <https://twitter.com/salwadaei/status/1707705327238455363?s=61&t=TK8l5c906iu817vypsgA9Q>

<sup>136</sup> Tweet by Americans for Democracy and Human Rights in Bahrain (@ADHRB), 26 September 2023, available at: <https://twitter.com/adhrb/status/1706714275463496136?s=46&t=cRHQAIDKMm9qbVUmCQCmFQ>

stay in Geneva Al-Wadaei was hosted by the US Ambassador to discuss risks faced by Bahraini human rights defenders. He also met with the OHCHR Deputy High Commissioner, various UN Special Rapporteur offices, and ten diplomatic missions, including the EU, Sweden, Denmark, Finland, Austria, Netherlands, Luxembourg, Belgium, Switzerland and Ireland.

On 5 December 2023, Al-Wadaei's lawyer, Ben Keith of 5SAH, filed a letter under the Pre-Action Protocol for Judicial Review (PAP) to challenge the UK Border Force's decision to retain him at Gatwick airport upon his re-entry to the UK.<sup>137</sup> Keith argued his detention was unlawful on the grounds of unlawfully exercising powers to stop, detain and arrest an individual without suspicion upon entry to the UK under the Immigration Act of 1971. In response to the claim, the Home Office admitted liability and offered an apology and compensation on 22 December 2023.

The Home Office stated: "Following your client's complaint, the SSHD has reviewed his records and accepts that your client was unlawfully detained. The SSDH apologises to your client for the actions of his officials and officers [...] compensation for the distress caused. Your client's immigration records have been checked and the records updated to make sure that this does not happen in the future. The Secretary of State is unable to discern what powers were purported to be exercised.

Furthermore, following his return from Geneva, Al-Wadaei was tagged in a malicious tweet from an account that is apparently affiliated with the Bahraini security services.<sup>138</sup> A comment on the post further states: "I believe that such actions, if carried out without the knowledge and coordination of the state, may amount to treason, which requires tightening the penalties to the maximum extent including the death penalty."<sup>139</sup>

#### **4. Sayed Nazar Al-Wadaei, Sayed Ahmed Alwadaei's brother-in-law**

Sayed Nazar Naama Baqquer Ali Yusuf Al-Wadaei is the son of Hajat Mansoor and brother-in-law of Sayed Ahmed Al-Wadaei, who was imprisoned from March 2017 to April 2024. In August 2023, Sayed Nazar joined hundreds of prisoners who launched a hunger strike in Bahrain's Jau prison, with over 800 inmates joining the strike over 36 days.<sup>140</sup>

Sayed Nazar required treatment for eczema, back and neck pain, hair loss due to lack of vitamins, nasal problem, and eye problems, which have caused him chronic headaches. Despite submitting several applications to receive medical treatment, his requests were largely ignored by prison authorities.

He also requested that Jau prison authorities allow him to continue his university education during last month's hunger strike, which was ignored. Prior to his arrest, he had a scholarship to study electrical engineering at Bahrain University. Bahraini authorities claimed an initiative to enable 192 inmates to pursue higher education. However, Sayed Nazar was excluded from this

<sup>137</sup> Diane Taylor, The Guardian, 8 February 2024, available at: <https://www.theguardian.com/politics/2024/feb/08/james-cleverly-apology-unlawful-detention-bahraini-activist-sayed-ahmed-alwadaei>

<sup>138</sup> Tweet by Khulood Salman (@khulood\_salman), 30 September 2023, available at: [https://twitter.com/khulood\\_salman/status/1709466082799489446](https://twitter.com/khulood_salman/status/1709466082799489446)

<sup>139</sup> Comment on tweet by (@king\_my\_one), 4 October 2023, available at: [https://twitter.com/king\\_my\\_one/status/1709581947473682904](https://twitter.com/king_my_one/status/1709581947473682904)

<sup>140</sup> "Political prisoners temporarily suspend mass hunger strike following inmates' deteriorating health as authorities pledge to improve conditions", Bahrain Institute for Rights and Democracy, 13 September 2023, available at: <https://birdbh.org/2023/09/bahrain-political-prisoners-temporarily-suspend-mass-hunger-strike-following-inmates-deteriorating-health-as-authorities-pledge-to-improve-conditions/>

list. We fear he is being denied access to higher education in retaliation due to him being a political prisoner.

Following a complaint to Bahraini oversight bodies regarding the denial of medical care and access to education, the Chairman of the National Institute for Human Rights, responded on 21 March 2024 and shared information from the government hospitals confirming that Sayed Nazar has near-sightedness and a skin condition, and that they were in coordination with Universities regarding education, but failed to specifically address why Sayed Nazar was excluded, sharing a general statement by the Interior Ministry.

On 9 April 2024, Sayed Nazar Al-Wadaei was unconditionally released by a royal pardon issued by King Hamad Al-Khalifa.<sup>141</sup>

## Bangladesh

The case of human rights organisation Odhikar, Mr. Adilur Rahman Khan and Mr. Nasiruddin Elan, Secretary and Director of Odhikar, was included in the 2011, 2019, 2020, 2021, 2022 and 2023 reports of the Secretary-General on accusations of anti-State and anti-Government activities following their engagement in the first cycle of the UPR of Bangladesh in 2009. The 2013 detention and release, and charges against Odhikar staff have been addressed by special procedures mandate holders since 2013, as well as threats, harassment, surveillance, and the killing of one of its staff. Regulations Bill of 2016 and its application for renewal of registration was not approved by the Government.

On 22 December 2022, special procedures mandate holders followed up on Odikhar's application to the NGO Affairs Bureau for the renewal of its registration, the legal case against Odhikar and its Secretary, Mr. Khan and addressed allegations of intensified surveillance of Odhikar following the visit to Bangladesh by the United Nations High Commissioner for Human Rights in August 2022. (BGD 4/2022).

According to information received by OHCHR, on 8 June 2022, upon the Government's non approval of Odikhar's application for renewal of its registration, the Ministry of Foreign Affairs sent a note verbale to all diplomatic missions in Dhaka justifying the government's action and accusing Odhikar of having engaged in maligning the image of the country. On 18 October 2022, Odhikar filed a Writ Petition before the High Court Division of the Supreme Court of Bangladesh challenging the decision not to approve its application. On 7 March 2023 the Writ Petition was added to the daily list of the High Court Division for fixing the date of a hearing before the High Court bench.

On 15 June 2022, according to information received by OHCHR, the 2013 case against Mr. Adilur Rahman Khan and Mr. Nasiruddin Elan under the Information and Communication Technology Act, 2006, was reopened for investigation to allow further evidence upon request by the State Prosecution. Furthermore, during the visit of the High Commissioner, a film portraying Odhikar as an organisation spreading misinformation and causing riots was screened to United Nations representatives by State officials of the Ministry of Home Affairs.

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<sup>141</sup> Patrick Wintour, Guardian, 9 April 2024, available at: <https://www.theguardian.com/world/2024/apr/09/bahrains-king-takes-activists-by-surprise-with-pardon-for-at-least-1500-prisoners#:~:text=Bahrain%20has%20unconditionally%20released%20more,a%20complete%20surprise%20to%20activist>



In its 2022 annual report, the Working Group on Enforced or Involuntary Disappearances (A/HRC/51/31) emphasised that the Government of Bangladesh must ensure that relatives of disappeared persons and human rights defenders and civil society organisations working on their behalf are protected from any threat, intimidation or reprisal and expressed particular concern about the Government's decision not to renew the registration of Odhikar.

On 31 March 2023, the United Nations High Commissioner for Human Rights, Volker Türk, reiterated his concern about the trial of Adilur Rahman Khan and Nasiruddin Elan, accused of falsely reporting about alleged human rights violations in a case dating back to 2013.<sup>142</sup> In addition to the deregistration of Odhikar by the NGO Affairs Bureau, the government and pro-government entities launched hate campaigns against Odhikar in various media. On 11 July 2023, UN human rights experts called on Bangladeshi authorities to end all forms of harassment against Odhikar representatives and ensure respect for due process.<sup>143</sup>

Adilur Rahman Khan was invited to participate in the 4th Cycle Pre-UPR session held in Geneva in August 2023, but was denied permission by the court to attend it. On 24 August 2023, during a court hearing, the defence council sought seven days' time so that Khan could attend the pre-UPR session from 28 August 2023 to 1 September 2023. The Public Prosecutor objected to the request.

After a decade of judicial harassment,<sup>144</sup> in 2023 the government conveniently expedited the trial in the case filed against Khan and Elan under the Information and Communications Technology Act 2006, for publishing a fact-finding report on extrajudicial killings in 2013.<sup>145</sup> On 14 September 2023, the Cyber Tribunal of Dhaka finally sentenced Khan and Elan to two years imprisonment and a fine of ten thousand Bangladeshi Taka (BDT) in an unjustifiable conviction.

Khan and Elan had to struggle to be accommodated in jail as they were not given division facilities by the prison authorities, despite the court ordering so.<sup>146</sup> On 25 September 2023, lawyers for Khan and Elan filed an appeal with the High Court Division of the Supreme Court challenging the trial court's verdict and also sought interim bail until the disposal of their appeal.<sup>147</sup> On 10 October 2023, the High Court Division of the Supreme Court granted Khan and Elan's bail, but they were released from the Dhaka Central Jail located in Keraniganj on 15 October 2023 after 31 days of imprisonment.

The government of Bangladesh continues to accuse Odhikar and Khan of being involved in 'anti-government' and 'anti-state activities' for cooperating with UN human rights mechanisms.

On 13 November 2023, during the 44th Session of the UPR on Bangladesh, the country's Minister of Law, Justice and Parliamentary Affairs unwarrantedly blamed Khan of spreading misinformation. The Deputy Permanent Representative of Bangladesh in Geneva deliberately made verbal attacks on Khan at a side event hosted by a group of international human rights organisations on 13 November 2023 at Palais des Nations to discuss the shrinking of civic space in Bangladesh. The Bangladesh Permanent Mission allegedly organised a group of

<sup>142</sup> <https://www.ohchr.org/en/press-releases/2023/03/bangladesh-turk-urges-immediate-suspension-digital-security-act-media>

<sup>143</sup> <https://www.ohchr.org/en/press-releases/2023/07/bangladesh-must-end-harassment-human-rights-defenders-un-experts>

<sup>144</sup> <https://srdefenders.org/bangladesh-judicial-harassment-of-rahman-khan-and-mr-nasiruddin-elan/>

<sup>145</sup> <https://www.civicus.org/index.php/media-resources/news/6507-bangladesh-end-political-prosecution-of-rights-leaders>

<sup>146</sup> <https://www.newagebd.net/article/213182/adilur-elan-not-given-division-in-10-days>

<sup>147</sup> <https://www.newagebd.net/article/213329/adilur-elan-appeal-against-jail-terms-seek-interim-bail>



Switzerland-based leaders of the ruling Bangladesh Awami League Party to cause disturbance in the Side Event on Bangladesh's UPR. The Panel discussion was disrupted, and verbal attacks were made by the ruling party members to suggest that Khan was a 'propaganda machine' spreading falsehoods. This was followed by articles in online news outlets that also asserted that Khan presented false and fabricated information at the side event and that he tarnished the public image of Bangladesh. Amnesty International condemned the verbal attack on Khan and other panellists by pro-government supporters.<sup>148</sup> This came hours after the Law Minister repeatedly committed to uphold freedom of expression in the same building during Bangladesh's UPR, speaking volumes about the worsening state of civic space in Bangladesh.

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.

## Belarus

The case of the NGO **Human Rights Centre Viasna**, a human rights organisation providing legal aid in Belarus, was included in the 2021, 2022 and 2023 reports of the Secretary-General due to raids, arbitrary arrest, and criminal charges in connection with cooperation with the United Nations. Special Procedures mandate holders addressed the situation of Viasna staff and the persecution of the NGO Viasna on several occasions, noting that the latest arrests and criminal prosecutions unfolded in the context of the adoption of the United Nations Human Rights Council resolution 47/19 on the situation of human rights in Belarus, and the renewal of the mandate of the Special Rapporteur on the situation of human rights in Belarus on 13 July 2021 (BLR 8/2021).

Between October 2022 and March 2023, the United Nations High Commissioner for Human Rights, his Spokesperson, and special procedures mandate holders addressed the arrest, charges, due process shortcomings, and lengthy sentences of several representatives of Viasna, of which six are currently in prison and at least seven more have suspect status in the criminal case against Viasna, but are not in detention (BLR 1/2023).

On March 3, 2023, the Leninsky District Court in Minsk sentenced Viasna members Ales Bialiatski, Valiantsin Stefanovic and Uladzimir Labkovich to ten, nine and seven years of imprisonment, respectively. The UN Special Rapporteurs called on the international community to tirelessly seek truth and justice for all victims of human rights violations in Belarus. Later, the human rights defenders were transferred to penal colonies.

In terms of follow up, Ales Bialiatski was transferred to penal colony No. 9 in Horki, considered one of the harshest prisons in Belarus. In November 2023, it became known that Ales Bialiatski was placed in a cell-type room (PKT), a punitive detention condition resulting from his profile as a

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<sup>148</sup> <https://www.amnesty.org/en/documents/asa13/7425/2023/en/>

human rights defender. For an extended period of time, he has been denied contact with his lawyer and his relatives, who cannot call and do not receive letters from him.

In December 2023, all three human rights defenders were also included in the list of “extremists” drawn up by the Belarusian Ministry of Internal Affairs, subjecting them to further repression.

In January 2024, Valiantsin Stefanovic was also transferred to a cell-type room (PKT), where he is kept in a cell all the time, with only 30 minutes of outdoor time a day being allowed.

On July 21, 2023, Viasna member Leanid Sudalenka was released after serving his entire sentence, but soon faced new arbitrary criminal charges.

Marfa Rabkova and Andrei Chapiuk continue to serve their sentences in penal colonies.

On August 24, 2023, it became known that about a hundred information resources and online accounts related to Viasna were added to the “List of organisations, formations, individual entrepreneurs related to extremist activities.” These include websites [spring96.org](http://spring96.org) and [freeviasna.org](http://freeviasna.org), Telegram channels, Viasna social media pages, shared messenger and email accounts for communication with human rights defenders, Viasna Patreon page, photo stock on [flickr.com](http://flickr.com), as well as personal mail and Telegram accounts.

“Individuals involved in any transfer of information to representatives of “Viasna/Human rights in Belarus” are recognized as participants of the extremist formation and will be prosecuted under Articles 361-1 and 361-4 of the Criminal Code of Belarus that provides for up to seven years of imprisonment,” pro-government media posted.

This makes it much more difficult to keep in touch with the victims of repression and to receive information from Belarus.

## 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 an 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.<sup>149</sup> Communications were sent by the President of the Committee and the Rapporteur on reprisals in February 2017 to the Representative of the Permanent Mission of Burundi in Geneva.

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.<sup>150</sup>

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. 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.

In terms of follow up, the Benelux countries raised the cases at the 54th session of the Human Rights Council in September 2023. The UK also raised the case at the 54th session.

Nigagura, Niyongere, Nshimirimana and Bashirahishize remain in exile for fear of new reprisals. The CAT informed the victims in February 2024 that the complaint will proceed and that Burundi has until June 2024 to submit comments on the merits.

In an unprecedented move, the Burundian delegation withdrew from the dialogue with the Human Rights Committee during its review of Burundi in July 2023, after demanding the exclusion of civil society representatives, including Armel Niyongere, President of Acat-Burundi and Secretary General of SOS-Torture/Burundi, despite being duly accredited by the United Nations.

## Cameroon

### Organic Farming for Gorillas Cameroon (OFFGO)

The case of civil society organisation Organic Farming for Gorillas Cameroon (OFFGO) has been included since 2020 in the Secretary-General reports on reprisals following a communication by special procedures mandate holders (CMR 3/2019). Special procedures mandate holders have

<sup>149</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FRLE%2FBDI%2F26799&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FRLE%2FBDI%2F26799&Lang=en).

<sup>150</sup> <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>

addressed, on several occasions reprisals against OFFGO members, including the expulsion from the country of Mr. Jan Joris Capelle, a Belgian national and co-founder of the organisation, threats against Mr. (Prince) Vincent Awazi, a traditional chief; and death threats and attacks against Mr. Elvis Brown Luma Mukuna, the lawyer of OFFGO, and his relatives. In her 2021 report, the Special Rapporteur on the situation of human rights defenders addressed the case of Mr. Luma Mukuna and his relatives.

On 10 October 2022, the Government responded to mandate-holders (CMR 4/2022), providing information related to the inquiries by the General Prosecutor of the North-West region on the situation of Mr. Luma Mukuna and the legal proceedings involving Mr. Capelle. In her 2023 report to the Human Rights Council, the Special Rapporteur on the situation of human rights defenders noted OFFGO's case, highlighting the important support of the diplomatic community in the country. On 12 July 2022, Mr. Capelle received two summons to appear before the Court of Mbengwi on 5 and 22 October 2022. However, when he submitted his visa application on 18 August 2022 to the embassy of Cameroon in Belgium, the request was denied. Due to the situation, the Court in Mbengwi postponed the case to February and March 2023.

Mr. Capelle had not been able to obtain a visa to travel to Cameroon to honour the court summons. Mr. Capelle and Mr. Luma Mukuna and his relatives continue to receive threatening messages. On 1 February 2023, Mr. Luma Mukuna received a call from an unidentified individual with death threats and a warning that his house was under surveillance and that there were instructions to kidnap a close relative. Mr. Luma Mukuna reported the incident to the police on the same day. Due to the ongoing security risks, Mr. Luma Mukuna and his family have temporarily relocated to a safer location.

In response to UN communication CMR 4/2022, the Government of Cameroon remarked on 10 October 2022 that court proceedings have been introduced, with Jan Cappelle as witness. The Government adds that these “investigations have been opened into other allegations contained in the present Communication [UN CMR 4/2022] by the Procureur General of the North West region in accordance with the Criminal Procedure Code.” This should permit “the gathering of evidence to arrive at an objective conclusion [on the matter of the use of reprisals and intimidation against Jan Cappelle and Elvis Brown Luma Mukuna for their cooperation with the UN].” The court ruled on 23 June 2023 that “the preliminary inquiry [into the acts of torture, false arrest, destructions and conditional threats] has come to and end” and entered a “no case ruling in favour of X (Unknown) for want of complete identification [of the defendants]”. Hence, the case file was closed and Mr. Cappelle never had the opportunity to present the elements in his complaints.

This ruling seriously undermines Mr. Cappelle's rights to communicate updates on the case file to the UN. The Posterity Law Office argued in a communication to the Prime Minister of Cameroon that Mr. Cappelle's rights have been violated by individuals who, by the Cameroon Criminal Procedure Code, have the professional duty to carry out investigations into acts of intimidation, reprisals, and the elements in the case file before the court: the State Counsel of Mbengwi and the Examining Magistrate of the High Court of Momo. The Magistrate's Ruling (dd. 23 June 2023) followed shortly after the interventions from the countries Belgium, The Netherlands and Luxembourg at the UN HRC 52nd session, an intervention from the President of the UN Human Rights Council in March and April 2023, respectively, and interventions from civil society organisations on the matter.



Two days later, a Service Order covering the Ruling was signed and delivered on 8 September 2023 to Mr. Elvis Brown. Shortly after having received the Ruling, a magistrate with the Courts of Momo confessed informally that the Examining Magistrate acted in response to the interventions at the UN in March and April 2023. According to the source, the Examining Magistrate “protests against the use of the UN to force the Government [of Cameroon] to open an investigation into the case. These interventions resulted in calls from the Ministry of Justice [of Cameroon] since March 2023.” Due to fear of reprisals, Mr Elvis Brown and Mr Cappelle did not communicate the origin of this specific information in an update letter to the Prime Minister of Cameroon.

It also seems reasonable to believe that the Magistrate made efforts to make it impossible to appeal this Ruling. Based on sections 270 and 271 of the Criminal Procedure Code, the time-limit for appeal against no-case Rulings is “forty-eight (48) hours” “following the date of service of the said ruling.” Considering the fact that the Service Order dates from 30 August 2023 and the hand- over of the Order and the Ruling to Mr. Brown happened on 8 September 2023, an appeal is no longer possible. Furthermore, the Service Order was sent by Whatsapp, which is inconsistent with the law.

Hence, no one will be held responsible for the acts of intimidation, reprisals, torture, false arrest and the destructions in Tudig. The Ruling allows any party to sue Mr. Cappelle if he continues to communicate his case to the UN and/or in public. The Posterity Law Office identifies a deliberate attempt to close the case without any form of investigation.

The Examining Magistrate alleged in her ruling that the defendants could not be identified, which is absurd as these can be found in numerous state documents and UN communications and from the State Counsel of Mbengwi. Furthermore, the Examining Magistrate recorded factual inaccuracies, including, but not limited: dates of original complaints, the administrative and judicial bodies involved in the original investigations, and the name of the village. The entire picture in the Ruling is one of Mr. Cappelle being responsible for a number of alleged crimes committed against the Mbororo community in Tudig. The Examining Magistrate's Ruling also introduced new accusations against Mr. Cappelle and Mr. Vincent Awazi, e.g. that Mr. Capelle connived with certain traditional chiefs of Tugi [sic] village to settle on the said grazing land and wanted to oust the legitimate proprietor, Adu Umura Dewa who “inherited his father's cows and grazing land, and established a certificate in his name.”

The above mentioned analysis is consistent with the findings made by the Cameroon State Human Rights body NCHRF in 2017, 2018 and 2019 that the judiciary of Mbengwi, Momo Division were directly involved in violations of Mr. Jan Cappelle's rights, including by use of trumped up charges to damage his reputation. The NCHRF recommended the Government of Cameroon to bring these perpetrators to justice.

A review of the Magistrate's Ruling, read in combination with UN Communication CMR 5/20199 and letter No. 205/NV/MPCG/MC/S3 from the Government of Cameroon to the UN Special Procedures mandate-holders<sup>10</sup>, gives sufficient reason to believe that the Government of Cameroon made in July 2019 use of a fictitious judgement in order to defend the expulsion of Mr. Cappelle and an attempt to arrest Mr. Vincent Awazi. The 2019 judgement was found in appendix B of the State's letter No. 205/NV/MPCG/MC/S3 and allegedly dates from 11 January 2018. Mr. Cappelle and Mr. Vincent Awazi argued in August 2019 that this judgement does not



exist and that no court proceedings took place. The UN Special Procedures mandate-holders raised on 18 September 2019 the concern that this judgement may be considered an act of reprisal for Mr. Cappelle's communications with the UN. With this judgement, Mr. Vincent Awazi and others, including Mr Cappelle if he would travel to Cameroon, could have been maliciously incarcerated. No appellate court overruled the judgement. When the Examining Magistrate of Mbengwi initiated her investigations, she received the State Counsel's final submissions on 22 June 2023. The Examining Magistrate's own in-depth investigations ended on 23 June 2023. The content of the Ruling differs substantially from the content in the 2018 judgement (annex 3) and the Examining Magistrate and/or the State Counsel did not raise an objection to the admissibility of the alleged evidence in the 2018 judgement. The 2018 judgement is not mentioned in the Ruling and in the history of the judicial decisions in the Magistrate's Ruling. The 2018 judgement is only found in the State's letter No. 205/NV/MPCG/MC/S3 to the UN Special Procedures mandate- holders.

On 20 September 2023, the Posterity Law Office addressed the various concerns to the Prime Minister of Cameroon and the Procureur General of the North West Region (annex 3). The law office seriously doubts the capacity and neutrality of the State Counsel of Mbengwi and the Examining Magistrate of the High Court of Momo to investigate and prosecute this case. The Posterity Law office recommended the opening of investigations into alleged crimes committed by the Senior State Counsel of Mbengwi and the Examining Magistrate of the High Court of Momo, consistent with the provisions in section 629 of the Criminal Procedure Code. At the same time, The Posterity Law Office urged the Procureur General to ensure the opening of a new investigation into the case of Mr. Cappelle and to closely monitor the correct application of the Criminal Procedure Code by the competent judicial authorities in Momo. On 13 December 2023, Mr Elvis Brown received a call from the Senior State Counsel of Mbengwi to prepare for the continuation of Mr. Cappelle's case before the Examining Magistrate of the High Court of Momo. On 6 February 2024, Mr. Brown attended a first session before the Examining Magistrate of the High Court. On 7 February 2024, Jan Cappelle received his summons to appear before the Examining Magistrate of the High Court of Momo (annex 5). The session will take place on 7 May 2024. The ambassador of Belgium in Cameroon will support Mr. Cappelle's visa request with a note verbale.

### Other incidents

Unknown men in civilian attire have been closely monitoring the house and office of Mr. Elvis Brown in Bamenda, Cameroon between June 2023 and September 2023. The house is located in a secure area in Bamenda (Upstation), with an active vigilante. The office is located on a secured commercial avenue. The unknown men also monitored the houses of two family members of the barrister in their village, located outside of Bamenda, in the first week of June 2023. While some of these unknown men drive a civilian car, others make use of a bike. When approached, the unknown men immediately drove away from the scene. While the Government of Cameroon communicated on 10 October 2022 to the UN Special Procedures to guarantee the protection of Mr. Elvis Brown, there is no evidence that this type of surveillance is part of such measures. The competent local police and judicial authorities deny any direct involvement in the surveillance. As a result, Mr. Elvis Brown and his family members live in constant distress and fear. Mr. Elvis Brown already filed a complaint in February 2023 about the existence of such

surveillance, as well as an attempt to kidnap his spouse. There is no evidence that a police investigation into the matter took place.

A very high rank military officer communicated on 6 July 2023 to Mr. Elvis Brown that the intervention of the UN Human Rights Council's President resulted in “a decision from some high rank officials to discover new ways to silence [us].” The officer referred to “establishing or faking evidence that [we] support the armed conflict and/or that [we] defend NSAG terrorists in court”. In this regard, Jan Cappelle received on 19 August 2023 a friend request and messages on Facebook from someone pretending to be Regent Chief of Tudig Mr. Vincent Awazi. An investigation of the account shows that the person follows and likes many NSAGs who are fighting for the independence of regions in Cameroon. Jan Cappelle and the Regent Chief filed a complaint to the management of the company Meta.

Mr. Elvis Brown received on 7 September 2023 a call from an anonymous person, claiming to be “General Fire” and saying that “he and his family will be killed soon.” The caller had knowledge about the whereabouts of Elvis and his family. “General Fire” was the name of an “Ambazonian fighter” in Bamenda who was killed in 2021.

## 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’.<sup>151</sup> **Jiang Tianyong**, a prominent legal rights activist who met Alston on his trip, disappeared on 21 November 2016. A press release from UN experts in December 2016 indicates that his disappearance is considered to be in the context of his human rights work, and in part due to his efforts to cooperate with the UN human rights mechanisms, including the Special Procedures.<sup>152</sup> The Special Rapporteur on extreme poverty made a specific reference to Jiang Tianyong during the presentation of his country mission report to the Human Rights Council in June 2017.<sup>153</sup> Making a ‘special plea’ to China to release him, the Special Rapporteur stated that the charges were ‘the equivalent of a legal sledgehammer and should have no place in such contexts.’ Jiang Tianyong was accused of inciting subversion of State power. A State-run newspaper published a purported interview with him in March 2017 in which he allegedly confessed to peddling ‘fake news’ to overseas media. A group of Special Procedures mandate holders expressed concern that his alleged confession in August 2017 to seeking to overthrow China’s political system, may have been coerced by the use of torture in September 2017.<sup>154</sup>

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

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<sup>151</sup> A/HRC/35/26/Add.2

<sup>152</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987#sthash.dH7MxnQP.puf>.

<sup>153</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>.

<sup>154</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22028>.

the Government of China to unconditionally release him. In March of 2018, a group of Special Procedures mandate holders expressed deep concern over his deteriorating health.<sup>155</sup>

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

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

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

On 24 September 2019, five of these mandates published a press release stating that 'Despite his release, Mr Jiang is not a free man', and raised concerns about surveillance, restrictions on freedom of movement, and his health and well-being.<sup>156</sup> 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'.

In 2019, four years after his release from prison, Jiang continued 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.

When he was awarded the 2022 Outstanding Contribution to Human Rights Award from the International Bar Association (in absentia) in November 2022, Jiang has reported that he, along with his parents and extended family, has been the subject of harassment by security officials.

In April 2023, Jin Bianling reported that Jiang continues to be monitored by State Security police, following him secretly when he travels; additionally, she reported that at least 20 State

<sup>155</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E>.

<sup>156</sup> <https://www.ohchr.org/en/press-releases/2019/09/china-harassment-human-rights-lawyer-jiang-tianyong-must-stop-say-un-experts>

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 also reported that Jiang's elderly parents are regularly asked by police 'what is Jiang planning, doing and thinking.'

According to Jin, as of April 2024, Jiang's movements are still closely monitored by State Security police. Although they no longer station themselves near his residence, they would contact and follow him when he travels out of the city and the surveillance cameras outside his residence are still operating. Jiang remains barred from visiting Beijing and travelling overseas to date.

## 2. Wang Qiaoling, Li Wenzu, Wang Quanzhang

In October 2016, former Special Rapporteur on extreme poverty and human rights Philip 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.<sup>157</sup> In April 2018, media reports covered the wives' commemoration of Wang Quanzhang's 1000 days in detention, highlighting on-going intimidation tactics.<sup>158</sup>

When Li Wenzu's husband, **Wang Quanzhang**, was finally tried in a secret trial on 26 December 2018, 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.**<sup>159</sup>

In terms of follow-up, in March and April 2023, there were public reports of police presence at the home of Li Wenzu and Wang Quanzhang, hampering their ability to move about freely.

<sup>157</sup> CHN 5/2017 available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23092>.

<sup>158</sup> <https://www.theguardian.com/world/2018/apr/06/its-been-1000-days-wife-of-jailed-chinese-lawyer-on-march-for-answers>; <https://www.japantimes.co.jp/news/2018/04/17/asia-pacific/crime-legal-asia-pacific/guilt-association-kin-chinese-activists-face-house-arrest-harassment-smiling-tigers/>, <https://www.rfa.org/english/news/china/colleagues-04302018113935.html>.

<sup>159</sup> <https://www.rfa.org/english/news/china/elections-11012021105830.html>



Also in March, some acquaintances of the couple reported being ‘forcibly travelled’ to prevent them from joining Li Wenzu on a trip to Beijing.

On 9 June 2023, Wang Qiaoling, her husband and human rights lawyer Li Heping and their daughter were prohibited from leaving China when they attempted to travel to Thailand via Chengdu Tianfu International Airport.<sup>160</sup> Similarly, in August 2023, Li Wenzu’s attempt to obtain a passport was denied by the Public Security Bureau in Badong County, Hubei Province after an earlier refusal in Beijing.<sup>161</sup>

### 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.’ They received an additional charge of ‘inciting subversion of state power’ later. The couple remains in detention as of April 2024. There is no date set for their trial. On the one-year anniversary of their arbitrary detention 30 human rights groups released a public statement urging the Chinese government to immediately and unconditionally release Yu and Xu, and, pending their release, to ensure they are not subjected to torture or ill-treatment while in detention. They further urge the Chinese authorities to fully protect the right to health of the couple’s son, in light of a rapidly deteriorating mental health status as a result of police surveillance and isolation.

They were detained in Beijing Shijingshan Detention Centre until January 2024, after which they were transferred to Suzhou Detention Centre in Jiangsu province, some 1000km away. Xu Yan has reportedly lost 14kg since being detained and the conditions of her detention in Beijing may amount to torture and other ill-treatment. She has been subjected to verbal abuse, including being intimidated by police who threatened to arrest her son if he undertook advocacy on her and Yu’s case. Their son, who turned 18 just before their detention, has faced a serious deterioration of his mental health over the last year, and currently suffers from depression.

### 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.

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

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<sup>160</sup> <https://twitter.com/709wangqiaoling/status/1668853506445578241>

<sup>161</sup> <https://twitter.com/709liwenzu/status/1694624455828668517>



investigation.<sup>162</sup> Despite Cao's death being included in previous reports of the Secretary-General,<sup>163</sup> the 2017 report of the Secretary-General does not include Cao's case. To date, no independent investigation has taken place about Shunli's death, and no Chinese official or government body has been held responsible for it. At the 30th session of the Human Rights Council, the Chinese government claimed that Shunli was 'not a human rights defender' and that she had 'received good medical care.' These statements do not accord with the facts and in light of the Chinese government's on-going harassment of defenders for their human rights work, including for efforts to promote universal human rights and engage with the UN, these statements should not be seen as fulfilling any of the State's obligations to respond to these serious allegations.

The UN Special Procedures released statements on in 2014<sup>164</sup>, 2019<sup>165</sup> and 2024<sup>166</sup> to call for justice and full investigation into her death, and to 'hold those responsible to account.' In their 14 March 2024 statement on the ten-year anniversary of Cao Shunli's death, the experts further stated that 'failing to properly investigate a potentially unlawful death may amount to a violation of the right to life' and 'noted that the participation of human rights defenders and civil society from China in UN human rights mechanisms and bodies has dropped to a record low'. There has been no official response by the Chinese government and no steps towards an independent investigation into her death.

ISHR delivered a statement at the Human Rights Council in March 2014 calling on the human rights community to observe a moment of silence to remember Cao Shunli. 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.<sup>167</sup> On 22 March 2024, ISHR delivered a joint statement on behalf of 16 NGOs at the Human Rights Council for the ten-year anniversary of Cao Shunli's death, concluding with a short silence and a call to States and NGOs to always stand in solidarity with victims of reprisals. Mirroring its 2014 procedural move, the Chinese delegation raised a point of order protesting against the statement. While Cuba, Venezuela, the Democratic People's Republic of Korea and Russia supported China, Belgium on behalf of the 27 States of the European Union, supported by the United States of America, Canada and the United Kingdom, took the floor to defend NGOs' right to speak freely. The Human Rights Council President gave the floor back to the ISHR speaker to finish her statement.<sup>168</sup>

## 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*, was jailed for 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

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<sup>162</sup> CAT/C/CHN/CO/5.

<sup>163</sup> A/HRC/27/38 and A/HRC/30/29.

<sup>164</sup> <https://www.ohchr.org/en/press-releases/2014/03/deadly-reprisals-un-experts-deplore-events-leading-death-chinese-human>

<sup>165</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24331>

<sup>166</sup> <https://www.ohchr.org/en/press-releases/2024/03/china-un-experts-renew-calls-accountability-cao-shunli-death>

<sup>167</sup> <https://ishr.ch/latest-updates/english/>

<sup>168</sup> <https://ishr.ch/latest-updates/china-fails-in-disrupting-tribute-at-un-to-cao-shunli-ten-years-after-her-death-in-custody/>

he had been dismissed. Chen Jianfang's trial was held on 19 March 2021 at Shanghai No. 1 Intermediate People's Court; the proceedings were not open, and the verdict has not been made public.

In 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.<sup>169</sup> She was released in late October 2023 after serving the sentence, but illegally remains under house arrest as of January 2024, with police stationed in front of her apartment.<sup>170</sup> **Around 23 March 2024, police officers from Shanghai Pudong New Area's Hangtou station trespassed on Chen's home, violently dragged her to the police station, copied her cell phone, and only released her later in the evening. Lawyer Wang Yu was blocked by police from visiting Chen, and was summoned to the police station too.**

## 6. Dolkun Isa and Zumretay Arkin, World Uyghur Congress

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.

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<sup>169</sup> <https://www.frontlinedefenders.org/en/case/chen-jianfang-sentenced>

<sup>170</sup> <https://www.rfa.org/mandarin/yataibaodao/renguanfazhi/gf2-01262024070606.html>

Ahead of the Human Rights Council's 42nd session in September 2019, the Chinese mission circulated a letter to the Geneva-based diplomatic community urging them not to take meetings with Dolkun Isa and calling him 'a notorious anti-China secessionist and terrorist' who had committed 'several criminal offences' in China. The letter asserted that taking a meeting with him would violate the UN Charter, and that diplomats should 'reject' meetings with the World Uyghur Congress (WUC). As a result, several delegations reportedly failed to respond to requests for a meeting or cancelled previously arranged meetings with the NGO. In February 2020, these allegations were repeated by state media, whose report on a WUC event in Geneva - timed to the Human Rights Council's 44th session - described Isa as 'a separatist from Xinjiang' and quoted one scholar describing WUC as 'the scum of [Uyghur] people' and using interchangeably WUC and the East Turkistan Independence Movement (ETIM), formerly designated as a terrorist organisation.

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

The case of Dolkun Isa was not included in the 2021 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 February 2023, Dolkun Isa and Zumretay Arkin were followed by a representative of the Chinese delegation in UN premises. Dolkun was followed to the bathroom on day 1, and they were both followed in the hallway during break time on day 2.

World Uyghur Congress representatives are nearly systematically interrupted while addressing the Human Rights Council by points of order raised by the Permanent Mission of China. The latter accuses them of being 'anti-China' and 'terrorist' individuals, questions their accreditation, and systematically requests for their statements to be interrupted.

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 delegation who used aggressive language, accusing him of being a 'separatist,' an 'anti-China force', and a 'violent element', and stating 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’. The President of the Human Rights Council eventually ruled 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.

On 27 September 2023, the Chinese delegation [attempted twice](#) to interrupt and put an end to a statement by Dolkun Isa, delivered on behalf of Stitching Global Human Rights Defence, during General Debate under Item 4 of the 54th session of the Human Rights Council. The delegation firstly questioned the NGO speaker’s accreditation, and later accused him of being an ‘anti-China’ speaker ‘abusing the HRC platform to attack China’s leadership’ and ‘split China’, requesting that he be immediately interrupted. The HRC Vice-President twice confirmed Dolkun Isa was duly accredited and gave him back the floor.

## 7. Procedural tactics against NGO speakers at the Human Rights Council

The Permanent Mission of China regularly makes use of points of order as a procedural tactic to attempt to prevent or interrupt NGO speakers delivering statements at the Human Rights Council. This practice is nearly systematically used against the World Uyghur Congress (see above) and Uyghur individuals, as well as NGO speakers using the term ‘genocide’ or making explicit reference to President Xi Jinping. **Over three HRC sessions which took place over the reporting period (53rd session in June 2023, 54th session in September 2023, and 55th session in March 2024), ISHR documented at least seven points of order raised by the Chinese delegation against at least five accredited NGOs, including ISHR.** A statement by ISHR in June 2023 in a dialogue with the Special Adviser to the Secretary-General on the Prevention of Genocide was interrupted by the Chinese delegation, who accused ISHR’s representative of using ‘insulting words to viciously attack and discredit China’ and of being part of ‘anti-China separatists concocting extremely vicious and absurd [accusations]’. ISHR was given back the floor.

The Chinese delegation also makes systematic use of rights of reply to discredit NGO speakers in general terms after being publicly criticised during specific HRC discussions, accusing them of being ‘anti-China’ forces. **Over the reporting period, ISHR has documented at least 13 rights of reply against NGOs.** On some occasions, the Chinese delegation singles out specific NGOs: this was the case during a right of reply against a range of countries and ISHR during the same above-mentioned dialogue with the Special Adviser on the Prevention of Genocide.

## 8. 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).

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 and 2023, despite any evidence that it has been resolved.

## **9. 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.



## 10. 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.

However, he has been uncontactable and is believed to be under secret detention since 4 November 2023. His daughter passed away in Tokyo, Japan in February 2024, during which time he remained detained and was denied permission to travel abroad to attend her funeral.<sup>171</sup>

## 11. Intimidation and surveillance during China's UPR in January 2024

Multiple individuals reported experiencing reprisals in the form of intimidation and surveillance at the United Nations during the fourth Universal Periodic Review (UPR) of China on 23 January 2024. These incidents, as recounted by three individuals, highlight a pattern of intimidating behaviour aimed at those associated with NGOs working on human rights in China. The large presence of GONGO representatives is aimed at both creating a hostile environment for independent NGOs and human rights defenders to attend China's UPR session in person, and at preventing their access to the room by blocking all available NGO seats several hours ahead of the beginning of the review.

Topjor Tsultrim of Students for a Free Tibet became aware of at least one person, who is believed to be associated with a GONGO, using their smartphone to photograph or videotape him and his Tibetan colleagues while queuing in the line to access the Human Rights Council room for China's UPR. Despite his protests to the security personnel at the entrance, his concerns were initially dismissed. It was only after persistent appeals to multiple UN security personnel that an officer intervened and pulled aside the individual he had identified. The individual and his group of NGO members also attempted to cut in front of Tibetan and Uyghur NGO members who were waiting in line, as there were a limited number of seats for NGOs in the room.

Thupten Dergey of the Tibet Advocacy Coalition reported a similar experience during the UPR. Within the UN premises, he noticed a Chinese-speaking man following him, who then overtly used his phone to capture his photos. Thupten and his colleagues were also subjected to repeated unauthorised photography by several Chinese-speaking persons in the line to access the Human Rights Council

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<sup>171</sup> <https://www.frontlinedefenders.org/en/case/tang-jitian-not-allowed-attend-daughters-funeral>

room for China's UPR session. While some of these incidents were reported and addressed by security personnel, others were overlooked, allowing the intrusive behaviour to go unchecked.

Sophie Richardson, former China director of Human Rights Watch, reported two instances of harassment and surveillance inside the Human Rights Council room. First, several members of the Chinese delegation to the UN photographed NGO members at the NGO-designated seats. The second incident involved another unknown NGO representative who took pictures of both Richardson and her laptop screen as she live-tweeted the session.

In addition, there were also attempts to restrict civil society space in the lead-up to the UPR, including a note verbale requesting UNOG security in Geneva not to allow entrance for a list of activists for being 'anti-China'.<sup>172</sup> The note verbale included a list of nearly two dozen Uyghur, Tibetan and Hong Kong activists whom it described as being "of concern" and urged UN officials to reject any requests from the targeted activists and groups to organise side events. Furthermore, it asked the United Nations in Geneva to ensure that "anti-China separatists" are not granted access to the UPR session and that no "anti-China" slogans or banners are tolerated on the premises. It also advised the UN to prepare contingency plans to avoid any extreme actions by "anti-China personnel or organisations", such as climbing over the wall of the complex, jumping from the building or setting themselves on fire.

## 12. Intimidation and surveillance by GONGOs

As ISHR was hosting a closed-door meeting between UN staff and NGO members at its office in the morning of 12 March 2024, a group of four uninvited Chinese individuals, two men and two women, showed up at ISHR's office to inquire about and attempt to take part in the meeting. The individuals, who identified themselves as coming from the Guangdong Human Rights Association, approached the office under the pretext of attending a Human Rights Council event and inquired for information about the meeting at ISHR office. After a brief conversation with an ISHR staff member, the group left without being allowed to enter the office.

In a connected occurrence, two Uyghur activists reported that prior to attending the said meeting at ISHR office and after the GONGO representatives left ISHR office, they noticed a black minivan with tinted windows and a French licence plate parked close to the office building entrance and the driver was observing them discreetly. **Another individual in the car also took their photographs while they were at the office building's entrance. Following that, the car picked up the individuals who matched the description of the group that had earlier approached the ISHR office.**

Photographic evidence of these incidents, including of the GONGO representatives, was collected by ISHR and submitted to the OHCHR. Two of the four individuals were later identified as being associated with the China Society for Human Rights Studies (CSHRS), a Chinese GONGO in consultative status with ECOSOC. Both of them are also associated with the Institute of Human Rights, Guangzhou University and the Human Rights Research Centre, Northwest University of Political Science and Law, respectively. Their act of showing up at the confidential meeting appears to be an intimidation and surveillance strategy directed at Chinese human rights defenders.

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<sup>172</sup> <https://www.thegenevaobserver.com/exclusive-china-seeks-to-quash-dissent-ahead-un-review-of-its-rights-record/>

One day after this incident, the representative of the Institute of Human Rights, Guangzhou University, was seen by ISHR staff discreetly taking videos of civil society panellists during a Human Rights Council side event on Tibet organised by the Permanent Mission of Canada at the UN. ISHR staff approached the GONGO representative and requested the pictures and videos to be permanently deleted. Immediately after eventually deleting the picture, she approached another ISHR staff to inquire whether the staff member is a Chinese national.

## 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. **In terms of follow up, the prolongation of the travel ban in place since 2018 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 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 has 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 2023, 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.

In terms of follow up, while in March 2024, the investigative judge in case 173/2011 closed the investigation against several human rights organisations, and ordered the travel bans and asset freezes imposed against several human rights defenders to be lifted, on March 24, 2024, the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP) announced that they have not received information from the judicial authorities regarding the organisation's legal status which indicates that the issued decision did not include ACIJLP.

## 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 2017 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', and his pre-trial detention was ordered, and he was 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 June 2022, in its list of issues issued, 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."

**In terms of follow up, the Cairo Criminal Terrorism Court continued to renew the detention of Ibrahim Metwally and he remains in detention despite exceeding the legal maximum length of pre-trial detention.**

### **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.

On 3 January 2022, the President ratified the verdict against El-Baqer. 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".

**In terms of follow up, on 20 July 2023 El-Baqer was released after nearly 4 years of arbitrary detention. He was granted a presidential pardon on 19 July 2023. However, his inclusion in the terrorist list remains.**

#### **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.

**In terms of follow up, according to EuroMed Rights, on 25 February 2024, the Third Terrorism Circuit of Cairo Criminal Court decided to postpone the hearing of Ahmed Amasha until April 14.**

#### **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 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.

In terms of follow up, on October 31, 2023, Hoda Abdelm Moneim had completed her five-year sentence in Case No. 1552/2018 and was supposed to be released on November 1, 2023, but on the same day, she was summoned by the SSSP, in the presence of her lawyer. She was charged in case No. 730/2020 with joining a terrorist group (the same charge she was sentenced to 5 years in case 1552/2018) and financing it (the same charge she was acquitted in case 1522/208). She is currently subjected to pre-trial detention and detained in 10th Ramadan prison.

## **6. Egyptian Coordination for Rights and Freedoms: Ezzat Ghoneim**

**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.

In terms of follow up, Osama Abdulhakim Bayoum remains in detention despite exceeding the legal maximum length of pre-trial detention.

## 7. 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 was kept at Al-Qanater Prison Hospital due to her severely deteriorating health condition and 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 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.

In terms of follow up, Aisha El-Shater remains detained in 10th Ramadan prison. Amnesty International reported that on 1 June 2023, "authorities transferred Aisha el-Shater from al-Qanater prison to the 10th of Ramadan prison in Sharqia governorate. Her family learned that hygiene conditions in her new cell, which she shares with two other prisoners, are better than her previous conditions in al-Qanater prison. However, she has no access to sunlight and for her exercise outside her cell, she is only allowed to walk in a corridor. She is also banned from having any personal belongings and a refrigerator, which means she cannot receive any perishable food items from her family and must rely on prison food. Aisha el-Shater suffers from aplastic anaemia, a rare and serious condition affecting the blood. Despite this, prison authorities continue to refuse her adequate healthcare, including transfer to an outside hospital if necessary for diagnosis and treatment".

## **8. Egyptian Coordination for Rights and Freedoms: Mohamed Abuhorira**

Mohamed Abuhorira Mohamed Abdulrahman (Mohamed Abuhorira) is a lawyer at 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.

In terms of follow up, Mohamed Abuhorira remains detained. Amnesty International reported that on 16 May 2023, he “was transferred from Badr 3 prison to the 10th of Ramadan prison. His family members are banned from visiting him and have no information about his prison conditions and health.”

## **9. 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.

In terms of follow up, Youssef Mansour was released on August 7, 2023.

## **10. 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.

In terms of follow up, in March 2024, access to the website in Egypt was restored.

In addition, the total of 18 years prison sentences (in absentia) against Bahey eldin Hassan, the director of CIHRS, remain in effect. Hassan was sentenced In August 2020 by an Egyptian Terrorism Circuit Court to 15 years in prison. The evidence against him included his social media posts of statements he made in the UN. In 2019 he was sentenced to three years in prison for “insulting the judiciary” in a different case.

Furthermore, in March 2024, the investigative judge in case 173/2011 closed the investigation against CIHRS and other organisations, and ordered lifting the travel ban and asset freezes imposed against several human rights defenders, including Mohamed Zaree, the Director of the Egypt Office at CIHRS. It remains to be seen if the Egyptian authorities will respect the decision.

## **11. Reprisals against Egyptian Front for Human Rights (EFHR) staff**

In June 2023, the human rights defenders and lawyers Mahmoud Mohamed Adel Abdulmajeed Mohamed and Mohamad Issa Ahmed Mohamad Rajeh who are working at the Egyptian Front for Human Rights were included in Case No. 1233/2023 Supreme State Security, charging them with joining a terrorist group and funding a terrorist group by providing it information about the political detainees inside Egypt, in cooperation with Karim Shalaby Taha, one of the founders of the EFHR. An arrest warrant was already issued before the State Security Prosecution.

## **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, 2022, nor 2023 reports 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 exile 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.

In terms of follow up, Assa Traoré's legal team is still awaiting updates on the Paris prosecutor's investigation into the threats made against her after she attended the CERD session in Geneva in November 2022. Furthermore, on June 12, 2023, Assa's car was destroyed and she reported the incident to the police the same day. There are no updates on whether the police took any action in regard to this. Finally, on July 8, 2023, the police announced the opening of legal proceedings against Assa Traoré for organising an unauthorised demonstration on July 8, 2023. Assa Traoré's legal team has no updates on these proceedings until present.

## India

### 1. The Centre for Promotion of Social Concerns (also known as People's Watch) and Henri Tiphagne

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. **Henri Tiphagne** is the Executive Director of People's Watch.

The situation of **Henri Tiphagne** and **CPSC** was included in the 2018, 2020, 2021, 2022 and 2023 reports of the Secretary-General. Special procedures mandate holders have raised the case on multiple occasions, expressing concern over the use of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to restrict the work of non-governmental organisations seeking to cooperate with the United Nations and noted that the postponement and further non-renewal of CPS's licence was a case of reprisal against Tiphagne in this context.

The Central Bureau of Investigation (CBI) visited the CPSC 12 times between January and November 2022 and seized over 80,000 documents and 17,000 vouchers. Between June 2022 and March 2023, the Income Tax Department reportedly asked CPS to submit evidence from the books of account and other documents, such as details of foreign donations received. CSPC submitted all documents required and as of 30 April 2023 is waiting for a response. The number and nature of the requests, questions and queries from government agencies is reportedly disrupting the regular functioning of the CSPC office.

In terms of follow up, after the visit from the CBI in 2022 no update was received from them until 22 June 2023, when the Deputy Superintendent of Police (DSP) asked the CPSC senior

finance officer to provide details about the rents paid for various office buildings. The CBI asked about the amounts paid for the rent of each building, to whom it was paid, to which project were the buildings dedicated and the mode of payment, they also asked for samples of the Demand Draft (DD), vouchers and receipts. Furthermore, they also enquired about the vehicles that CPSC had in its possession from 2006 to 2013, and required specific information related to the fuel and maintenance of the vehicles, the quotations, invoices and mode of payment for them. On 26 June 2023 an assistant to the DSP collected the same information physically at the office.

On 3, 7 and 10 July 2023, the DSP called the CPSC's senior finance officer and requested photographs of the speedometers and logbooks of three vehicles, as well as clarification regarding their rent.

Furthermore, the case for the renewal of CPS's licence is still pending in the Delhi High Court.

## **2. Khurram Parvez**

The situation of the Jammu and Kashmir Coalition of Civil Society (JKCCS), a union of various non-profit organisations based in Srinagar, has been included since 2020 in the reports of the Secretary-General on allegations of reprisals, including for cooperation with OHCHR in the preparation of the 2019 report on the situation of human rights in Indian- administered Kashmir and Pakistan-administered Kashmir. The JKCCS, its programme coordinator, Mr. Khurram Parvez, and other members of the coalition, were reportedly subject to harassment, intimidation, raids, property seizure, travel bans, ill treatment, and arbitrary detention on counter-terrorism charges in relation to their cooperation with the United Nations. Mr. Parvez was arrested on 22 November 2021 on terrorism and other charges, and transferred to a maximum-security prison in New Delhi. He was subjected to additional, similar charges in March 2023 (while already detained). His case has been addressed on several occasions by special procedures mandate holders. In terms of follow up, in June 2023 the Working Group on Arbitrary Detention found his detention arbitrary. He is currently detained at the Rohini Jail Complex. If convicted, Mr. Parvez could face up to 14 years of imprisonment or even the death penalty.

## **3. Irfan Mehraj**

On 20 March 2023, a former associate of the JKCCS, human rights defender and journalist and an OHCHR Minorities Fellow, Mr. Irfan Mehraj, was arrested in one of the cases in which Mr. Parvez has also been charged and also transferred to a maximum-security prison in New Delhi. Mandate holders noted that former associates and volunteers of the JKCCS face coercion and intimidation from the authorities. Mr. Parvez and Mr. Mehraj currently remain in pre-trial detention at the maximum-security Rohini Jail Complex. If convicted, Mr. Parvez could face life imprisonment or even the death penalty.

## 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

The cases of six Palestinian human rights and humanitarian organisations, namely the Addameer Prisoner Support and Human Rights Association (Addameer), Al Haq, the Bisan Center for Research and Development (Bisan), Defense for Children International – Palestine, (DCI-P) the Union of Agricultural Work Committees (UPWC) and the Union of Palestinian Women's Committees (UPWC) were included in the 2022 and 2023 reports of the Secretary General on allegations that their designations as “terror[ist] organisations” under the Counter-Terrorism Law 5776 of 2016 were related to their cooperation with the United Nations and their human rights and humanitarian work. UN actors condemned the designations and noted the critical work of these long-standing key partners of the United Nations in the Occupied Palestinian Territory.

On 17 August 2022, the Israeli Military Commander for the West Bank rejected the procedural objection that five of these organisations – Addameer, Al-Haq, Bisan, DCI-P, and UPWC- had filed in February 2022 against the November 2021 decision of the Israeli Military Commander of the West Bank declaring them “unlawful”. The procedural objection was filed on the basis that the designations lacked evidence and had not followed due process.

On 18 August 2022, Israeli military forces broke into, searched and sealed the offices of the six human rights and humanitarian organisations. Between 18 August and 15 September 2022, the directors of four of the organisations designated as “terror organisations” (DCI-P, Al Haq, UPWC and UAWC) were summoned by the Israeli Security Agency for interrogation. They were threatened by the Israeli Security Agency with further consequences, including arrest, if they did not stop working for the organisations. Two directors also reported acts of intimidation directed at their children by the Israeli Security Agency (A/HRC/52/75, para. 29).

As of 30 April 2023, no formal charges had been filed against the directors of the organisations.

Since the designation as “terror organisations”, at least 15 staff and volunteers of the Union of Palestinian Women's Committee were summoned for interrogations by Israeli intelligence services or received phone calls, threatening them for their continued involvement with UPWC and some were threatened with “consequences” against them and their children (A/HRC/52/75, para. 34). During the reporting period, UPWC executive director, Ms. Tahreer Jaber, was unable to participate in person in the public hearing organised in Geneva before the United Nations Independent International Commission of Inquiry on the OPT, including East Jerusalem, and in Israel, due to a travel ban applied to her by the Israeli authorities a month prior to the hearing.

In June 2023, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, published its detailed findings on attacks and restrictions on and harassment of civil society actors, by all duty bearers. In the report, the Col stressed that “NGOs supportive of Israeli government policies have been increasingly established with the dedicated purpose of preventing, interfering with, and silencing civil-society activities and



events focused on Palestinian rights, both locally and globally. These organisations - some with Economic and Social Council (ECOSOC) accreditation - have dedicated significant resources to attacking specific human rights defenders and civil society organisations through their publications, social media, and other propaganda. These organisations effectively work in tandem with the Israeli Government's strategy against civil society. For example, organisations have supported Government officials in fundraising to cover legal fees relating to litigation, provided staff members in right-wing election campaigns, collaborated on the drafting of Government bills and the establishment of parliamentary lobbies, and engaged in well organised smear campaigns against human rights organisations and individuals alongside government actions targeting the same organisations, among other actions." These attacks have also been monitored around the Human Rights Council.

### Smear Campaign by GONGOs like NGO Monitor

In terms of follow up during the reporting period, the GONGO NGO Monitor continues to document all of Addameer's human rights work at the UN human rights bodies, and mischaracterizing Addameer's work as "anti-semitic" and in "sponsorship of terror". NGO Monitor has last updated their Addameer profile on March 10, 2024.<sup>173</sup> The list includes:

- "In May 2023, Al-Dameer was a signatory on a statement "condemn[ing] the calculated and cold-blooded slow-killing of 45-year-old Khader Adnan—father, husband, Palestinian activist, and former prisoner—by the Israeli occupying authorities in the early hours of Tuesday, May 2, 2023. Khader was a reputed, revered, and resilient resistance actor within the Palestinian Prisoners' Movement" (emphases added)."
- "In May 2023, Al-Dameer was a signatory on a statement titled, "Israeli Apartheid – The Legacy of the Ongoing Nakba at 75." According to the article, "The crimes of the Nakba, including the ethnic cleansing and expulsion of Palestinian refugees, extensive destruction of Palestinian property, mass killing, and the prolonged denial of Palestinian refugees' right to return, have never been prosecuted or remedied...There are many possible paths to a just future, but none should be based on permanent occupation, settler colonialism, and the domination and oppression by one group of people over another. Apartheid has no place in our world and Israel's apartheid must be dismantled now."
- "In October 2023, in the aftermath of the brutal Hamas attack on October 7, Al-Dameer published a statement "emphasiz[ing] the Palestinian people's right for self-determination, which includes waging resistance against the occupation by all means, as this is a recognized right in international law. Al-Dameer emphasizes that targeting and killing civilians 'genocide', destroying their property, targeting the health sector, displacing civilians, and cutting off electricity and water is a crime and a clear and blatant violation against Palestinian civilians in the Gaza Strip" (emphasis added)."
- "In November 2023, Al-Dameer was a signatory on a letter calling on States to "Recognise Israel's colonial settlement enterprise as one policy designed to maintain an institutionalised regime of racial domination and oppression over the Palestinian people

<sup>173</sup> [https://www.ngo-monitor.org/ngos/al\\_dameer/](https://www.ngo-monitor.org/ngos/al_dameer/)

as a whole, and address the root causes of Palestinian dispossession and domination, and the undermining of the individual and collective rights of the Palestinian people, inherent in Zionist settler colonialism,” and to “Recognise Israel’s judicial system as part and parcel of Israel’s apartheid regime, and provide full cooperation to the Office of the Prosecutor of the ICC and the UN ongoing Commission of Inquiry, to ensure justice and accountability.”

Thus, Addameer is still being monitored and attempts at attacks online persist. Much of their information is inaccurate such as naming people that no longer hold positions at Addameer.

### **Funding:**

On February 13, 2024, German news outlet Frankfurter Allgemeine reported that Germany decided to cut funding to six Israeli-designated PFLP-linked NGOs.<sup>174</sup>

### **Travel restrictions:**

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.

**Sahar Francis is still experiencing difficulties with obtaining a visa to the United States and given the questions asked, it is clear the reason is her work, the organisation and its employees.**

## **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

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<sup>174</sup> <https://www.faz.net/aktuell/politik/ausland/warum-einige-palaestinensische-ngos-kein-deutsches-geld-mehr-bekommen-19514577.html?premium=0x8a18a03872b56de69774484a0f29fce6b14c3913980b42ecf88440ff32fda6e7>

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.<sup>175</sup>

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.<sup>176</sup> 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 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."

In terms of follow up, 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. Furthermore, in the absence of a right to engage with international bodies and mechanisms codified into law, the larger concern of a subsequent government reverting back to reprisals against human rights institutions remains a real possibility.

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<sup>175</sup> [https://www.ishr.ch/sites/default/files/documents/09-25-2016-complaint\\_to\\_humanrightscommittee\\_maldives.pdf](https://www.ishr.ch/sites/default/files/documents/09-25-2016-complaint_to_humanrightscommittee_maldives.pdf)

<sup>176</sup> [https://www.ishr.ch/sites/default/files/documents/ccpr-c-130-d-3248-2018\\_e-.pdf](https://www.ishr.ch/sites/default/files/documents/ccpr-c-130-d-3248-2018_e-.pdf)

## Morocco

### 1. Enaama Asfari and Claude Mangin

In November 2016, the Committee against Torture (CAT) found that Morocco had breached six provisions of the Convention against Torture and had committed acts of torture against Sahrawi human rights activist **Enaâma Asfari**.<sup>177</sup> Asfari had been campaigning for the self-determination of Western Sahara, a former Spanish colony that remains under Moroccan occupation despite a 1992 UN ruling for a referendum on independence, which has yet to be complied with. In their decision, the CAT requested that Morocco provide redress and compensation to Enaâma Asfari, and 'refrain from any form of pressure, intimidation or reprisals ... and enable the complainant to receive visits from his family in prison'. However, following the CAT's decision, the complainant was subjected to a range of vexatious actions, and his relatives were not able to visit him in prison. In a letter to Morocco, the CAT underlined the "seriousness of the allegations" of reprisals and called on Morocco to fully comply with the Committee's decision.<sup>178</sup>

The case of Mr. Ennaâma Asfari was included in the 2018, 2019, 2020, 2021 and 2022 reports of the Secretary-General on alleged deterioration of detention conditions following the decision of the Committee against Torture on his case in 2016 (CAT/C/59/D/606/2014). Reported reprisals in the form of an entry ban against Ms. **Claude Mangin-Asfari**, the wife of Mr. Asfari, were also included in the 2019 report of the Secretary-General. The case was inexplicably excluded from the 2023 report of the Secretary-General.

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 13 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.

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. There has been no reply.

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<sup>177</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/093/43/PDF/G1709343.pdf?OpenElement>.

<sup>178</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FRLE%2FMAR%2F8705&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FRLE%2FMAR%2F8705&Lang=en)

In terms of follow up, in May 2023, Special Procedures addressed Naama's deteriorating detention conditions.<sup>179</sup> Furthermore, the Working Group on Arbitrary Detention issued an opinion in October 2023 that Naama's detention is arbitrary.<sup>180</sup>

Concerned about the situation of the prisoners, there was an attempt to organise a visit of lawyers but it was not authorised in the end. One lawyer was prevented from leaving by Royal Air Maroc and another, accompanied by Ligue de Protection des Prisonniers Politiques Sahraouis (LPPS), did not get permission to visit Kenitra and ended up being redirected to Agadir after visiting Saharawi families in Tan Tan when their intention had been to continue to Western Sahara. The prisoners have therefore not seen a lawyer since the end of the trial in July 2017, two lawyers having also been turned away in February 2018.

## 2. The Gdeim Izik Prisoners

The Gdeim Izik prisoners are a group of prominent Sahrawi human rights defenders, journalists, activists and protesters at the Gdeim Izik camp who were arrested and imprisoned in 2010 following the violent dismantlement of the peaceful protest camp Gdeim Izik by Morocco.

They have arbitrary been deprived of their freedom for 13 years, having been subject to severe torture at the time of their arrest and forced to sign confessions, later used as main piece of criminal evidence against them in criminal proceedings held first in 2013 and later in 2017 in front of a Civil Court sentencing them to prison sentences of 20 years to life.

The Gdeim Izik prisoners is the most prominent group of political prisoners from Western Sahara and has since their arrest been included on a regular basis in the report of the UN Secretary General to the UN Security Council on Western Sahara (latest S/2023/729, para 79 - 80). Complaints have been submitted to both UN WGAD, UN Special Rapporteurs and the UN Torture Committee.

There is a number of decisions and communications referring to the continued detention of the Gdeim Izik prisoners, including:

- UN WGAD decision concerning 18 of 19 prisoners of October 2023, A/HRC/WGAD/2023/23
- UN Special Procedures communication of July 2017 concerning the Gdeim Izik group (total 25), AI Mar 3/2017
- UN CAT in decisions of Naama Asfari (CAT/C/59/D/606/2014), Mohammed Bouryal (CAT/C/72/D/923/2019), Abdeljalil Laaroussi (CAT/C/74/D/891/2018), Sidi Abdallah Abahah (CAT/C/72/D/871/2018) and Mohammed Bani (CAT/C/75/D/999/2020).
- Additional complaints were submitted to the UN CAT in June 2022 on behalf of three of the prisoners and in November 2022 for six of the prisoners.

Between their arrest and their appeal in 2017, the Gdeim Izik prisoners were arbitrarily detained under alarming prison conditions; in addition to the prolonged effects of the torture at the hands of Moroccan police at the time of their initial arrest, their health deteriorated due to the multiple hunger

<sup>179</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28076>

<sup>180</sup> <http://undocs.org/A/HRC/WGAD/2023/23>



strikes they carried out to protest their confinement and treatment in prison as well as medical neglect by prison officials.

Following the decision rendered by the Appeals Court, the situation of the Gdeim Izik prisoners swiftly changed for the worse, with the prisoners being dispersed into six different prisons on 16 September 2017, reporting both physical and psychological torture, harassment, and increased isolation, amounting to a life of daily inhuman treatment and torture. The situation also entailed the incitement of Moroccan prisoners, the cancellation of medical appointments, the requirement of handcuffing, and the wearing of a common law prisoner's uniform.

The mistreatment of the prisoners is believed to be a reprisal for the prisoner's open advocacy in favour of the right to self-determination during their appeal trial whilst calling for urgent actions by the UN. The call for action from the prisoners to the UN resulted in a joint communication sent to the Moroccan government by five UN experts in July 2017.

The reprisals of 2017 are still ongoing and include the isolation of the prisoners. Some of them have been held in solitary confinement since September 2017. It also includes arbitrary punishment and deprivation of rights, harassment, intimidations, limited time on the phone and medical neglect.

Following the UN WGAD decision, the prisoners also reported provocations, intimidations and in Kenitra, the prisoners had their cells raided and personal belongings destroyed with the involvement of common criminals incited against them. The prisoners are prepared for future attacks in response to their cooperation with the UN, but urge that their situation, amounting to daily infliction of torture, be addressed and remedied. It is believed that the only way to remedy the situation for the prisoners is by addressing the continued reprisals against all prisoners and increased pressure from UN experts and international NGOs.

Below are some examples of reprisals against the prisoners and their families, as provided orally in a meeting on 4 April 2024.

- In 2020, the occupation authorities in the occupied city of Laayoune cut off the monthly salary (financial assistance) of Ghali AAjna the wife of the political prisoner Mohamed Bani, member of the Gdeim Izik group, believed to be a reprisal for the complaint submitted to UN CAT.
- On 3 March 2021, the authorities arrested Menina Haddi, the mother of political prisoner Mohamed Lamin Haddi, who was accompanied by her daughter. They were interrogated on the orders of the director of the local prison Tifelt, who refused to allow them to visit Mohammed Lamin because of the publication of a video in which his mother described the poor prison conditions of Mohamed Lamin whilst calling on protection from the UN.
- On 29 May 2022, Mohamed Lamin Haddi's younger brother was arrested in the city of Laayoune, and the family was threatened with fabricating a charge against him if the family continued to communicate with organisations and the UN or leak information to the media.
- Since 2022, the prison administration has refused to allow Abdullah Lekhfaoui to provide an authorization and power of attorney for his mother to carry out administrative procedures related to the family's property. This is believed to have come in response to a complaint submitted to the UN CAT in November 2022.

- In October 2023, after the decision of the UN WGAD, the family of Mohamed Elbachir Boutenguiza, in the occupied city of Laayoune, was prevented from obtaining administrative certificates.
- In October 2023, after the decision of the UN WGAD, the prisoners in Kenitra were deprived of medical treatment and the prison administration refused to accept any letters from the prisoners if the prisoners indicated that they were political prisoners or Saharawi.
- On 7 November 2023, the Sahrawi civilian prisoners Mohamed Bachir Botengiza, Hassan Dah and Elhussein Zaoui were subjected to insults by the prison director who described them as terrorists, and prevented them from making phone calls, in addition to inciting employees and prisoners against them. Later, all three were punished with isolation for 20 days. Only Hassan Dah was placed in isolation for 9 days. The actions are believed to have come in response to the UN WGAD decision.
- In November 2023, the political prisoners of the Gdeim Izik group in Kenitra were subjected to an arbitrary search of their cells, and their personal belongings were confiscated, and most of them were deprived of contact with their families for more than a week. This is believed to have come in response to the UN WGAD decision.

## Nicaragua

### 1. Anibal Toruño

The case of Mr. Anibal Toruño, of Radio Darío, was included in the 2020, 2022 and 2023 reports of the Secretary-General on allegations of threats following UN action on his case. In 2021, Mr. Toruño relocated outside the country due to concerns about his safety. Several of Mr. Toruño's close relatives and co-workers were the target of repeated acts of harassment, intimidation, and physical surveillance by police officers. On 15 February 2023 the Managua Court of Appeals issued a decision stripping Mr. Toruño and 92 other individuals of their nationality, declared them fugitives from justice, and requested the confiscation of their properties. This decision was not taken as part of a criminal trial or any other legal procedure. On 24 March 2023, the authorities confiscated a house belonging to Mr. Toruño's relatives, including all the belongings inside.

In terms of follow-up, Anibal Toruño continues to face persecution. He remains one of the 94 people who were recently affected by banishment, property expropriation and de-nationalisation as well as being declared fugitives from justice. His family's property, including his children's ancestral home, has also been expropriated. His family members in Nicaragua continue to be persecuted.

### 2. Félix Alejandro Maradiaga

The case of Mr. Félix Alejandro Maradiaga was included in the 2019, 2022 and 2023 reports of the Secretary-General for an arrest warrant in 2018 and conviction in March 2022 and sentencing to 13 years in prison under Law No. 1055 in connection to his briefing to the UN Security Council in September 2018 (S/PV.8340, pages 4–5).

Mr. Maradiaga is a political scientist, was the executive director of the Institute for Strategic Studies and Public Policy (IEEPP) and a pre-candidate for the 2021 presidential elections.

On 5 September 2018, Maradiaga was invited by member States on the UN Security Council to give testimony in New York. On 24 September 2018, Nicaraguan authorities issued a capture order while he was still in meetings in New York. The government alleged terrorism and other fake charges. Prior, he had been gathering evidence on human rights abuses through his think tank, and shared these reports to the UN. Because of this, his offices had been raided and they were harassed between June and August 2018.

In 2019 Maradiaga met twice with previous High Commissioner Michelle Bachelet, and as a result there were reprisals against him and his family.

On 8 June 2021 he was arbitrarily detained and interrogated at the Prosecutor General's Office, during which it was said that his cooperation with the UN was part of a conspiracy against Nicaragua. This was included in the accusations against him, but the government never issued a public version of the accusation: they alleged that his engagement with and testimonies at the European Parliament, the UN, and the US Congress and other parliamentarians in Central America were part of a conspiracy against Nicaragua.

On 9 February 2023 Mr. Maradiaga and another 221 persons were arbitrarily deprived of their liberty and deported from Nicaragua based on an order from the Court of Appeals of Managua. Mr. Maradiaga, together with the others, was also arbitrarily deprived of his nationality and his records were reportedly erased from the Civil Registry, which has had multiple negative impacts on his human rights.

## Philippines

The cases of the **Karapatan Alliance of People's Rights**, a national alliance of human rights organisations, its Secretary General, **Ms. Cristina Palabay**, and its staff have been included since 2018 in the reports of the Secretary-General on allegations of red-tagging – i.e. the labelling as communists or terrorists – state-linked cyber-attacks, arbitrary arrests and charges in connection with their engagement with the United Nations. During the reporting period, Karapatan continued to engage with the United Nations.

Karapatan and its staff have reportedly continued to be the subject of red-tagging, threats, and stigmatisation on social media in connection to their engagement with the United Nations during the period.

Regarding the judicial harassment against **Cristina Palabay** and **six national officers of Karapatan, a former national coordinator of the Rural Missionaries of the Philippines (RMP)**, 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.

In terms of follow up, on November 17, 2023, Quezon City Regional Trial Court Branch 84 Presiding Judge Luisito Galvez Cortez dismissed the petition for certiorari filed by Philippine authorities seeking to overturn the acquittal of the defenders. On December 14, 2023, Philippine authorities filed a motion for reconsideration on Cortez’s decision. On February 6, 2024, Judge Cortez denied this motion for reconsideration. On February 29, 2024, Karapatan received a notice from the Office of the Solicitor General stating that it is appealing Cortez’s decision to the Court of Appeals.

Furthermore, immediately after the official visit of the UN Special Rapporteur on freedom of expression and opinion Irene Khan, officials from the National Task Force to End Local Communist Armed Conflict, while strongly disagreeing with the recommendation Khan on the abolition of the task force also said that these recommendations were because of Khan’s engagements with groups and individuals who are “anti-government,” “affiliated with if not members of the CPP-NPA-NDF.” They also averred that those who “seek to abolish and undermine the NTF-ELCAC” are terrorists.<sup>181</sup>

## Russia

### 1. Johannes Rohr

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

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<sup>181</sup><https://www.facebook.com/share/N8d6Dg6eWct3FEz8/?mibextid=WC7FNe>  
<https://www.facebook.com/share/p/mgFCNDxMQQLTZ2BX/?mibextid=WC7FNe>

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.<sup>182</sup>

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.

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<sup>182</sup> Reference: AL RUS 8/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24932>



## 2. New legislation in Russia violating the right to access and communicate with international bodies and mechanisms

On 28 April 2023, Article 284.3 was added to the Criminal Code of the Russian Federation it criminalises assistance in the enforcement or execution of decisions relating to the criminal prosecution of public officials or persons participating in armed conflicts on Russia's side issued by an international organisation to which the Russian Federation is not a member State, or by a foreign State body. Given the lack of legislative intent and the vague wording used, the law could be interpreted to intimidate those cooperating or seeking to cooperate with international organisations.

Clearly, the article aims at the decisions of the International Criminal Court (ICC). The ICC was expressly mentioned during the second reading of the bill,<sup>183</sup> and the Chairman of the State Duma, later noted that the law was adopted because of the 'unlawful'<sup>184</sup> actions of international organisations including the ICC. In the context of the arrest warrants issued by the ICC against Vladimir Putin and Maria Alekseyevna Lvova-Belova,<sup>185</sup> the word 'decisions' is broadened to not only refer to final judgements, but any type of order or act that an international organisation issues relating to criminal prosecution.

The vagueness of the article can also be used to do an expansive interpretation and include any communication with an international organisation provided that Russia is not a State party to that particular organisation. This would include applications submitted to the European Court of Human Rights, as such decisions often implicate the obligation to prosecute and Russia is not a State member to the European Convention on Human Rights.<sup>186</sup> This raises concerns as UN bodies, including human rights mechanisms could be captured under this law, exposing human rights defenders who communicate and advocate for actions and accountability within the UN system.

Article 275.1 was introduced to the Criminal Code of the Russian Federation on 14 July 2022. It criminalises confidential cooperation with a foreign government, international or foreign organisation in order to assist them in activities knowingly directed against the security of the Russian Federation.<sup>187</sup> The official response from the Government of Russia to the bill noted that 'certain provisions of the bill contain evaluative and not clearly defined terms' in particular, 'activities directed against the security of the Russian Federation' which 'does not align with the constitutional requirements of clarity, certainty and unambiguity of legal norms.'<sup>188</sup>

Given the ambiguous nature of the legislation, there is concern that it could be interpreted in a manner that serves to intimidate, restrict engagement and criminally prosecute individuals who communicate with international bodies, including the UN and related international organisations, and particularly given that it is a well-established practice of the Russian courts to maintain the criminal cases under Article 275.1 closed to public.

These laws have chilling effects on victims, applicants, their representatives and human rights defenders seeking justice and advocating for accountability.

<sup>183</sup> The transcript is available on the page of bill No. 232768-8 on the official portal of the Federal Assembly: <http://duma.gov.ru/news/56895> (in Russian).

<sup>184</sup> Quote from the official website of the State Duma, available here: <http://duma.gov.ru/news/56895/>.

<sup>185</sup> Press Release. Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, 17 March 2023: <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and> (in Russian).

<sup>186</sup> BBC News Russian, Gosduma uzhestochila Ugolovnyy kodeks. Komu grozit pozhiznennyyi srok i opasno li teper' obrashchat'sya v YESPCH? [The State Duma has tightened the Criminal Code. Who faces a life sentence and is it dangerous now to apply to the ECtHR?], 18 April 2023, <https://www.bbc.com/russian/news-65317985> (in Russian).

<sup>187</sup> The federal law dated 14.07.2022 No. 260-FZ amending the Criminal Code is available on the official portal of the government of the Russian Federation: <http://publication.pravo.gov.ru/Document/View/0001202207140023> (in Russian).

<sup>188</sup> Quotes from the "Official response of the Government of Russia" available on the page of the bill No. 130406-8 on the official portal of the Federal Assembly: <https://sozd.duma.gov.ru/bill/130406-8> (in Russian).

## Rwanda

**Noel Zihabamwe** is an Australian citizen who moved to Australia from Rwanda on a humanitarian visa in 2006. Since then he has become a highly regarded human rights advocate and leader, working with new migrants, refugees and culturally and linguistically diverse communities in community development and advocacy.

In 2016, Mr Zihabamwe was approached by agents of the Rwandan government in an effort to recruit him to become an agent of influence in Australia for the government. Upon Mr Zihabamwe's refusal, he was subject to ongoing harassment from the Rwandan government and its representatives.

In August 2019, Zihabamwe shared the story of this harassment anonymously with the Australian Broadcasting Corporation as part of a broader article on Rwandan informants operating in Australia. A month later, Zihabamwe's brothers, Mr Nsengimana and Mr A Zihabamwe were abducted by Rwandan police while on a bus in Nyagatare District in the Eastern Province of Rwanda. Mr Zihabamwe's brothers have not been seen since the day of their disappearance, 28 September 2019.

Zihabamwe believes his brothers were abducted by the Rwandan Government in response to his refusal to act as an agent for them. Zihabamwe has approached the Rwandan police and Rwandan Investigative Bureau in relation to the disappearance of his brothers however the Rwandan Government continues to deny any involvement in their disappearance.

In June 2021, Zihabamwe filed a complaint with the UN-WGEID (United Nations Working Group on Enforced or Involuntary Disappearances) in relation to his brothers' disappearance. The ongoing harassment, smear campaign, and intimidation against Noel are intricately linked to his engagement with the UN-WGEID. This retaliatory onslaught intensified notably after Noel began advocating for his missing two brothers and engaging with the UN bodies.

Since his involvement with the UN-WGEID, Noel has been relentlessly targeted by Rwandan-owned or sponsored media outlets and pro-Rwandan government YouTubers. This year, the smear campaign reached new heights with the amplification of defamatory content through local newspapers sponsored by the Rwandan government and various social media platforms like YouTube, Facebook, and Twitter. These efforts are aimed at silencing Noel and obstructing his pursuit of justice for his disappeared siblings.

The media outlets identified in this campaign, such as Igihe.com, the Great Lakes Eye, Igicaniro Tv (YouTube), and Future TV (YouTube), have been actively publishing defamatory articles to tarnish Noel's reputation and credibility. Significantly, these defamatory narratives are widely disseminated by Rwandan supporters, particularly those residing in Australia and Rwanda, with backing from the Rwandan High Commissioner in Singapore and certain members of the Rwandan community abroad associated with the Rwandan Foreign Affairs Ministry.

Moreover, recent newspapers, published in both Kinyarwanda and English, depicted individuals posing as journalists who were actually security agents conducting coercive interviews with Noel's relatives and former neighbours. These coerced individuals were manipulated into making false statements suggesting that Noel's brothers had voluntarily fled to Uganda after selling their properties and bidding farewell to friends. Such orchestrated efforts serve to discredit Noel's claims and undermine his advocacy.

These retaliatory measures follow the publication of a damning Human Rights Watch (HRW) report in October 2023, titled "Join Us or Die – Rwandan's Extraterritorial Repression," in which Noel's testimony was featured as a victim. The report corroborated accounts from Noel's village regarding the forced abduction of his brothers by the Rwanda Investigative Bureau. Additionally, witnesses in Rwanda attested to the surveillance and harassment endured by Noel's family prior to his brothers' disappearance, resulting in the unjust imprisonment of their wives and children due to their association with Noel.

Furthermore, the research conducted by HRW revealed the systematic monitoring and pressure exerted by Rwandan embassy officials or members of the Rwandan Community Abroad (RCA), a network tied to the Ministry of Foreign Affairs and International Cooperation, on Rwandan asylum seekers and refugees. These individuals were coerced into returning to Rwanda or ceasing their criticism of the government. Criticism of the government or the RPF (Rwandan Patriotic Front) often led to online attacks by websites and social media accounts allegedly linked to Rwandan intelligence services, deterring Rwandans living abroad from speaking out against government injustices.

This sustained campaign of harassment and intimidation not only seeks to undermine Noel's efforts but also aims to instil fear within him and deter others from following his example. The psychological toll of such systematic persecution is profound, affecting not only Noel but also his entire family, who are subjected to surveillance, harassment, and imprisonment simply for their association with him and his advocacy work.

## Thailand

The 2021, 2020, 2019, 2018 and 2017 reports of the Secretary-General drew attention to harassment, intimidation and an online smear campaign against human rights defenders who had documented cases of torture and ill-treatment by military in the Southern Border Provinces. Grant recipient Ms. **Angkhana Neelapaijit** were among those targeted (THA 6/2017). On 4 November 2020, Ms. Neelapaijit filed a civil case against the Office of the Prime Minister and Royal Thai Army seeking remedy for damages related to Internal Security Operations Command of the Thai Army's alleged disinformation and smear campaign via the pulony.blogspot.com website, which allegedly used public money to attack women human rights defenders. She petitioned to have the reported fake news, offensive content and disinformation removed.

In terms of follow up, in August 2023, Special Procedures addressed the lack of accountability and protection measures for the online intimidation and harassment against two women human rights defenders, Ms. Angkhana Neelapaijit and Ms. Anchana Heemmina, despite a ruling by the Bangkok Civil Court on 16 February 2023 that recognized that they were affected by the online smear campaign, and that their work as women human rights defenders warrants State protection as per international human rights law and standards. The Court found that the posts published by the website Pulony.blogspot.com were not made in good faith but intended to smear the concerned victims and to inflict harm.

The case of Ms. Angkhana Neelapaijit was reportedly not included in the 2022 and 2023 reports of the Secretary-General due to her appointment as a member of the United Nations Working Group on Enforced or Involuntary Disappearances (UNWGED). Ms. Angkhana Neelapaijit's membership on the UNWGED does not alter the fact that reprisals were perpetrated against her

in relation to her engagement with the UN. In that regard, on 12 March 2024, a commemoration marking the 20th anniversary of Somchai Neelapaijit's disappearance was held with support from NGO colleagues. During the event, which was also attended by UN officials, an unidentified man and woman attended without registering and proceeded to take Ms. Angkhana Neelapaijit's photos, which they then shared with another individual via an online application. The individuals in question later shared that they were members of the ISOC (Internal Security Operations Command) tasked with gathering intelligence and reporting to their superior officers.

## 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 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.

In terms of follow up, on 7 December 2023, a new mass trial began before the Abu Dhabi Federal Court of Appeal, involving 87 defendants. The "UAE87" group includes prominent activists and dissidents already serving prison sentences, including Mr Ahmed Mansoor, as well as those convicted following the grossly unfair "UAE94" trial. Most have ended their sentences, but none have been released, and are being held arbitrarily. In the inaugural hearing, the charges against Mr Mansoor and his co-defendants were read out, with their reported attendance. Mr Mansoor and others are charged with new terrorism crimes, namely, for establishing another clandestine organisation for the purpose of committing acts of violence and terrorism on UAE soil. The second hearing took place on 14 December 2023, where three members of the State Security Apparatus (SSA) appeared as witnesses for the Public Prosecution Office (PPO). The third hearing took place on 21 December 2023, and the entire trial was conducted secretly, with a notable absence of local media coverage. On 11 January 2024, the fourth hearing took place with no media coverage.

On 19 January 2024, nine UN experts expressed their alarm at the new "spurious" terrorism charges brought against civil society in the "UAE87" trial. Importantly, they considered these charges to be a "deeply regressive step, particularly given that the UAE is currently a member of the UN Security Council's Counter-Terrorism Committee". They also said that some of the defendants are currently subjected to enforced disappearance and torture, and that these proceedings violate the right to a fair trial, denial or restriction of access to legal counsel, coerced confessions and lack of access to judicial proceedings (AL ARE 1/2024).

UN experts reiterated their concern about the arbitrary application of the counter-terrorism laws and the grave violations to the right to freedom of expression it entails. They recalled that this law does not appear to "meet the required threshold of legality, necessity, proportionality and non-discrimination under international law".

On 8 April 2024, the UAE authorities replied to the communication but the reply is currently being translated and is not yet available in the OHCHR database.

## 2. Janan Abdulsalam Mohamed Derwish Almarzooqi

**Janan AlMarzooqi** 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, **AlMarzooqi**, 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 **AlMarzooqi**, 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 **AlMarzooqi** is the daughter of the prisoner of conscience **Abd al-Salam Doreesh AlMarzooqi**, and that she and her family were subjected to systematic retaliation from the UAE authorities after they left in 2016 on a medical trip to the United States. Before the treatment was complete they were ordered to return immediately. They refused to return because **AlMarzooqi's** brothers still needed the treatment, but they had to take care of financing the treatment. Another reason they didn't return was that during the same time they heard that they revoked the citizenship of 30 families, and they received a call from Abu Dhabi asking them to bring their passports and IDs "so they can renew our information". The family was concerned this was a ruse to get them to return so they could confiscate their passports and legal documents.

The **AlMarzooqi** family then received a call from the Abu Dhabi government asking them to return to the Emirates to hand over their passports and identity documents. The violations of the authorities continued, since they suspended the **AlMarzooqi** 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 **AlMarzooqi** 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.

In 2018, **AlMarzooqi's** sister's ID was confiscated when she went to visit their father at AlRazeen prison. She is currently in the UAE and is banned from travelling.

Finally, in 2022 we received another call from Abu Dhabi and this time the officer was very clear about the fact that their citizenship is revoked and was trying to get information from us about their status in the US.

Since 2017 **Abd al-Salam Doreesh AlMarzooqi** has been denied his right to call his family, as a form of retaliation because they refused to return to the UAE. However, in 2022 they allowed him a few calls just for the purpose of delivering a message that if we continued advocating and tweeting that we would be prosecuted under the cybercrime law. They also included that they are able to get them and return them back, and the moment they step foot in the UAE they will be detained.

## Venezuela

### 1. Suspension of the activities of the OHCHR Office in Venezuela:

On 15 February, the Venezuelan government suspended the activities of OHCHR. The suspension is part of a broader strategy of repression against human rights defenders and should be considered to constitute a case of intimidation against human rights defenders and victims of violations.

In mid-January the government declared the activation of the civil-military police plan “Furia Bolivariana” to allegedly confront coup or terrorist attacks/conspiracies, which the Centro de Justicia y Paz (CEPAZ) defines as “a mechanism of repression, control and persecution.” As part of this plan, on 22 January Attorney General Tarek William Saab, an ally of President Nicolás Maduro, announced the arrest of more than 30 people for allegedly planning violent acts, including an assassination attempt against the President. Human Rights Defenders Rocio San Miguel's short-term enforced disappearance and detention should be understood in this context.

On 13 February the UN's Independent International Fact-Finding Mission on Venezuela (FFM) warned that the latest measures are not “isolated incidents, but rather a series of events that appear to be part of a coordinated plan to silence critics and perceived opponents.” In September last year, the FFM warned that the government had intensified policies of crushing dissent, including through increased targeted attacks on democratic space and civil society such as unionists, independent media, political opposition and human rights defenders. Previous investigations by the FFM determined that these may amount to crimes against humanity.

The suspension of the activities of OHCHR has impacted upon the exercise of the right to unhindered access to, and communication with international bodies on matters of human rights and fundamental freedoms free from intimidation and reprisals. Firstly, by expelling the OHCHR team, access to them is made more difficult for victims and defenders. In addition, the suspension of the activities of OHCHR along with other recent events, such as the detention of Rocio San Miguel, have led to civil society organisations changing their plans, including in regard to engagement with UN mechanisms.

Following the suspension, civil society in Venezuela issued a statement in the name of 200 organisations, and a separate statement was issued in the name of 25 national, regional and international NGOs.

On 15 February, the Venezuelan NGO Cepaz noted that the suspension of the work of OHCHR from Venezuela, 'increases the lack of protection, not only for the victims of serious human rights violations, but also for the population in general.'

### 2. 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.

On 4th April, the Vice-President of the National Legislative Assembly's Internal Policy Commission (Comisión de la Política Interior) announced that a report on the draft Law on Control, Regularization, Operations and Financing of Non-Governmental and Related Organisations had been adopted by the Committee. This concluded, he said - as reported on the National Legislative Assembly's website - ‘the legal process’ related to the bill. It was also reported that a consultation with CSOs had taken place in regard to the bill. In terms of next steps, the Vice President was noted as saying that the adoption of the report allowed the Assembly ‘to submit the draft to a second reading and adopt it’. To our knowledge no further information on the timing for a second reading has been made public.

The bill, whether passed or not, represents a significant threat to NGOs in the country, and should be considered as part of a context of threats, attacks and restrictions against human rights defenders. On 13 February, the Chair of the UN's fact-finding mission on Venezuela noted, following the short-term forced disappearance and arrest of defender Rocío San Miguel that, “In Venezuela, measures of repression and intimidation aimed at reducing civic space - now at greater risk with the upcoming adoption of the law regulating non-governmental organisations which affects their independence- continue to be combined with other extremely serious measures of

repression.<sup>189</sup> On 3rd April the National Assembly passed at first reading a draft 'Law against Fascism and Neo fascism' which, if adopted, it is feared could be used against real and perceived opponents.

### 3. 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.<sup>190</sup> Judge Afiuni was held in prison for 14 months. She was granted house arrest for health reasons in 2011, and two years later granted parole with the condition of not leaving the country and not using social media.

On 21 March 2019, Judge Afiuni was sentenced to a further five-year imprisonment for corruption, a move that was condemned by the Special Rapporteur on the independence of judges and lawyers as another act of reprisal against her. On July 8, 2019, Judge Afiuni received an official notification from the Seventeenth Court of First Instance dated July 4, 2019, announcing that she was granted the cessation of one of the precautionary measures: the obligation to appear regularly before the courts. However, her freedom was conditional and partial as she is still prohibited from leaving the country, communicating with the press, and using social networks. On 18 October 2019 the conviction for corruption and the sentence of five years imprisonment was confirmed by the Court of Appeal. Afiuni's lawyers appealed the decision before the Supreme Court and the sentence was also confirmed by that court in August 2020.

On 8 November 2020, the Criminal Cassation Chamber of the Supreme Court resolved to dismiss 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

<sup>189</sup> <https://www.ohchr.org/en/press-releases/2024/02/venezuela-fact-finding-mission-expresses-profound-concern-over-detention>

<sup>190</sup> See A/HRC/14/19, paras. 45-47, A/HRC/18/19, paras. 87-90, A/HRC/21/18, paras. 68-69, A/HRC/24/29 and Corr.1, paras. 46-48, A/HRC/27/38, para. 46, and A/HRC/30/29, annex, para. 7.



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, the situation has not improved. As of April 2024, 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. Lourdes Afiuni**

#### **4. 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, there has been no improvement. 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.

## 5. '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. 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 head of one of those organisations, Control Ciudadano (Citizen Control), Rocio San Miguel, was short-term forcibly disappeared and arrested on the 9th February. **Impunity in regard to the reprisal carried out against Control Ciudadano, as well as other kinds of threats and attacks against the organisation and other civil society organisations, facilitates the commission of other frequently graver violations.**

In terms of follow up, we urge Venezuela to (1) immediately release Rocio San Miguel, (2) publically 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.

## Vietnam

The case of Ms. **Pham Doan Trang**, a blogger, journalist, and democracy activist, was included in the 2022 and 2023 reports of the Secretary-General on allegations of long-term arbitrary detention and lengthy sentencing for sharing reports on the human rights situation in the country with the United Nations and other international actors. She is serving a nine-year prison sentence for allegedly "distributing anti-state" information. Trang was the subject of several communications by special procedures mandate holders and an Opinion by the Working Group on Arbitrary Detention in 2021, which found her deprivation of liberty arbitrary. On 2 November 2022, special procedures mandate holders addressed Ms. Trang's detention, including alleged restriction of her right to family visits and her deteriorating health status (VNM 6/2022). On 7 September 2022, Ms. Trang

was allowed to meet her mother and brother for the first time since her arrest in October 2020. On 1 October 2022, without any prior notification to her family, Ms. Trang was transferred to An Phuoc prison, in Binh Duong province. In October 2022, Ms Trang's family was allowed to visit her. Ms. Trang is not receiving adequate health care in detention (VNM 6/2022).

In terms of follow up, Trang is being held in a prison located 900 miles from her home, where her family can only pay infrequent visits. During Trang's imprisonment, her health has significantly declined due to the lack of medical treatment. She now walks with a permanent limp, which resulted from police beating during an environmental protest in 2015. Trang will be this year's recipient of PEN America's Barbey Freedom to Write Award, given by the literary and free expression organisation to a "jailed writer of conscience."

## Yemen

**Mwatana Organization for Human Rights** is an independent Yemeni organisation engaged in defending and protecting human rights and operates through field investigation and research.<sup>191</sup> The case of the Mwatana Organization for Human Rights, a Sana'a-based civil society organisation, and members of its staff, was included in the 2019, 2021 and 2023 reports of the Secretary-General on due to detention and prevention of travel following engagement with the United Nations Security Council and United Nations human rights mechanisms (SAU 8/2018; YEM 4/2018). On 25 January 2022, the head of Mwatana, **Ms. Radhya al-Mutawakel**, briefed the Security Council on the situation in Yemen and was subjected to a smear campaign following her participation. In the reporting period for the 2023 SG report, 15 incidents against Mwatana's field researchers and lawyers were documented where all parties to the conflict used threats, intimidation, arbitrary detention, incitement and smear campaign and travel bans against staff in different geographical areas, including in Sana'a, Taiz, Hadhramout, Marib, Dhamar, Hajjah, Abyan, Al Dhalea Aden, and Amran.

In terms of follow up, during the reporting period for the present report, a further 21 incidents occurred, including threats, intimidation, travel bans, investigative summonses, restrictions on freedoms, arbitrary arrests, attempted arbitrary detention, entry into minefields, and live gunfire confrontations. All of these threats occurred against Mwatana's field and central team in ten governorates: Sana'a, Taiz, Hadramout, Al Hudaydah, Lahij, Al Dhale, Aden, Ibb, Saada, Amran, and Hajjah. Additionally, Mwatana was subjected to defamation and incitement campaigns on social media targeting its human rights work overall. These campaigns primarily targeted the organisation's vice chairperson by parties affiliated with the internationally recognized government and the Saudi/UAE-led coalition.

Finally, Mwatana for Human Rights reported that the Ansar Allah (Houthi) armed group prevented the Chairperson of the organisation, Radhya Al-Mutawakel, her Vice, Abdul-Rashid Al-Faqih, and three members of the organisation's team from travelling through Sana'a International Airport on 30 September 2023, without providing a legal justification.<sup>192</sup> The trip was part of a broad advocacy campaign involving entities associated with the United Nations.

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<sup>191</sup> Mwatana for Human Rights, available at: <https://www.bing.com/newtabredir?url=https%3a%2f%2fmwatana.org%2fen%2f>

<sup>192</sup> <https://www.mwatana.org/posts-en/prevented-from-traveling>

# 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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