

مجلس حقوق الإنسان

الدورة الثانية والأربعون

٩-٢٧ أيلول/سبتمبر ٢٠١٩

البندان ٢ و ٥ من جدول الأعمال

التقرير السنوي لمفوضية الأمم المتحدة السامية لحقوق الإنسان

وتقارير المفوضية السامية والأمين العام

هيئات وآليات حقوق الإنسان

التعاون مع الأمم المتحدة وممثليها وآلياتها في ميدان حقوق الإنسان

تقرير الأمين العام**

موجز

يُقدم هذا التقرير عملاً بقرار مجلس حقوق الإنسان ٢/١٢. ويسلط الأمين العام الضوء على الأنشطة والسياسات والتطورات والممارسات الجيدة داخل منظومة الأمم المتحدة وخارجها من أجل التصدي لأعمال التهيب والانتقام في حق من يسعون إلى التعاون أو من تعاونوا مع الأمم المتحدة وممثليها وآلياتها في ميدان حقوق الإنسان. ويعرض التقرير أنشطة مفوضية الأمم المتحدة السامية لحقوق الإنسان والأمين العام المساعد لحقوق الإنسان، بصفته المسؤول الثاني الذي يقود جهود الأمم المتحدة في هذا المجال. ويتضمن التقرير معلومات عن أعمال التهيب والانتقام المزعومة، بما فيها تلك المشمولة بمتابعة الحالات المدرجة في التقرير السابق (A/HRC/39/41) والحالات السابقة لذلك. ونظراً لعدد الكلمات المسموح به، يرد المزيد من المعلومات عن حالات مختارة في المرفق الأول. وترد المعلومات المتعلقة بمتابعة الحالات الواردة في التقارير السابقة في المرفق الثاني. ويختتم التقرير بموجز للتوجهات وبتوصيات من أجل التصدي لأعمال التهيب والانتقام ومنعها.

* قدّم هذا التقرير بعد الموعد النهائي بغرض تضمينه آخر المستجدات.

** تعمّم مرفقات هذا التقرير كما وردت وباللغة التي قدّمت بها فقط.



أولاً - مقدمة

١ - أعرب مجلس حقوق الإنسان، في قراره ٢/١٢ عن قلقه إزاء استمرار ورود تقارير عن أعمال التهريب والانتقام التي تستهدف الأفراد والمجموعات الساعين إلى التعاون أو الذين تعاونوا مع الأمم المتحدة وممثلها وألياتها في ميدان حقوق الإنسان. وأدان المجلس كذلك جميع أعمال التهريب والانتقام التي ترتكبها الحكومات والجهات الفاعلة غير الرسمية، ودعاني إلى أن أقدم إلى المجلس في دورته الرابعة عشرة وفي كل عام بعد ذلك تقريراً يتضمن تجميعاً وتحليلاً لأي معلومات قد تتاح من جميع المصادر المناسبة عن أعمال الانتقام المزعومة فضلاً عن تقديم توصيات بشأن كيفية معالجة هذه المسألة. وهذا تاسع تقرير يقدم عملاً بالقرار ٢/١٢^(١).

ثانياً - الأنشطة المضطّعة بها رداً على أعمال التهريب والانتقام

٢ - استمرت أشكال الانتقام عن التعاون الجاري أو الماضي والتهريب الرامي إلى الإثناء عن التعامل أو التعاون مستقبلاً، فيما يتصل بالتعاون مع طائفة واسعة من منظمات الأمم المتحدة في المقر وفي الميدان، وهي أعمال ترتكبها جهات فاعلة رسمية وغير رسمية على حد السواء. وخلال الفترة المشمولة بالتقرير، عولجت الحوادث أو الاتجاهات في نطاق منظومة الأمم المتحدة في الأمانة وفي مكاتبها الميدانية وبعثات السلام التابعة لها، ومن قبل الجمعية العامة ومجلس الأمن ومجلس حقوق الإنسان وآلياته وهيئات معاهدات حقوق الإنسان والمنتدى الدائم المعني بقضايا الشعوب الأصلية ولجنة وضع المرأة واللجنة المعنية بالمنظمات غير الحكومية ومجموعة البنك الدولي.

٣ - وعملاً بقرار الجمعية العامة ٢٤٧/٧٢، أعد الأمين العام تقريراً عن الذكرى السنوية العشرين للإعلان المتعلق بحق ومسؤولية الأفراد والجماعات وهيئات المجتمع فيما يتصل بتعزيز وحماية حقوق الإنسان والحريات الأساسية المعترف بها عالمياً، وناقش في هذا التقرير تعزيز الاستجابة لحوادث التهريب والأعمال الانتقامية (انظر الوثيقة A/73/230، الفقرات من ٢١ إلى ٢٦ ومن ٦٤ إلى ٦٦). وعقدت الجمعية العامة في كانون الأول/ديسمبر ٢٠١٨ جلسة عامة رفيعة المستوى وحثت الدول على "منع وإنهاء الاعتقال والاحتجاز التعسفيين للمتظاهرين السلميين والمدافعين عن حقوق الإنسان... بما في ذلك ما يتعلق بالتعاون مع الأمم المتحدة"^(٢).

٤ - وعُرضت ردود وتوصيات في مجلس حقوق الإنسان، بما في ذلك في القرارات القطرية وأثناء الجولة الثالثة للاستعراض الدوري الشامل (٢٠١٧-٢٠٢١). وقد شمل الاستعراض ٩٨ دولة، تلقت خمس منها توصيات صريحة، من بينها اثنتان خلال الفترة المشمولة بالتقرير^(٣). وأعربت مفوضة الأمم المتحدة السامية لحقوق الإنسان عن قلقها إزاء "الأعمال الانتقامية التي

(١) A/HRC/14/19 و A/HRC/18/19 و A/HRC/21/18 و A/HRC/24/29 و A/HRC/24/29/Corr.1

A/HRC/27/38 و A/HRC/30/29 و A/HRC/33/19 و A/HRC/36/31 و A/HRC/39/41.

(٢) قرار الجمعية العامة ١٧٣/٧٣، الفقرة ٢.

(٣) انظر الاستعراضين المتعلقين بالصين (A/HRC/40/6)، الفقرة ٢٨-٣٣٩ و كوسا (A/HRC/39/16)، الفقرة ٢٤-١٥٨.

تستهدف الضحايا والمدافعين عن حقوق الإنسان والمنظمات غير الحكومية الذين يتعاونون مع الأمم المتحدة^(٤).

٥ - وسلم مجلس حقوق الإنسان بأهمية حق المدافعين عن حقوق الإنسان البيئية في الوصول إلى الأمم المتحدة والتواصل معها ودعا الأمين العام إلى مواصلة إدراج أعمال التخويف والانتقام التي يُزعم ارتكابها في حقهم ضمن التقرير السنوي^(٥).

٦ - وعمل الرؤساء المتعاقبون لمجلس حقوق الإنسان، عن طريق مساعيهم الحميدة، على التصدي للأعمال الانتقامية التي يدعى أن ممثلي الدول يرتكبونها أثناء دورات المجلس والأنشطة الجانبية، وكذلك للقيود المفروضة على السفر بغرض حضور دورات المجلس. وشدد الرئيس في آذار/مارس ٢٠١٩ على مساهمة المجتمع المدني الحيوية قائلاً إنه "علينا أن نوّفر له حيزاً آمناً بما يكفي لتقديم تلك المساهمات"^(٦).

٧ - ونظمت مفوضية الأمم المتحدة السامية لحقوق الإنسان (المفوضية) أنشطة للتشاور مباشرة مع الشركاء والضحايا بقيادة الأمين العام المساعد لحقوق الإنسان، بصفته كبير المسؤولين المكلف بقيادة الجهود الرامية إلى التصدي للتهريب والأعمال الانتقامية. وفي كانون الأول/ديسمبر ٢٠١٨، عقدت المفوضية مشاورة في نيويورك مع خبراء من الأوساط القانونية والأكاديمية لتدارس التدابير التشريعية والسياساتية المستخدمة لتقييد التعاون مع الأمم المتحدة. وعقب مشاورات إقليمية مع المجتمع المدني في جنوب شرق آسيا وآسيا الوسطى في عام ٢٠١٨، تفاعلت المفوضية مع أعضاء المجتمع المدني في ١٠ بلدان من شرق أفريقيا في نيروبي في أيار/مايو ٢٠١٩.

٨ - وبذلت المفوضية جهوداً في سبيل تنفيذ المبادئ التوجيهية لبرنامج الأمم المتحدة الإنمائي والمفوضية والتحالف العالمي للمؤسسات الوطنية لحقوق الإنسان بشأن الأعمال الانتقامية والتخويف (انظر الوثيقة A/74/226، الفقرات من ٨٠ إلى ٨٦). ودُكرت حالات محددة تتعلق بمؤسسات وطنية لحقوق الإنسان في هذا التقرير كما دُكرت المسألة في إعلان مراكش الذي اعتمده التحالف العالمي في تشرين الأول/أكتوبر ٢٠١٨^(٧). وفي أيلول/سبتمبر ٢٠١٩، سلم مجلس حقوق الإنسان في قراره ١٧/٣٩، بالدور الذي يمكن أن تؤديه المؤسسات الوطنية لحقوق الإنسان في "منع ومعالجة حالات الانتقام في إطار دعمها للتعاون بين الدول والأمم المتحدة" وأكد أن تلك المؤسسات "ينبغي ألا تواجه أي شكل من أشكال الانتقام أو التخويف"^(٨).

(٤) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>

(٥) قرار مجلس حقوق الإنسان ١١/٤٠، الفقرتان ١٢ و ٢٧.

(٦) <http://webtv.un.org/search/decisions-and-conclusions-closing-55th-meeting-40th-regular-session-human-rights-council-/6016988741001/?term=&lan=english&cat=Regular%2040th%20session&sort=date&page=1>

(٧) https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration_EN_%2012102018%20-%20FINAL.pdf

(٨) قرار مجلس حقوق الإنسان ١٧/٣٩، الفقرة ٤؛ وانظر أيضاً قرار مجلس حقوق الإنسان ١٨١/٧٢، الفقرتين ٦ و ١١.

٩ - وفي نيسان/أبريل ٢٠١٩، شرعت المفوضية في مشاورات منظمة مع أمانة الأمم المتحدة ووكالاتها وصناديقها وبرامجها بهدف تحسين جمع المعلومات عن التوجيهات والموارد والسياسات القائمة ومناقشة التوصيات. كما بذلت جهوداً في سبيل تحسين تقاسم المعلومات وتحليلها عبر المناطق الإقليمية مع المنظمات الإقليمية غير الحكومية والمصارف الإنمائية المتعددة الأطراف، بما فيها مجلس أوروبا.

١٠ - وبناءً على طلب من المنتدى الدائم المعني بقضايا الشعوب الأصلية (انظر الوثيقة E/2018/43-E/C.19/2018/11، الفقرة ١٤)، تناول الأمين العام المساعد في ٢٤ نيسان/أبريل ٢٠١٩ مسألة أعمال التهيب والانتقام الواسعة النطاق المرتكبة في حق الشعوب الأصلية. وشجع زيادة الانتظام في تقديم التقارير وتوثيق الحوادث على شبكة الإنترنت وتحليل كيفية تأثير القوانين والسياسات الوطنية في عمل الشعوب الأصلية مع الأمم المتحدة^(٩). وحث المنتدى الدائم على الإبلاغ باستخدام عنوان البريد الإلكتروني reprisals@ohchr.org (انظر E/2019/43- E/C.19/2019/10، الفقرة ٧١).

١١ - وفي تشرين الأول/أكتوبر ٢٠١٨، تشارك البنك الدولي والمفوضية في تنظيم اجتماع مائدة مستديرة للمصارف الإنمائية المتعددة الأطراف وآليات المساءلة المستقلة الخاصة بها، وكان أول اجتماع من نوعه تناول مسألة الأعمال الانتقامية. وفي نيسان/أبريل ٢٠١٩، شاركت المفوضية مع آلية التشاور والتحقيق المستقلة لمصرف التنمية للبلدان الأمريكية في تنظيم اجتماع مائدة مستديرة بشأن خطر الأعمال الانتقامية في سياق تمويل التنمية. وأشارت المفوضة السامية في الاجتماع إلى الأثر القوي الذي يمكن تحقيقه من الوقاية عن طريق "سياسة تقوم على عدم التسامح مطلقاً مع الأعمال الانتقامية وتكون مدعومة بإجراءات". وأكدت أن "القمع يتزايد من خلال تعمد تطبيق، بل بالأحرى إساءة تطبيق القوانين الوطنية، بما في ذلك فيما يتصل بتسجيل المنظمات غير الحكومية وتنظيمها وفرض القيود المالية وتقييد حرية التعبير وتكوين الجمعيات والتجمع السلمي والتعسف في استخدام قوانين مكافحة الإرهاب"^(١٠).

١٢ - واستجابة إلى طلب رؤساء هيئات المعاهدات تحديد الممارسات الجيدة وتعزيز دور حلقات الوصل والمقررين^(١١)، نظمت المفوضية والخدمة الدولية لحقوق الإنسان، مع منظمة العفو الدولية وشبكة المنظمات غير الحكومية المعنية بهيئات معاهدات الأمم المتحدة، حلقة عمل في كانون الأول/ديسمبر ٢٠١٨ في جنيف. وفي نيسان/أبريل ٢٠١٩، أطلقت هيئات المعاهدات صفحة شبكية مشتركة بشأن الأعمال الانتقامية^(١٢)، وأجرى الرؤساء، في حزيران/يونيه ٢٠١٩، تقييماً للممارسات الجيدة في حوار مع الأمين العام المساعد^(١٣).

(٩) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24513&LangID=E>

(١٠) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24486&LangID=E>

(١١) انظر الوثيقتين A/73/140، الفقرة ٧٨ و HRI/MC/2018/CRP.2.

(١٢) <https://www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx>

(١٣) HRI/MC/2019/2 and

<https://www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx>

١٣ - وتناولت الإجراءات الخاصة لمجلس حقوق الإنسان الأعمال الانتقامية في مجموعة من الرسائل والبيانات العامة والنشرات الصحفية والتقارير والاجتماعات^(٤). وشددت على ضرورة تعهد سجل كامل للحالات بهدف إجراء تقييم شامل للاتجاهات، وعينت حلقة وصل جديدة معنية بالأعمال الانتقامية^(٥).

ثالثاً - التطورات السياساتية والممارسات الجيدة

١٤ - خلال جلسة التحاور المتعلقة بتقرير عام ٢٠١٨ (A/HRC/39/41)، اقترحت بعض الدول الأعضاء ومنظمات المجتمع المدني أن يُجمَع الأمم المتحدة معلومات عن الممارسات الجيدة من أجل التصدي للأعمال الانتقامية ومنعها. وفي شباط/فبراير ٢٠١٩، أصدرت المفوضية استبياناً^(٦) وجمّعت الإسهامات الواردة.

١٥ - وعلى الصعيد الدولي، سلّطت الدول^(٧) الضوء على عمل مجلس حقوق الإنسان، بما في ذلك الاستعراض الدوري الشامل، وعلى دور الأمين العام المساعد من أجل تيسير مشاركة المجتمع المدني. وكان عدد من الأعضاء الحاليين قد التزم بالتصدي بشدة للأعمال الانتقامية وتعزيز حماية المجتمع المدني وتشجيع مشاركته في المجلس^(٨).

١٦ - وفيما يتعلق بسلامة الأفراد وأمنهم، أشارت الدول إلى الدعم المالي المقدم إلى صناديق المنظمات غير الحكومية والمبادئ التوجيهية لحماية المدافعين والتدخلات الدبلوماسية. وشملت الأمثلة المبادئ التوجيهية للاتحاد الأوروبي بشأن المدافعين عن حقوق الإنسان والمعونة الطارئة للمعرضين للمخاطر^(٩).

١٧ - وعلى الصعيد الوطني، سلّطت الدول الضوء على الأطر القانونية القوية التي جعلت من مشاركة المجتمع المدني أولوية وطنية، إلى جانب تحري الحوادث المبلغ عنها، باعتبار ذلك من

(١٤) https://www.ohchr.org/Documents/HRBodies/SP/HRC40_ChairItem5_13_March2019.docx وانظر أيضاً الوثيقة A/73/215، الفقرات من ٥٤ إلى ٥٨؛ والوثيقة A/HRC/40/60، الفقرات من ٤٨ إلى ٥١ والفقرة ١٠٩(ب)؛ والوثيقة A/HRC/38/34، الفقرة ٥١.

(١٥) السيد خوسيه غيفارا بيرموديس، الرئيس المقرر للفريق العامل المعني بالاحتجاز التعسفي (انظر الوثيقة A/HRC/40/38، الفرعين رابعاً وخامساً-باء-٢).

(١٦) <https://www.ohchr.org/EN/Issues/Reprisals/Pages/GoodPractices.aspx>

(١٧) وردت في غضون المهلة المحددة ردود من الدول التالية: أيرلندا، والبوسنة والهرسك، وبولندا، وتاييلند، وتونس، وسلوفاكيا، وسويسرا، وكرواتيا، والمملكة المتحدة لبريطانيا العظمى وأيرلندا الشمالية، وموريشيوس، وهنغاريا، وهولندا، والولايات المتحدة الأمريكية.

(١٨) أفغانستان (انظر الوثيقة A/72/377، المرفق، الفقرة ٢٠(ط))؛ وأنغولا (انظر الوثيقة A/72/79، المرفق، الفقرة ١٠(ب))؛ والأرجنتين (انظر الوثيقة A/73/387، المرفق، الفقرة ٣٤)؛ وأستراليا (انظر الوثيقة A/72/212، المرفق، الفقرة ١٥)؛ والنمسا (انظر الوثيقة A/73/339، المرفق، الفقرة ٨)؛ وتشيكيا (انظر الوثيقة A/73/82، المرفق، الصفحة ٢)؛ والدانمرك (انظر الوثيقة A/73/130، المرفق، الفقرة ٨)؛ وآيسلندا (انظر الوثيقة A/72/923، المرفق، الفقرة ١٨)؛ والمملكة المتحدة (انظر الوثيقة A/71/572، المرفق، الفقرة ١٤)؛ وأوروغواي (انظر الوثيقة A/73/318، المرفق، الفقرة ٤).

(١٩) https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders

الممارسات الجيدة. وأشار أعضاء المجتمع المدني إلى الأطر المعيارية التي تنص صراحة على حق الوصول إلى الهيئات الإقليمية والدولية والاتصال بها والتعاون معها. وقد أدرجت بعض الدول أحكاماً أو سنت قوانين محددة تكفل اللجوء إلى المحافل الدولية^(٢٠).

١٨ - وفي إثيوبيا، على سبيل المثال، أبلغ عن مستجدات تشريعية تخص إصلاحات يمكن أن تيسر عمل المجتمع المدني مع الأمم المتحدة في ميدان حقوق الإنسان. وفي ١٧ آب/أغسطس ٢٠١٨، أشار المقرر الخاص المعني بالحق في حرية التجمع السلمي والحق في حرية تكوين الجمعيات إلى الإصلاحات المدخلة حديثاً على تشريعات حرية تكوين الجمعيات ووسائل الإعلام والوصول على المعلومات ومكافحة الإرهاب والجرائم الحاسوبية (ETH 2/2018) التي تعتبر تطورات إيجابية سوف تعزز سيادة القانون. وقبل عام ٢٠١٨، أبلغ الشركاء عن تردد في العمل مع الأمم المتحدة مخافة التعرض للانتقام. وفي نيسان/أبريل ٢٠١٩، أقرت الإجراءات الخاصة بالخطوات الإيجابية التي اتخذتها الحكومة في تنقيح إعلان المجتمع المدني على الرغم من بعض العوائق المتبقية في التشريعات^(٢١). وقدمت الدول، في الاستعراض الدوري الشامل في أيار/مايو ٢٠١٩^(٢٢)، توصيات بتوسيع نطاق الإصلاحات المدخلة، وأحاطت المفوضة السامية علماً بهذه التوصيات في آذار/مارس ٢٠١٩^(٢٣).

١٩ - واتخذت عدة مبادرات من أجل وضع توجيهات وتحسين الإبلاغ. فقد قدم مجلس حقوق الإنسان في قراره ١١/٣٩ مبادئ توجيهية للدول بشأن الأعمال الفعال للحق في المشاركة في الشؤون العامة، وهي مبادئ توجيهية تتناول مسألة التهيب والأعمال الانتقامية (انظر على سبيل المثال الوثيقة A/HRC/39/28، الفقرة ١٠٢). ووضعت المفوضية توجيهات بشأن دمج منظور جنساني في التحقيقات المتعلقة بحقوق الإنسان، يتضمن تدابير لمنع الأعمال الانتقامية^(٢٤).

٢٠ - ووضعت مجموعة البنك الدولي ممارسات جيدة تخص الشكاوى المتعلقة بمشاريعها. وعقب نشر المبادئ التوجيهية^(٢٥)، أعد مكتب المستشار لشؤون التقيد بالأنظمة تقريراً عن الشكاوى المقدمة مصنفاً بحسب المناطق ومصدر التهديدات المزعومة^(٢٦).

٢١ - وفي تشرين الأول/أكتوبر ٢٠١٨، نشرت مؤسسة التمويل الدولية بياناً بشأن الانتقام من المجتمع المدني والجهات المعنية بالمشاريع^(٢٧)، أكدت فيه أنها لن تتسامح مع الإجراءات التي

(٢٠) https://www.ishr.ch/sites/default/files/files/final_good_practice_reprisals_submission_to_2019_sg_report_rev.pdf

(٢١) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24443&LangID=E>

(٢٢) انظر الوثيقة A/HRC/42/14، الفرع أولاً-باء والفقرات ١٦٣-٥٦، ومن ١٦٣-٥٨ إلى ١٦٣-٦٣، و١٦٣-٦٨، و١٦٣-٦٩، ومن ١٦٣-٢١٨ إلى ١٦٣-٢٢٠.

(٢٣) <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24265&LangID=E>

(٢٤) https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf

(٢٥) <http://www.cao-ombudsman.org/newsroom/documents/CAOApproachtoReprisals.htm>

(٢٦) <https://www.cao-ar18.org/reprisals-article/index.html>

(٢٧) https://www.ifc.org/wps/wcm/connect/ec379db4-56f1-41e1-9d86-8ea05945bc67/EN_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES

تشكل انتقاماً - بما في ذلك التهديد أو الترهيب أو المضايقة أو العنف". وهي تضع بروتوكولات داخلية تشمل إجراءات لفرز حالات الخطر.

٢٢ - وأصدرت وحدة الامتثال الاجتماعي والبيئي لمكتب مراجعة الحسابات والتحقيقات التابع لبرنامج الأمم المتحدة الإنمائي موافقة أولية على إجراءات تشغيلية موحدة بشأن إدارة المخاطر والأعمال الانتقامية المتصلة بعمل البرنامج، وستُطرح هذه الإجراءات للعموم من أجل التعليق عليها. وساعدت الوحدة أيضاً مصرف التنمية للبلدان الأمريكية في وضع مجموعة أدوات بشأن تدابير التصدي لخطر الأعمال الانتقامية^(٢٨).

٢٣ - ويوعز مشروع السياسة المنقحة الصادرة عن إدارة عمليات السلام في عام ٢٠١٩ بشأن حماية المدنيين إلى جميع عناصر بعثات حفظ السلام بالألا تجعل المدنيين عرضة للخطر أو تتسبب في الأذى من جراء التعاون مع بعثة من البعثات. ويتضمن مشروع السياسة تدابير لمنع الأعمال الانتقامية، بما في ذلك إمكانية الحماية الفردية، ويشترط إجراء تقييمات للمخاطر بشأن العنصر العسكري وعنصر الشرطة بهدف التخفيف من الضرر اللاحق بالمدنيين قبل إجراء العمليات.

٢٤ - وفي آذار/مارس ٢٠١٩، أعربت هيئة الأمم المتحدة للمساواة بين الجنسين وتمكين المرأة (هيئة الأمم المتحدة للمرأة)^(٢٩) ورئاسة لجنة وضع المرأة، خلال الجلسة الختامية للدورة الثالثة والستين للجنة، عن القلق إزاء ما أُبلغ عنه من حوادث تسلط عبر الإنترنت استهدفت ميسرة الاستنتاجات المتفق عليها للجنة. وأعربت هيئة الأمم المتحدة للمرأة عن تقديرها لإدانة الحوادث بالإجماع وأشارت إلى أن التسلط عبر الإنترنت لا مكان له في الأمم المتحدة.

رابعاً - ضمان إمكانية الوصول إلى الأمم المتحدة وممثليها وآلياتها في ميدان حقوق الإنسان

٢٥ - لقد تناولت في تقريرتي السابق وفي كلمة عرضه على مجلس حقوق الإنسان من قبل الأمين العام المساعد^(٣٠) العقبات التي تحول دون تحدث الأفراد والمنظمات علناً في محافل الأمم المتحدة. وما زالت التقارير ترد عن محاولات ممثلي بعض الدول تعطيل أو تأخير اعتماد بعض ممثلي المجتمع المدني، لا سيما العاملين في ميدان حقوق الإنسان.

٢٦ - وتواصل المفوضية تلقي تقارير عن أفراد صوروا بالفيديو أو التقطت لهم صور من دون موافقتهم في اجتماعات الأمم المتحدة، وعن تسجيلات سرية لبيانات أدلي بها في جلسات مغلقة، ما يخلق جواً من الترهيب يمكن أن يردع غيرهم عن المشاركة. وفي الميدان، واصل بعض موظفي عناصر حقوق الإنسان في بعثات حفظ السلام أو المشاركين في حماية المدنيين الإبلاغ

(٢٨) [http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026a-b13/\\$file/guide_for_iam_s_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf](http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026a-b13/$file/guide_for_iam_s_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf)

(٢٩) <http://www.unwomen.org/en/news/stories/2019/3/speech-ed-phumzile-closing-csw63>

(٣٠) انظر الوثيقة A/HRC/39/41، الفقرتين ٢٠ و٢١، و <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23591&LangID=E>

بالعقبات التي تحول دون العمل مع المجتمعات المحلية بسبب الخوف أو التهيب (انظر الوثيقة A/HRC/39/41، الفقرة ٨٠). وقد حث مجلس الأمن على إتاحة الوصول دون عائق لبعثات السلام بغية تمكينها من أداء ولاياتها^(٣١).

٢٧ - وتناولت الإجراءات الخاصة مسألة الوصول. فقد أشار المقرر الخاص المعني بحالة المدافعين عن حقوق الإنسان إلى إقصاء المدافعين نتيجة سياسات حكومية تقييدية تعوق تسجيلهم أو حصولهم على تصاريح السفر (انظر الوثيقة A/73/215، الفقرات من ٥٤ إلى ٥٨). وقد تناول حالة المدافعات، مشيراً إلى "إجراء عدم الاعتراض" للجمعية العامة، الذي يسمح للدول بأن تمارس حق النقض حيال مشاركة أي منظمة غير حكومية دون تقديم الأسباب. وقد أبلغت مدافعات عن حالات حظر سفر ومضايقة واستجواب واحتجاز تعسفي واعتداء جسدي قبل الاجتماعات وبعدها (انظر الوثيقة A/HRC/40/60، الفقرات من ٤٨ إلى ٥١ و١٠٩ (ب)). وعزا المقرر الخاص المعني بالحق في حرية التجمع السلمي والحق في تكوين الجمعية عدد الأعمال الانتقامية المزعومة "المثير للقلق" إلى زيادة في تجريم أنشطة المدافعين (انظر الوثيقة A/HRC/38/34، الفقرة ٥١).

٢٨ - ولا تزال التقارير المتعاقبة تشير إلى عبء وأساليب عمل اللجنة المعنية بالمنظمات غير الحكومية، بوصفها الهيئة المكلفة بالنظر في طلبات الحصول على مركز استشاري لدى المجلس الاقتصادي والاجتماعي (انظر الوثيقتين E/2019/32 (Part I) و E/2019/32 (Part II)). وتفيد إدارة الشؤون الاقتصادية والاجتماعية التابعة للأمانة العامة بأن أكثر من ٥٠٠٠ منظمة غير حكومية تتمتع بمركزها الاستشاري العام أو الخاص أو ترد في قائمة الانتظار في أيلول/سبتمبر ٢٠١٨ (انظر الوثيقة E/2018/INF/5). ولا يزال الطلب على هذا المركز مرتفعاً، فقد تلقت الإدارة ٨٢٠ طلباً خلال دورة عام ٢٠١٨، وهو عدد يفوق ما سُجل في السابق^(٣٢) ويشير إلى أهمية المركز الاستشاري بالنسبة إلى المنظمات غير الحكومية على الصعيد العالمي.

٢٩ - وفي كانون الثاني/يناير ٢٠١٩، انتُخبت ١٩ دولة^(٣٣) للعمل في اللجنة لمدة أربع سنوات^(٣٤). وأوصت اللجنة، في دورتها المستأنفة في أيار/مايو ٢٠١٩ بقبول ٢١٩ طلباً من طلبات الحصول على المركز الاستشاري وأرجأت ٢٦٨ طلباً (انظر الوثيقة E/2019/32 (Part II))، بحيث بلغ معدل الطلبات المؤجلة نسبة تناهز ما سجل في العام السابق (انظر الوثيقة A/HRC/39/41، الفقرة ٢٢).

(٣١) انظر قرارات مجلس الأمن ٢٤٦٣ (٢٠١٩) (جمهورية الكونغو الديمقراطية)؛ و ٢٤٢٣ (٢٠١٨) (مالي)؛ و ٢٤٧٢ (٢٠١٩) (الصومال)؛ و ٢٤٥٤ (٢٠١٩) (جمهورية أفريقيا الوسطى)؛ و ٢٤٥٩ (٢٠١٩) (جنوب السودان).

(٣٢) <https://www.un.org/press/en/2019/ecosoc6982.doc.htm>

(٣٣) البلدان الأعضاء هي: الاتحاد الروسي، وإستونيا، وإسرائيل، وإسواتيني، وباكستان، والبحرين، والبرازيل، وبوروندي، وتركيا، والسودان، والصين، وكوبا، وليبيا، والمكسيك، ونيجيريا، ونيكاراغوا، والهند، والولايات المتحدة الأمريكية، واليونان.

(٣٤) مقرر المجلس الاقتصادي والاجتماعي ٢٠٠١/٢٠١٨ (بالإنكليزية)، يمكن الاطلاع عليه في الصفحة الشبكية: <https://www.un.org/ecosoc/sites/www.un.org/ecosoc/files/documents/2018/decision.2018.201.e.pdf>

٣٠ - واجتمعت الإجراءات الخاصة لمجلس حقوق الإنسان برئاسة اللجنة في تشرين الأول/أكتوبر ٢٠١٨ وأرسلت في ٢٠ حزيران/يونيه ٢٠١٩ رسالة توصيات شاملة، أشارت فيها إلى أن "عددًا كبيراً ومتزايداً من طلبات المنظمات غير الحكومية من أجل الحصول على المركز الاستشاري ما زال يعتبر مؤجلاً على نحو تعسفي يستند إلى أسئلة متكررة وقائمة على دوافع سياسية يطرحها أعضاء اللجنة"^(٣٥). ولما كانت الأسئلة التي يطرحها عضو من أعضاء اللجنة تصدر نيابة عن اللجنة بأكملها، فقد أثارت الدول الأعضاء هذه المسائل عند النظر في أساليب عملها (انظر الوثيقة E/2019/32 (Part I)، الفقرات ٣٨ ومن ٤٠ إلى ٤٣). وأعلنت رئاسة المجلس عن تشكيل فريق عامل غير رسمي ينظر في سبل تطبيق عملية فرز مرتبطة بقائمة الجزاءات على المنظمات غير الحكومية التي تلتزم الحصول على مركز استشاري^(٣٦).

٣١ - وقد رحبت في تقريرتي السابق بالجهود الإيجابية التي بذلتها اللجنة في سبيل تعزيز الشفافية، لا سيما البث الشبكي للمداولات العامة. وأحيط علماً بدعوة الجمعية العامة للجنة إلى بحث الطريقة التي يمكن بها "أن تستوعب بفعالية العدد المتزايد من الطلبات المقدمة من المنظمات غير الحكومية للحصول على المركز الاستشاري"^(٣٧). وكما سبق بيانه، فقد شكل استمرار إرجاء الطلبات في بعض الحالات رفضاً بحكم الواقع وبدا كأنه يستهدف المنظمات العاملة على قضايا حقوق الإنسان (انظر الوثيقة A/HRC/39/41، الفقرة ٢٣، والوثيقة A/HRC/38/18، الفقرة ٢٠). وأدعو مرة أخرى اللجنة إلى تطبيق معايير تقييم المنظمات بطريقة عادلة وشفافة.

خامساً - المعلومات الواردة عن حالات التهيب والانتقام بسبب التعاون مع الأمم المتحدة وممثليها وآلياتها في ميدان حقوق الإنسان

ألف - تعليق عام

٣٢ - يتضمن هذا التقرير حالات تستند إلى المعلومات المجمعة في الفترة من ١ حزيران/يونيه ٢٠١٨ إلى ٣١ أيار/مايو ٢٠١٩. ويتضمن أيضاً، وفقاً لقراري مجلس حقوق الإنسان ٢/١٢ و ٢٤/٢٤ معلومات عن أعمال التهيب أو الانتقام التي استهدفت:

- (أ) الأشخاص الذين يسعون إلى التعاون أو تعاونوا مع الأمم المتحدة وممثليها وآلياتها في ميدان حقوق الإنسان، أو الذين أدلوا بشهادات أو معلومات لهذه الجهات؛
- (ب) الأشخاص الذين يستفيدون أو استفادوا من الإجراءات التي وُضعت برعاية الأمم المتحدة من أجل حماية حقوق الإنسان والحريات الأساسية، وكل من قدم إليهم مساعدة قانونية أو مساعدة أخرى لهذا الغرض؛

(٣٥) https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf

(٣٦) <https://www.un.org/press/en/2019/ecosoc6982.doc.htm>

(٣٧) قرار الجمعية العامة ٣٠٥/٧٢، الفقرة ٢٢.

(ج) الأشخاص الذين يقدمون، أو قدموا، بلاغات في إطار الإجراءات الموضوعية بموجب صكوك حقوق الإنسان وكل من قدم لهم مساعدة قانونية أو مساعدة أخرى لهذا الغرض؛

(د) الأشخاص الذين تربطهم صلة قرابة بضحايا انتهاكات حقوق الإنسان أو بكل من قدم إلى الضحايا مساعدة قانونية أو مساعدة أخرى.

٣٣ - وقد جرى التحقق من المعلومات التي وردت والتأكد قدر الإمكان من صحتها بالاستناد إلى مصادر أولية ومصادر أخرى. ويشار إلى منشورات الأمم المتحدة إذا كان الحالات علنية. وترد أيضاً الردود المقدمة من الحكومات وكذلك الأمثلة الإيجابية للإجراءات المتخذة من الدول.

٣٤ - وليس الغرض من هذا التقرير ومرفقاته تقديم قائمة شاملة بالحالات. وقد جرى التقييد بصراحة، عند إعداده، بمبدأ "لا ضرر ولا ضرار" والحصول على موافقة الضحايا المزعومين على ذكر أسمائهم، وأجري تقييم للمخاطر فيما يتعلق بكل حالة وردت واعتُبرت جديرة بالثقة. ونتيجة لذلك، تقرر عدم إدراج الحالات التي ارتُئي أنها تعرّض أمن ورفاه الأفراد المعنيين أو أفراد أسرهم لمخاطر شديدة. وعلاوة على ذلك، عولج عدد من الحالات المعروضة عليّ في إطار السرية وقد لا يرد ذكرها في التقرير.

٣٥ - ونظراً إلى الحد الأقصى من الكلمات، يتضمن المرفق الأول معلومات إضافية عن الحالات الموجزة في التقرير الرئيسي، إلى جانب الردود الواردة من الحكومات. ويتضمن المرفق الثاني معلومات عن المستجدات خلال الفترة المشمولة بالتقرير فيما يتعلق بالحالات المستمرة المشار إليها في التقارير السابقة^(٣٨). والإشارات الواردة في هذا التقرير إلى رسائل المكلفين بولايات في إطار الإجراءات الخاصة لمجلس حقوق الإنسان وردود الحكومات عليها يمكن الاطلاع عليها في الموقع الشبكي بحسب رقم القضية الوارد بين قوسين^(٣٩).

باء - ملخص الحالات

الجزائر

٣٦ - في تموز/يوليه ٢٠١٨، دعت اللجنة المعنية بحقوق الإنسان الجزائر إلى أن تكفل عدم تعرّض الأفراد الذين يتعاونون مع اللجنة للانتقام وإلى أن تسقط التهم المنسوبة إلى المضطهدين بسبب تعاونهم مع اللجنة وأن تفرج عنهم وأن تقدم إليهم تعويضات (انظر الوثيقة CCPR/C/DZA/CO/4، الفقرة ٨(ب)).

(٣٨) ترد البلدان التالية المذكورة في التقارير السابقة، التي شهدت مستجدات ذات صلة خلال الفترة المشمولة بالتقرير، في المرفق الثاني فقط: الاتحاد الروسي، وتايلند، وجنوب السودان، وجيبوتي، والفلبين، وقيرغيزستان، والكاميرون، ومالي، والمكسيك.

(٣٩) <https://spcommreports.ohchr.org>

جزر البهاما

٣٧ - في ٣٠ أيار/مايو ٢٠١٩، وجهت اللجنة المعنية بالقضاء على التمييز ضد المرأة رسالة بشأن السيدة أليسيا والاس، وهي مدافعة تعمل في مجال حقوق المرأة والمساواة بين الجنسين. وتفيد التقارير بأن السيدة والاس وزملاءها تعرضوا لتعليقات مهينة على ألسنة مقدم برنامج إذاعي معروف وأشخاص اتصلوا بالبرنامج، فيما يتعلق بأمور منها عملهم مع اللجنة في تشرين الأول/أكتوبر ٢٠١٨. وفي ٢٢ حزيران/يونيه ٢٠١٩، قدمت الحكومة ردودها.

البحرين

٣٨ - في تموز/يوليه ٢٠١٨، أشارت اللجنة المعنية بحقوق الإنسان بقلق إلى عدد كبير من التقارير المتعلقة بأعمال انتقامية تستهدف المدافعين والصحفيين البحرينيين، لا سيما عند تعاونهم مع هيئات المعاهدات ومجلس حقوق الإنسان (انظر الوثيقة CCPR/C/BHR/CO/1، الفقرة ٥٩). وأشارت اللجنة بقلق إلى حالي السيد أحمد الوداعي والسيدة ابتسام عبد الحسين علي الصايغ.

٣٩ - وتلقت المفوضية ادعاءات مفادها أن إجراءات حظر السفر لا تزال سارية، ما حال دون مشاركة بعض ممثلي المجتمع المدني في البحرين (أغفلت الأسماء خوفاً من وقوع المزيد من الأعمال الانتقامية) في دورة مجلس حقوق الإنسان المعقودة في آذار/مارس ٢٠١٩. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيد أحمد الوداعي، والسيدة هاجر منصور حسن، والسيدة مدينة علي، والسيدة نجاح يوسف، والسيدة ابتسام عبد الحسين علي الصايغ، والسيد نبيل رجب. وفي ١٩ حزيران/يونيه ٢٠١٩، قدمت الحكومة ردودها.

بنغلاديش

٤٠ - أفادت التقارير بأن البعض من المدافعين عن حقوق الإنسان وممثلي الشعوب الأصلية، لا سيما من أراضي هضبة شيتاغونغ، تعرضوا للتهريب خلال دورة المنتدى الدائم المعني بقضايا الشعوب الأصلية المعقودة في نيسان/أبريل ٢٠١٩ في نيويورك. فقد جرى تعقبهم وتسجيلهم بالفيديو دون موافقتهم وطلب إليهم عدم أخذ الكلمة في الجلسات العامة، فامتنعوا من ثم عن التحدث إلى مسؤولي الأمم المتحدة. ويتضمن المرفق الثاني ادعاءات تتعلق باستمرار الأعمال الانتقامية التي تستهدف منظمة بنغلاديش لحقوق الإنسان وموظفيها. وفي ٥ تموز/يوليه ٢٠١٩، قدمت الحكومة ردودها.

بنن

٤١ - في تموز/يوليه ٢٠١٨، أفادت اللجنة الفرعية لمنع التعذيب وغيره من ضروب المعاملة أو العقوبة القاسية أو اللاإنسانية أو المهينة بأن أفراداً محتجزين يمتنعون عن التحدث مع وفدها خشية التعرض لأعمال انتقامية، لا سيما في مركز شرطة أغبلانغاندان وفي سجن كوتونو. وطلبت اللجنة إلى الحكومة تقديم معلومات عن التدابير المتخذة لمنع الأعمال الانتقامية (انظر الوثيقة CAT/OP/BEN/3، الفقرتين ١٠٧ و ١٠٨).

بوليفيا (دولة - المتعددة القوميات)

٤٢ - في تموز/يوليه ٢٠١٨، أفادت اللجنة الفرعية لمنع التعذيب أن أعضاء وفدنا لم يتمكنوا من التحدث على انفراد إلى محتجزين في سجنين، لأسباب منها الخوف من الانتقام. وفي أعقاب الزيارة، قدمت الحكومة معلومات عن التدابير المتخذة لمعالجة هذه الادعاءات (انظر الوثيقة CAT/OP/BOL/3، الفقرات ٣ و ١٤ ومن ١٢٦ إلى ١٣١).

بوروندي

٤٣ - في ١٥ أيلول/سبتمبر ٢٠١٨، أرسلت البعثة الدائمة لبوروندي في جنيف مذكرة شفوية إلى المفوضية طلبت فيها سحب شارات دخول المدافعين المعتمدين لدى المجلس الاقتصادي والاجتماعي، بمن فيهم أعضاء التحالف البوروندي للمدافعين عن حقوق الإنسان. وتعرض المدافعون المذكورة أسماؤهم في المذكرة، في وقت لاحق، للهجوم في وسائل التواصل الاجتماعي. وبينما وافق كل من السيدة ماري لويز باريكاكو، والسيد جانفي بيجيرمانا، والسيدة إيفيت إنيناهازوي، والسيد بيير كلانفير مبونيمبا، والسيدة أولالي نيبيزي، والسيد ألكسندر نيونجيكو، والسيد باسيفيك نينيناهازوي، والسيد فيتال نشيميرمانا على الإفصاح عن أسمائهم، تحفظ آخرون مخافة التعرض لمزيد من الأعمال الانتقامية. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيد أرميل نيونجيري، والسيد ديودوي باشيراهايشيزي، والسيد فيتال نشيميرمانا والسيد لامبيرت نيغارورا.

٤٤ - وفي ٥ تشرين الأول/أكتوبر ٢٠١٨، حث مجلس حقوق الإنسان الحكومة على وقف أي أعمال انتقامية تجاه المدافعين عن حقوق الإنسان الذين يتعاونون مع الآليات الدولية لحقوق الإنسان، بما فيها المجلس^(٤٠). وفي ٥ آذار/مارس ٢٠١٩، أعلنت المفوضية السامية ببالغ الأسف أن مكتب المفوضية في بوروندي أغلق تبعاً لإصرار الحكومة وأن موظفيه "واجهوا قيوداً شديدة لمنعهم من النظر في ادعاءات الانتهاكات" منذ تعليق التعاون في تشرين الأول/أكتوبر ٢٠١٦^(٤١).

الصين

٤٥ - أبلغ عدد من النشطاء والمحامين والمدافعين عن حقوق الإنسان المفوضية بأنهم مستهدفون بسبب حضور دورات تدريبية، منها دورات مع موظفي الأمم المتحدة، أو العمل مع آليات حقوق الإنسان في الأمم المتحدة. وتفيد التقارير بأن الأعمال الانتقامية شملت الاحتجاز وعقوبات السجن وإساءة المعاملة في الحبس ومصادرة الممتلكات والمراقبة. وكان من بين المتضررين السيدة لي شاولينغ والسيدة لي يوهان والسيد ليو جنكينغ، والسيدة شو يان، والسيد جين جيانغوا.

٤٦ - وأبلغت المفوضية بأن موظفين في المنظمة الصينية غير الحكومية للمدافعين عن حقوق الإنسان تعرضوا للترهيب والمضايقة بسبب تقاسم معلومات مع الأمم المتحدة وتنظيم دورات تدريبية في مجال حقوق الإنسان لفائدة المدافعين عن حقوق الإنسان العاملين في الصين. ويتضمن

(٤٠) قرار مجلس حقوق الإنسان ١٤/٣٩، الفقرة ١٥.

(٤١) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24254&LangID=E>

المرفق الثاني معلومات عن المستجدات المتعلقة بالحالات المستمرة لكل من السيدة تشن جيانفانغ، والسيدة وانغ يو، والسيد كين يونغمين، والسيدة جاو سولي، والسيد مي شونغجياو، والسيد لي كيجن، والسيدة لي ونزو، والسيدة وانغ كياولينغ، والسيد لي هيينغ، والسيد جيانغ تيانيونغ، والسيد دولكون إيسا. وفي ١ تموز/يوليه ٢٠١٩، قدمت الحكومة ردودها.

كولومبيا

٤٧ - تفيد التقارير بأن الملازم فيلمر أورلاندو أنتيليس غونزاليس، وهو شاهد رئيسي مشمول بالحماية في تحقيق جنائي تظلم به النيابة العامة، كان موضوع تحقيقات تأديبية إلى جانب خفض رتبته ونقله من منصبه دون طلب منه وحرمانه من تدابير الحماية الكافية وتوجيه تهديدات بالقتل إليه وإلى أسرته بسبب تعاونه مع المفوضية في كولومبيا. وفي ١٥ تشرين الثاني/نوفمبر ٢٠١٨، أعرب الأمين العام المساعد عن قلقه كتابةً. وأفادت التقارير أيضاً بأن إحدى المدافعات عن حقوق الإنسان (مغفلة الاسم) في إيتوانغو (مقاطعة أنتيوكيا) تلقت تهديدات بالقتل من مجموعة مسلحة غير قانونية بسبب اجتماعها بالمفوضية ووكالات أخرى تابعة للأمم المتحدة، كما أجبرت على الانتقال وتجنب أي اتصال. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيد خرمان غراسيانو بوسو.

كوبا

٤٨ - في آب/أغسطس ٢٠١٨، تناولت لجنة القضاء على التمييز العنصري القيود التي فرضت على سفر المدافعين، والتي منعتهم من المشاركة في اجتماعها المتعلق بكوبا (انظر الوثيقة CERD/C/CUB/CO/19-21، الفقرتين ١٣ و ١٤). وأبلغت المفوضية بأن السيد نوريرتو ميسا كاربونيل، وهو مدافع عن حقوق المنحدرين من أصل أفريقي، تلقى تهديدات باتخاذ إجراءات قانونية في حق أقاربه في تموز/يوليه ٢٠١٨ عند إعداد تقرير إلى اللجنة. وفي آب/أغسطس ٢٠١٨، تناولت اللجنة الادعاءات المقدمة كتابياً وقدمت الحكومة ردودها في ١٥ تشرين الأول/أكتوبر ٢٠١٨. ويتضمن المرفق الثاني ادعاءات بشأن استمرار أعمال التهريب والانتقام التي تستهدف السيد خوان أنطونيو مارتاسو لونا والسيدة دورا ل. ميسا. وفي كانون الأول/ديسمبر ٢٠١٨، تناول الأمين العام المساعد حالة السيدة ميسا كتابياً. وفي ١٦ كانون الثاني/يناير ٢٠١٩ و ٢١ حزيران/يونيه ٢٠١٩، قدمت الحكومة ردودها.

جمهورية الكونغو الديمقراطية

٤٩ - أفادت التقارير بأن أحد أعضاء المجتمع المدني في كويلو نغونغو (مقاطعة كونغو الوسطى) خضع، في شباط/فبراير ٢٠١٩، لتفتيش علني وفصل من وظيفته من قبل سلطة محلية بسبب تقاسمه معلومات تتعلق بانتهاكات مع مكتب الأمم المتحدة المشترك لحقوق الإنسان التابع لبعثة منظمة الأمم المتحدة لتحقيق الاستقرار في جمهورية الكونغو الديمقراطية.

٥٠ - وفي ١٢ نيسان/أبريل ٢٠١٩، خاطب مكلفون بولايات في إطار الإجراءات الخاصة بحكومة جمهورية الكونغو الديمقراطية وحكومة الصين وتعاونية ويهاي الاقتصادية والتقنية المحدودة والبنك الدولي بشأن التهديدات بالقتل ومحاولات الاختطاف التي استهدفت مدافعين تابعين لشبكة مساعدة النساء والأطفال المحتاجين بسبب تعاونهم مع البنك الدولي (COD 1/2019)،

وCHN 2/2019، وOTH 15/2019، وOTH 16/2019). وقد ندد المدافعون بالانتهاكات المتصلة ببناء طريق بوكافو - غوما في إطار مشروع صيانة الطرقات ذات الأولوية وإعادة فتحها (ProRoutes). وردت حكومة الصين في ٢١ أيار/مايو ٢٠١٩^(٤٢). بينما رد البنك الدولي في ٧ حزيران/يونيه ٢٠١٩^(٤٣).

مصر

٥١ - في ٢ تشرين الثاني/نوفمبر ٢٠١٩، تناول مكلفون بولايات في إطار الإجراءات الخاصة ادعاءات الإخلاء القسري وانتهاكات الحق في السلامة الجسدية وفي الحرية وفي الأمن في سياق ما يبدو أنه "نمط" من أعمال التهريب والانتقام التي تستهدف من تعاونوا مع المقررة الخاصة المعنية بالسكن اللائق كعنصر من عناصر الحق في مستوى معيشي مناسب وبالحق في عدم التمييز في هذا السياق، خلال زيارتها إلى مصر في عام ٢٠١٨^(٤٤). وفي ١ كانون الثاني/يناير ٢٠١٩، قدمت الحكومة ردودها^(٤٥).

٥٢ - وأفادت التقارير بأن ممثلين للمجتمع المدني تعرضوا في آذار/مارس ٢٠١٩ للمضايقة والمراقبة خلال دورة مجلس حقوق الإنسان وأنشطتها الجانبية. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيد إبراهيم عبد المؤمن متولي حجازي، والدكتور أحمد شوقي عبد الستار محمد عماشة، إلى جانب موظفين في معهد القاهرة لدراسات حقوق الإنسان وأفراد أسرهم، والسيد بهاء الدين حسن والسيد محمد زارع، ويتناول التشريعات التي تقيد المجتمع المدني.

أريتريا

٥٣ - أبلغت المقررة الخاصة المعنية بحالة حقوق الإنسان في إريتريا عن صعوبات في توثيق حالة قتل خارجة عن نطاق القانون بسبب الخوف من الانتقام (انظر الوثيقة A/HRC/38/50، الفقرة ٦١) وتناولت الأعمال الانتقامية في بيانها أمام الجمعية العامة^(٤٦). وشجع مجلس حقوق الإنسان الدول على حماية سلامة من تعاونوا مع لجنة التحقيق المعنية بحقوق الإنسان في أريتريا ومع المقررة الخاصة وعلى إيلاء الاهتمام الواجب لهذه المسألة وحماية هؤلاء الأشخاص من الأعمال الانتقامية^(٤٧).

(٤٢) يمكن الاطلاع على رد الحكومة (في انتظار الترجمة الرسمية) في الصفحة الشبكية:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34713>

(٤٣) <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34732>

(٤٤) انظر: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23671&LangID=E>؛ EGY 16/2018؛ و A/HRC/40/60/Add.1 و A/HRC/40/60/Add.1، الفقرتين ٥٨٥ و ٥٩٣.

(٤٥) <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34459>

(٤٦) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23774&LangID=E>

(٤٧) قرار مجلس حقوق الإنسان ١٥/٣٨ الفقرة ٨.

غواتيمالا

٥٤ - تناول المكلفون بولايات في إطار الإجراءات الخاصة، في مناسبات عديدة، إجراءات العزل القانونية وحملات الوصم والتشويه العامة التي تستهدف قضاة المحكمة الدستورية المتعاونين مع اللجنة الدولية لمناهضة الإفلات من العقاب في غواتيمالا، بمن فيهم السيد فرانسيسكو ديماتا فيلا، والسيد بونيرخي ميخيا، والسيدة غلوريا بوراس وأفراد أسرهم. كما أعربوا عن القلق إزاء ما أبلغ عنه من أعمال انتقامية تستهدف القضاة المختصين في القضايا البارزة المتعلقة بالفساد والجريمة المنظمة والتدفقات المالية غير المشروعة، بمن فيهم السيدة إيريك لورينا أيفان دافيللا، والسيدة إيريس ياسمين بايروس، والسيد ميكيل أنجيل غالفيس أغيلار (GTM 7/2018، وGTM 13/2018، وGTM 1/2019)^(٤٨)، وكذلك السيد خوان بابلو تشيتمول دي باس.

٥٥ - وفي ٢٥ نيسان/أبريل ٢٠١٩، تناول الأمين العام المساعد الادعاءات الآتية الذكر كتابياً، بالإضافة إلى الأعمال الانتقامية المدعى ارتكابها في حق السيدة كلاوديا سامايووا من وحدة حماية المدافعين عن حقوق الإنسان في غواتيمالا، والسيد خوسيه مانويل مارتينيس من منظمة "خوستيسيا يا"، والسيدة إيلين ماك من مؤسسة ماك، الذين استهدفوا أيضاً بسبب تعاونهم مع اللجنة الدولية. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف المؤسسة الوطنية لحقوق الإنسان وأمين مظلماها السيد أوغوستو خوردان روداس أندراي. وفي ٢٤ حزيران/يونيه ٢٠١٩، قدمت الحكومة ردودها.

هندوراس

٥٦ - أفادت التقارير بأن السيدة غليندا أيلالا من الآلية الوطنية لمنع التعذيب والمعاملة القاسية واللا إنسانية والمهينة تعرضت لأعمال انتقامية في أعقاب مشاركتها في استعراض حالة هندوراس من قبل اللجنة المعنية بحالات الاختفاء القسري، في أيار/مايو ٢٠١٨. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيدة إيدمي كاسترو، والتسوية الإيجابية لحالة السيد خيرسون تشيتمول موراليس.

هنغاريا

٥٧ - في ١٠ أيلول/سبتمبر ٢٠١٨، تناول مكلفون بولايات في إطار الإجراءات الخاصة التشريعات والممارسات التي تنظم المجتمع المدني (HUN 7/2018)^(٤٩). وأشاروا إلى قانون شفافية المنظمات غير الحكومية (HUN 2/2017)، الذي قالوا إنه يستهدف المنظمات غير الحكومية الممولة من الخارج. وأشاروا إلى القانون السادس المعتمد في عام ٢٠١٨، الذي أدرج جريمة جنائية جديدة في القانون الجنائي، وهي جريمة "دعم الهجرة غير الشرعية وتيسيرها"، وإلى التعديلات المدخلة على قانون الضريبة، التي فرضت ضريبة بنسبة ٢٥ في المائة على تمويل المنظمات التي "تشجع الهجرة"، وأفادوا بأن الإجراءات بين كليهما يقيدان التعاون مع كيانات الأمم المتحدة التي تساعد المهاجرين واللاجئين، مثل مفوضية الأمم المتحدة السامية لشؤون اللاجئين. وتفيد التقارير بأن المبادرات

(٤٨) يمكن الاطلاع على رد الحكومة في الصفحة الشبكية: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34634>

(٤٩) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23533&LangID=E>

التشريعية وما يتصل بها من وصم في الخطابات العامة تتسبب في تهيب المجتمع المدني وإثناؤه عن التعاون مع الأمم المتحدة، ما يفضي إلى الرقابة الذاتية ويؤثر في البحوث والمناصرة والإبلاغ المستنير في بعض الحالات. ويشير المرفق الثاني إلى ادعاءات بشأن استمرار الوصم المتصل بنشر مجلة فيغولوهو الهنغارية قائمة بأسماء أكثر من ٢٠٠ شخصاً. وفي ١٨ حزيران/يونيه ٢٠١٩، قدمت الحكومة ردودها.

الهند

٥٨ - أفادت التقارير بأن السيد تيرمورغان غاندي، وهو مدافع عن الحقوق البيئية في ولاية تاميل نادو، قد احتُجز لفترة تناهز الشهرين لدى عودته من أوروبا، حيث شارك في دورة مجلس حقوق الإنسان وأنشطة ذات صلة بذلك. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية المتصلة بقانون تنظيم المساهمات الأجنبية، وهي أفعال تستهدف جهات منها مكتب منظمة العفو الدولية ومكتب منظمة غرين بيس في الهند، والسيد نوبوكيشوري أوريجمبام وأفراد آخرون من مركز التنمية الاجتماعية، والسيد هنري تيفاني من مركز النهوض بالشواغل الاجتماعية، علاوة على استمرار الأعمال الانتقامية في حق السيد خورام بارفيز.

إيران (جمهورية - الإسلامية)

٥٩ - أُبلغت المفوضية في كانون الثاني/يناير ٢٠١٩ بأن صحفيين من الدائرة الفارسية لهيئة الإذاعة البريطانية (BBC الفارسية) وُصِفوا بأنهم "معاذون لإيران" وبأن البعض منهم تعرّض للتعقب والاستجواب وتلقى أسرته تهديدات بسبب بياناتهم في دورة مجلس حقوق الإنسان، علماً أن مكلفين بولايات في إطار الإجراءات الخاصة قد سبق لهم تناول استهداف هؤلاء الأفراد (انظر أيضاً الوثيقة IRN 29/2017 والوثيقة A/HRC/37/68، الفقرة ٣٤). وفي ١٥ كانون الثاني/يناير ٢٠١٩، دعت الجمعية العامة جمهورية إيران الإسلامية إلى وضع حد للأعمال الانتقامية التي تستهدف الأفراد لأسباب منها التعاون أو محاولة التعاون مع آليات حقوق الإنسان في الأمم المتحدة^(٥٠). ويتضمن المرفق الثاني ادعاءات بشأن استمرار استهداف السيدة راحلة رحيمي بور. وفي ٢٤ حزيران/يونيه ٢٠١٩، قدّمت الحكومة ردودها.

العراق

٦٠ - في ٢ تشرين الأول/أكتوبر ٢٠١٨، أعرب مكلفون بولايات في إطار الإجراءات الخاصة عن القلق إزاء الادعاءات المتعلقة باعتقال السيد عماد التميمي بصورة غير قانونية واختفائه القسري وتعذيبه، وتهريب السيدة إسراء الدجيلي وتهديدها، وكلاهما من جمعية الوسام الإنسانية، وذلك فيما يتصل بتوثيق حالات اختفاء قسري (IRQ 3/2018) و A/HRC/40/60/Add.1 و A/HRC/40/60/Add.1/Corr.1، الفقرات ٥٩٧ و ٦٠٠ و ٦٠١). وأفادت التقارير أيضاً بتهديد السيد رياض الكروي ومضايقته. وأعرب المكلفون بالولايات عن قلقهم إزاء ما يبدو نمطاً من الأعمال الانتقامية يستهدف العاملين والمتطوعين في جمعية الوسام

(٥٠) قرار الجمعية العامة ١٨١/٧٣، الفقرة ١٣.

الإنسانية بسبب عملهم مع اللجنة المعنية بحالات الاختفاء القسري^(٥١) والفريق العامل المعني بحالات الاختفاء القسري، كما يرد في المرفق الثاني بشأن السيد عماد العمارة.

إسرائيل

٦١ - في ٣١ أيار/مايو ٢٠١٩، أعرب ثلاثة مكلفين بولايات في إطار الإجراءات الخاصة عن القلق إزاء منشورات حكومية قالوا إنها تصم فيما يبدو منظمات المجتمع المدني التي تعمل مع الأمم المتحدة، كما أشاروا إلى تقارير تتعلق بمضايقة جهات المجتمع المدني المتعاونة مع آليات حقوق الإنسان (ISR 8/2019)^(٥٢).

٦٢ - ويتضمن المرفق الثاني إشارة إلى حادثة أخرى استهدفت السيد هاغاي العاد، إلى جانب معلومات جديدة بشأن السيد عمر شاكر.

كازاخستان

٦٣ - أفادت التقارير بأن ائتلاف الجيل الجديد من المدافعين عن حقوق الإنسان، الذي أنشئ لتنسيق إسهامات المجتمع المدني في الاستعراض الدوري الشامل لكازاخستان، تعرّض في آذار/مارس ٢٠١٩ للمراقبة وطلب للاستجواب فيما يتصل بتعاونه مع الأمم المتحدة، وعُرقلت قنوات اتصاله الخاصة.

ماليزيا

٦٤ - في ١٠ أيار/مايو ٢٠١٩، تناول مكلفون بولايات في إطار الإجراءات الخاصة استدعاء السيد نومان عفيفي، وهو مدافع عن حقوق الإنسان الخاصة بالمثلثات والمثليين ومزدوجي الميل الجنسي ومغايري الهوية الجنسانية وحاملي صفات الجنسين، لاستجوابه فيما يتصل بمشاركته في مجلس حقوق الإنسان في جنيف (MYS 2/2019). وأبلغت المفوضية كذلك بأن السيد عفيفي والسيد ريزال روزان من حركة إمباور (Persatuan Kesedaran Komuniti Selangor) تعرّضا للمضايقة على شبكة الإنترنت بسبب الإدلاء ببيان في أثناء مداوات الجلسة الختامية للاستعراض الدوري الشامل المتعلق بماليزيا.

مالطة

٦٥ - أفادت التقارير بارتكاب مسؤولين مالطيين رفيعي المستوى، خلال نشاط رفيع المستوى نظّمته الأمم المتحدة في مراكش في كانون الأول/ديسمبر ٢٠١٨، أعمال تهريب في حق السيدة سارا كلارك، عندما كانت تعمل مع الاتحاد الدولي للقلم (انظر الوثيقة MLT 1/2019). وسُجّل في وقت لاحق توضيح عام واعتذار خاص. وفي ٢٤ حزيران/يونيه ٢٠١٩، قدّمت الحكومة ردودها.

(٥١) انظر الوثيقتين A/71/56، الفقرات من ٥٥ إلى ٥٨؛ و A/HRC/33/19، الفقرة ٢٣.

(٥٢) يمكن الاطلاع على رد الحكومة في الصفحة الشبكية: <https://spcommreports.ohchr.org/TMResultsBase/>

وانظر أيضاً الوثيقة A/HRC/40/43، الفقرة ٣١. DownloadFile?gId=34808

موريتانيا

٦٦ - في تموز/يوليه ٢٠١٨، تناولت لجنة مناهضة التعذيب تقارير تتحدث عن احتجاج مدافعين كانوا يعتزمون التعاون مع اللجنة خلال استعراض موريتانيا (انظر الوثيقة CAT/C/MRT/CO/2، الفقرتين ٢٦ و ٢٧). وفي ٢٧ آب/أغسطس ٢٠١٨، تناول مكلفون بولايات في إطار الإجراءات الخاصة مسألة مصادرة جوازات السفر وحظر السفر في حالة كل من السيدة ميمونة الفاسي، والسيدة عيساتا آن، والسيدة عيساتا ديالو من جمعية الأرامل، والسيد سي يايا عثمان من جمعية اليتامى، والسيد بابا ترواري من جمعية الناجين، الذين مُنعوا من السفر إلى جنيف لحضور دورة اللجنة (MRT 2/2018، وA/HRC/40/60/Add.1، وA/HRC/40/60/Add.1/Corr.1، الفقرتان ٦٢٢ و ٦٢٧).

المغرب

٦٧ - في ٤ حزيران/يونيه ٢٠١٩، تناول مكلفون بولايات في إطار الإجراءات الخاصة ادعاءات مفادها أن السيدة نزيهة الخالدي، وهي صحفية من الصحراء، خضعت لاستجواب الشرطة القضائية الوطنية بعد إحالة المكلفين بالولايات رسالة إلى حكومة المغرب (MAR 1/2019) فيما يتعلق بتوقيفها وإساءة معاملتها وتوجيه تهم جنائية إليها (MAR 2/2019)^(٥٣). ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيد رشيد الغريبي العروسي، والسيد نعمة السفاري، والسيد علي عراس.

ميانمار

٦٨ - أعرب مجلس حقوق الإنسان والبعثة الدولية المستقلة لتقصي الحقائق في ميانمار والمقررة الخاصة المعنية بحالة حقوق الإنسان في ميانمار عن القلق إزاء ما يتعرض له المتعاونون مع الأمم المتحدة من تهريب وتهديدات، وهو أمر وجهت الجمعية العامة الانتباه إليه^(٥٤). ويتضمن المرفق الثاني ادعاءات بشأن استمرار أعمال الانتقام التي تستهدف السيد أونغ كوه توي.

نيكاراغوا

٦٩ - في الفترة من حزيران/يونيه ٢٠١٨ إلى أيار/مايو ٢٠١٩، وثّقت المفوضية ٢٣ حالة مضايقة واضطهاد استهدفت الأشخاص الذين يتقاسمون بانتظام معلومات بشأن الانتهاكات. وقد وافق على ذكر أسمائهم في التقرير كل من السيد براوليو أباركا، والسيد ليفيس أرتولا روغاما، والسيد ماركوس كاردونا، والسيد غونزالو كاربون، والسيدة هايدي كاستيو فلوريس، والسيد ليرنر فونسيكا، والسيدة سارا إنريكيس، والسيدة مايوريت غيفارا، والسيد خوناتان فرانسيسكو لوبيس، والسيدة مونيكا لوبيس بالتونادو، والسيد فيليكس أليخاندر مارادياغا، والسيد ميداردو مايرينا، والسيد بيدرو مينا، والسيدة آنا كيروز، والسيدة فرانسيسكا راميريس، والسيد أمارو رويس أليمان،

(٥٣) يمكن الاطلاع على رد الحكومة في الصفحة الشبكية: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?Id=34811>.

(٥٤) انظر قرار مجلس حقوق الإنسان ٢٩/٤٠؛ والوثيقة A/HRC/39/64، الفقرة ٩؛ والوثيقة A/HRC/40/68، الفقرة ٤٦؛ وقرار الجمعية العامة ٢٦٤/٧٣، الفقرة ٨(هـ).

والسيد هنري رويس كونديغا، بينما امتنع آخرون خوفاً من التعرض للمزيد من الأعمال الانتقامية. وفي ٢٢ شباط/فبراير ٢٠١٩، أعربت المفوضة السامية عن القلق إزاء "توقيف وسجن زعماء من المعارضة، وهي إجراءات ربما يُقصد بها في بعض الحالات الانتقام ممن تعاونوا مع الأمم المتحدة"^(٥٥).

٧٠- وفي ٧ تشرين الثاني/نوفمبر ٢٠١٨، أعرب المكلفون بولايات في إطار الإجراءات الخاصة عن قلقهم إزاء الاحتجاز التعسفي للسيد خونتان فرانسيسكو لوبيس، إلى جانب الاعتداءات وأعمال التهيب والتهديد التي تستهدف السيد فيليكس أليخاندر مارادياغا (NIC 5/2018)؛ وA/HRC/40/60/Add.1؛ وA/HRC/40/60/Add.1/Corr.1، الفقرة ٢٤٦؛ وA/HRC/40/52، الفقرة ٥٨) وأفراداً آخرين بصورة أعم^(٥٦)، بسبب تعاونهم مع الأمم المتحدة. وفي ٢٧ تشرين الثاني/نوفمبر ٢٠١٨، قدمت الحكومة ردودها. وفي ٨ تشرين الأول/أكتوبر ٢٠١٨، وجه الأمين العام المساعد إلى الحكومة كتابة الادعاءات المتعلقة بالأعمال الانتقامية التي تستهدف السيد لوبيس.

٧١- وفي ٨ شباط/فبراير ٢٠١٩، أعرب المتحدث باسم المفوضة السامية عن قلقه إزاء غارة^(٥٧) يزعم أنها شنت دون أمر قضائي على مكاتب اتحاد شبكة نيكاراغوا للديمقراطية والتنمية المحلية (شبكة محلية)، وهو إئتلاف يضم ٢٢ من منظمات المجتمع المدني العاملة في جميع أنحاء البلد، وكان ذلك بعد ستة أيام من اجتماع ممثلين للمجتمع المدني في نيكاراغوا، منهم أعضاء في الشبكة المحلية، بالمفوضة السامية في جنيف. وفي ١٢ آذار/مارس ٢٠١٩، تناول مكلفون بولايات في إطار الإجراءات الخاصة الادعاءات المقدمة (NIC 1/2019).

بولندا

٧٢- في ١٣ كانون الأول/ديسمبر ٢٠١٨، أعرب مكلفون بولايات في إطار الإجراءات الخاصة عن قلقهم إزاء التقارير التي تفيد بأن المدافعين عن حقوق الإنسان المسافرين للمشاركة في الدورة الرابعة والعشرين لمؤتمر الأطراف في اتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ، المعقودة في كاتوفيتسه، منعوا من دخول البلد في أوائل كانون الأول/ديسمبر ٢٠١٨^(٥٨). وفي ٢٥ كانون الثاني/يناير ٢٠١٩، تناول الأمين العام المساعد كتابيا هذه الشواغل أيضاً. وأبلغت المفوضية بأن المؤسسة الوطنية لحقوق الإنسان في بولندا ومفوض حقوق الإنسان السيد آدم بودنار تعرض لأعمال تخويف وانتقام.

المملكة العربية السعودية

٧٣- في ٨ شباط/فبراير ٢٠١٩، أعرب مكلفون بولايات في إطار الإجراءات الخاصة عن قلقهم مجدداً إزاء الاحتجاز التعسفي والمعاملة المهينة للمدافعتين عن حقوق المرأة السيدة سمر بدوي (انظر المرفق الثاني) والسيدة لوجين الهدلول، التي تعاونت مع اللجنة المعنية بالقضاء

(٥٥) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24193&LangID=E>

(٥٦) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E>

(٥٧) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24148&LangID=E>

(٥٨) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24017&LangID=E>

على التمييز ضد المرأة (SAU 1/2019). وجهت رئيسة اللجنة ومنسقتها المعنية بالأعمال الانتقامية رسائل في ٢٥ أيار/مايو ٢٠١٨، و ٢٠ تموز/يوليه ٢٠١٨، و ٧ آب/أغسطس ٢٠١٨، و ١٣ تشرين الثاني/نوفمبر ٢٠١٨، و ٢٠ تشرين الثاني/نوفمبر ٢٠١٨، وفي ٩ تشرين الأول/أكتوبر ٢٠١٨ و ٣ كانون الأول/ديسمبر ٢٠١٨، قدمت الحكومة ردودها وأحالت معلومات بشأن السيدة الهذلول^(٥٩). وفي ٩ نيسان/أبريل ٢٠١٩، وجه الأمين العام المساعد إلى الحكومة كتابياً ادعاءات تتعلق بأعمال انتقام.

٧٤- وفي ٢٥ حزيران/يونيه ٢٠١٨، تناول مكلفون بولايات في إطار الإجراءات الخاصة ادعاءات تتعلق بأعمال انتقامية استهدفت السيد عبد الرشيد الفقيه والسيدة رضية المتوكل من منظمة مواطنة لحقوق الإنسان، بناءً على أوامر يقال إنها صدرت عن التحالف الذي تقوده السعودية في اليمن (SAU 8/2018؛ انظر الفرع المتعلق باليمن أدناه). وأبلغت المفوضية بأن السيد يحيى العسيري من منظمة القسط تلقى في آذار/مارس ٢٠١٩ تهديدات على وسائل التواصل الاجتماعي نتيجة لعمله في سياق الاستعراض الدوري الشامل للمملكة العربية السعودية. ويتضمن المرفق الثاني ادعاءات تتعلق باستمرار الأعمال الانتقامية التي تستهدف السيد محمد فهد القحطاني، والسيد عيسى النخيفي، والسيد فوزان محسن عوض الحربي، والسيدة أمل الحربي، والسيدة سمر بدوي.

سري لانكا

٧٥- أفادت المفوضية باستمرار أعمال المضايقة أو المراقبة التي تستهدف المدافعين وضحايا الانتهاكات، بما في ذلك استجوابهم من قبل السلطات في أعقاب رحلاتهم لحضور دورات مجلس حقوق الإنسان وترهيبهم (انظر الوثيقة A/HRC/40/23، الفقرة ٥٥). وأبلغ أيضاً عن تهديدات بالقتل خلال دورات المجلس وأنشطته الجانبية من قبل مجموعات مختلفة. وفي ٢ آب/أغسطس ٢٠١٨، تناول مكلفون بولايات في إطار الإجراءات الخاصة ادعاءات تتعلق بمضايقة السيدة سانديا إيكينليغودا والاعتداء عليها انتقاماً منها لما تبذله من جهود لاستجلاء الحقيقة بشأن مصير ومكان زوجها الصحفي المختفي السيد براغيت إيكينليغودا (LKA 2/2018)، الذي سجلت قضيته في عام ٢٠١٠ لدى الفريق العامل المعني بحالات الاختفاء القسري أو غير الطوعي.

تونس

٧٦- أبلغت المفوضية بأن النقابة الوطنية للصحفيين التونسيين تعرضت في كانون الثاني/يناير ٢٠١٩ للمضايقة على شبكة الإنترنت بسبب التشجيع على استخدام الإجراءات الخاصة للأمم المتحدة في سياق رصدتها للاعتداءات على الصحفيين. وقدمت بالاستناد إلى مجلة الصحافة المنقحة شكوى في حق ممثل قوات الأمن الذي يزعم أنه المسؤول عن تلك الأفعال.

تركمانستان

٧٧- في ٢٧ تشرين الثاني/نوفمبر ٢٠١٨، تناول مكلفون بولايات في إطار الإجراءات الخاصة ادعاءات تتعلق بالأعمال الانتقامية التي تعرضت لها السيدة داريا أتدايفا لتعاونها مع الفريق العامل

(٥٩) <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34611>

المعني بحالات الاختفاء القسري أو غير الطوعي فيما يتصل باختفاء زوجها السيد أناموراد نورمحمدوفيتش أتدايف في عام ٢٠١٧ (TKM 2/2018). وفي ٢٥ حزيران/يونيه ٢٠١٩، قدمت الحكومة ردودها.

الإمارات العربية المتحدة

٧٨ - أفادت التقارير بأن السيد أحمد علي مكاوي، وهو مواطن لبناني، وضع في الحبس الانفرادي وقيدت زيارته أسرته إليه واتخذت إجراءات قانونية أخرى في حقه وحق أقاربه بعد أن خلص الفريق العامل المعني بالاحتجاز التعسفي، في آب/أغسطس ٢٠١٧، إلى أن احتجازه تعسفي (انظر الوثيقة A/HRC/WGAD/2017/47)، وبعد أن نشرت قضيته والآراء الصادرة فيها على قناة العربي التلفزيونية في كانون الأول/ديسمبر ٢٠١٨.

٧٩ - وأبلغت المفوضية بتدهور أوضاع ثلاث نساء هن: السيد علياء عبد النور، والسيدة مريم سليمان البلوشي، والسيدة أمينة العبدولي، بعد إطلاق الأمم المتحدة على معلومات. وفي ١٢ شباط/فبراير ٢٠١٩، أثار مكلفون بولايات في إطار الإجراءات الخاصة ادعاءات تتعلق بالتعذيب وإساءة المعاملة نظراً إلى ظروف احتجاز النساء الثلاث وعدم توفير العلاج الطبي المناسب لهن (ARE 2/2019). وتوفيت السيدة عبد النور في الحبس في ٤ أيار/مايو ٢٠١٧، على الرغم من نداءات الأمم المتحدة لتقديم المساعدة إليها^(٦٠). ويتضمن المرفق الثاني ادعاءات تتعلق باستمرار الأعمال الانتقامية التي تستهدف السيد أحمد منصور والسيد أسامة النجار والسيد محمد عصمت محمد شاكر عز.

أوزباكستان

٨٠ - أفادت التقارير بأن المدافعة السيد تاتيانا دوفلاتوفا وعدداً من الناشطات الأخريات ممنعن من حضور المنتدى الآسيوي لحقوق الإنسان، الذي عقد في سمرقند في تشرين الثاني/نوفمبر ٢٠١٨، والذي نظمه المركز الوطني لحقوق الإنسان بالتشارك مع مكتب المفوضية الإقليمية لآسيا الوسطى وفريق الأمم المتحدة القطري.

فنزويلا (جمهورية - البوليفارية)

٨١ - في آذار/مارس ونيسان/أبريل ٢٠١٩، أفادت التقارير بأن موظفين في القطاع الطبي ومدافعين عن حقوق الإنسان وأعضاء حركات طلابية تعاونوا مع المفوضية أثناء زيارتها الأولى إلى البلد في آذار/مارس ٢٠١٩ وتعرضوا لاعتداءات جسدية وللمضايقة والتشهير. وكان من بين المتضررين الدكتور روني فيلاسميل، والسيد مارلون خيسوس دياس غوليندانو، والدكتورة ماريانا أوتشيليا دورا كاستيلو، والدكتور أمارانتي أنسا مالدونادو من المرصد الفنزويلي للصراعات الاجتماعية، والسيدة ليليانا أورتيجا من لجنة أقارب ضحايا أحداث شباط/فبراير - آذار/مارس ١٩٨٩، والسيد رافايل أوسكاتيغي من البرنامج الفنزويلي للتحقيق والعمل في مجال حقوق الإنسان. ووجهت المفوضية الادعاءات إلى الحكومة.

(٦٠) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24214&LangID=E> و <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24570&LangID=E>

٨٢ - وفي ٨ تشرين الأول/أكتوبر ٢٠١٨، توفي السيد فيرناندو ألبان في الحبس في كراكاس بعد توقيفه في المطار لدى عودته من نيويورك، حيث شارك في اجتماعات مرتبطة بالجمعية العامة تتعلق بالمبادرات الحالية والممكنة التي تقودها الأمم المتحدة، ولا سيما مجلس الأمن، لمعالجة الأوضاع في جمهورية فنزويلا البوليفارية. وفي ٢٣ تشرين الثاني/نوفمبر ٢٠١٨، تناول الأمين العام المساعد هذه الادعاءات كتابة. ويتضمن المرفق الثاني ادعاءات تتعلق باستمرار الأعمال الانتقامية التي تستهدف السيدة ماريا لورديس أفيوني.

فييت نام

٨٣ - أفادت التقارير بأن السيدة نغوين تي كيم تان تعرضت في شباط/فبراير ٢٠١٩ لاستجواب من الشرطة ولحجز جواز سفرها لدى عودتها إلى فييت نام في أعقاب مشاركتها في الاستعراض الدوري الشامل الذي أجري في جنيف في كانون الثاني/يناير ٢٠١٩، حيث نادت بالإفراج عن زوجها السيد تروونغ مين دوك. وعلاوة على ذلك، تفيد التقارير بأن السيدة بوي تي كيم بوونغ خضعت في آذار/مارس ٢٠١٩ لحظر سفر عندما كانت تخطط لزيارة جنيف كي تعرض على اللجنة المعنية بحقوق الإنسان قضية زوجها السيد نغوين باك تروين، وهو مدافع تعرض لأعمال انتقامية عقب زيارة المقرر الخاص المعني بحرية الدين أو المعتقد للبلد في عام ٢٠١٤. وفي ٢٥ آذار/مارس ٢٠١٩، أعربت اللجنة المعنية بحقوق الإنسان عن قلقها إزاء الأعمال الانتقامية التي تستهدف المدافعين عن حقوق الإنسان في فييت نام (انظر الوثيقة CCPR/C/VNM/CO/3، الفقرات ٤٣ و ٥١ و ٥٢).

٨٤ - وفي ٢٦ أيلول/سبتمبر ٢٠١٨، أبلغ السيد نغوين فان آن، وهو كاثوليكي من أبرشية كي غاي، بأمر توقيف صادر في حقه لتورطه في توثيق انتهاكات مزعومة والإدلاء بشهادات بشأنها وتقديم تقارير عنها إلى الأمم المتحدة. وغادر السيد نغوين فان آن وأسرته البلد. ويتضمن المرفق الثاني ادعاءات بشأن استمرار الأعمال الانتقامية التي تستهدف السيد نغوين باك تروين، والجهات الفاعلة في المجتمع المدني التي حضرت اجتماعاً إقليمياً تضمن تفاعلاً مع المقرر الخاص المعني بحرية الدين أو المعتقد. وفي ٢٦ حزيران/يونيه ٢٠١٩، قدّمت الحكومة ردودها.

اليمن

٨٥ - وفي ٢٥ حزيران/يونيه ٢٠١٨ تناول مكلفون بولايات في إطار الإجراءات الخاصة والتي الاحتجاز التعسفي المبلغ عنهما بشأن السيد عبد الرشيد الفقيه والسيدة رضية المتوكل من منظمة مواطنة لحقوق الإنسان عندما كانا يحاولان السفر من مطار سيؤون فيما يبدو انتقاماً منهما لتعاونهما مع آليات الأمم المتحدة لحقوق الإنسان (YEM 4/2018). واستندت الإجراءات المتخذة في حقهما إلى أوامر يزعم أنها صادرة عن التحالف الذي تقوده السعودية في اليمن (انظر أيضاً المملكة العربية السعودية 8/2018 SAU).

دولة فلسطين

٨٦ - في سياق توثيق حالات المعاملة القاسية أو اللاإنسانية أو المهينة في مراكز الاحتجاز الفلسطينية، تلقى مكتب المفوضية في الأرض الفلسطينية المحتلة معلومات مفادها أن عدداً من المحتجزين في الضفة الغربية تعرضوا، في الفترة ما بين تموز/يوليه وتشرين الأول/أكتوبر ٢٠١٨،

لأعمال انتقامية في أعقاب المشاركة في مقابلات مع موظفي المفوضية ومؤسسات أخرى لحقوق الإنسان، وهي حالات جرى تناولها مع السلطات.

سادساً - الاستنتاجات والتوصيات

٨٧ - لقد تلتقيت خلال الفترة المشمولة بالتقرير عدداً كبيراً من التقارير المتعلقة بحوادث ترهيب وأعمال انتقامية يُزعم أنها استهدفت أفراداً أو مجموعات ساعية إلى التعاون مع الأمم المتحدة أو تعاونت معها في ميدان حقوق الإنسان. وتظهر الادعاءات المبلّغ عنها على مر الزمن أن الترهيب والأعمال الانتقامية يمكن أن تكون أكثر من حوادث معزولة ويمكن أن تشير إلى أنماط.

٨٨ - ويتضح بصورة خاصة إساءة استخدام فضاء الإنترنت عن طريق خطابات الكراهية وأعمال التسلط السيبراني وحملات التشويه التي تستهدف أصحاب الأدوار المحورية في جهود الأمم المتحدة. ويشمل ذلك ممثلي المجتمع المدني والمؤسسات الوطنية لحقوق الإنسان والموظفين العموميين وأعضاء الأحزاب السياسية والخبراء المستقلين المكلفين بولايات من الأمم المتحدة. وينبغي ألا يتعرض هؤلاء الأفراد والمجموعات للتهديد بسبب مساهمتهم في عمل الأمم المتحدة ومبادئها.

٨٩ - ويساورني قلق خاص إزاء مجموعة الأدلة التي تشير إلى تزايد الرقابة الذاتية من جانب الضحايا والجهات الفاعلة في المجتمع المدني الذين يقررون عدم التعامل مع الأمم المتحدة، في الميدان وفي المقر على السواء، خوفاً على سلامتهم أو في سياقات يعتبر فيها العمل المتعلق بحقوق الإنسان جريمة أو يشيطن علناً. وكما حدث في الماضي، لم يدرج عدد من الحالات أو الأسماء بسبب المخاطر الأمنية التي يتعرض لها الأفراد أو المنظمات المعنية، ولا يزال نقص الإبلاغ مصدر قلق.

٩٠ - ويساورني القلق إزاء استمرار الدول في استخدام حجج الأمن القومي واستراتيجيات مكافحة الإرهاب لتبرير منع الوصول إلى الأمم المتحدة. وتشمل الحالات المبلّغ عنها أفراداً أو منظمات متهمين بالإرهاب أو بالتعاون مع كيانات أجنبية أو بالإضرار بسمعة الدولة أو أمنها. وقد استخدمت هذه الحجج لتبرير القيود المفروضة على التمويل الأجنبي. ويرتبط عدد غير متناسب من حالات الاختفاء القسري أو الاحتجاز، التي اعتبر خبراء الأمم المتحدة الكثير منها ذات طابع تعسفي، بحجج الأمن الوطني هذه. وهذا اتجاه مثير للقلق تناولته علناً، بما في ذلك في تقريرتي السابق، ولا يزال مستمراً للأسف.

٩١ - وقد أشرت من قبل إلى أن النساء والمثليات والمثليين ومزدوجي الميل الجنسي ومغايري الهوية الجنسانية وحاملي صفات الجنسين يواجهون حواجز وتهديدات وأعمال عنف ترتبط بنوع الجنس أو الميل الجنسي في تعاملهم مع الأمم المتحدة. وقد أُبلغ عن تهديدات بالاغتصاب وحملات تشويه على الإنترنت واعتداءات جنسية أثناء الاحتجاز ومعاملة مهينة ومذلة. ويبدو أن العاملين في مجال حقوق المرأة والمثليات والمثليين ومزدوجي الميل الجنسي ومغايري الهوية الجنسانية وحاملي صفات الجنسين، بما في ذلك الحقوق الجنسية والإنجابية، مستهدفون بصورة خاصة، وهو أمر غير مقبول. وفي سياق جهودنا

الرامية إلى تحسين الإبلاغ وزيادة مراعاة الادعاءات وتبعات الأعمال الانتقامية، يجب علينا فحص أعمال التهيب والانتقام والتحقيق فيها وتوثيقها على نحو يراعي المنظور الجنساني.

٩٢ - وقد سألت الدول الأعضاء الأمم المتحدة عن الكيفية التي يمكن أن تعالج بها هذه المسألة. وتقرن العضوية في الأمم المتحدة بالتزامات ومسؤوليات، وينبغي للدول أن تفي بالتزاماتها. وأرحب بتعهدات الدول صراحة برفض التهيب والأعمال الانتقامية. ويمكن للدول أن تضع التزاماتها موضع التنفيذ من خلال آلية الاستعراض الدوري الشامل لمجلس حقوق الإنسان، التي يمكن الاستفادة منها على نحو أفضل لتحقيق إمكاناتها الكاملة. وأود أن أشجع الدول على مواصلة استخدام هذه الآلية من أجل التصدي للتهيب والأعمال الانتقامية. وإلى جانب الاستعراض الدوري الشامل، أُريد استمرار المشاركة المتعددة الأطراف، علاوة على الحوار الثنائي وتقديم المساعدة إلى الضحايا. ويسلط هذا التقرير الضوء على عدة ممارسات جيدة على الصعيدين الوطني والدولي.

٩٣ - وتواصل الأمم المتحدة تعزيز استجابتها على نطاق المنظومة، بسبل منها تحسين الإبلاغ بالادعاءات وإجراء تحاليل أشمل للاستجابات القائمة في مجال السياسات. وينبغي أن تكون هذه المسألة، أكثر من أي وقت مضى، أولوية ومسؤولية أساسية للمنظمة. وأكرر دعوتي جميع كيانات الأمم المتحدة إلى أن تتوخى اليقظة وتشارك في هذه المسألة وتساعد في متابعة المجموعة الكبيرة من القضايا وتسعى إلى تسويتها، وإلى أن تواصل العمل مع الدول والشركاء لتشجيع الفحص والمساءلة.

٩٤ - وكما ذكرت في تقريرتي السابق، فإن هذه الحوادث غير مقبولة على الإطلاق. وشركاؤنا لا غنى عنهم، ويجب علينا جميعاً بذل المزيد لحماية وتعزيز حقهم الأساسي في التعامل مع الأمم المتحدة.

Annex I

Comprehensive information on alleged cases of reprisals and intimidation for cooperation with the United Nations on human rights

1. Algeria

1. In July 2018, the Human Rights Committee called on Algeria, as a matter of urgency, (a) to guarantee that individuals who cooperate with the Committee are not subjected to any form of intimidation or reprisal; and (b) drop the charges against, release and compensate all individuals who are being prosecuted, either directly or by way of other charges, for having cooperated with the Committee (CCPR/C/DZA/CO/4, para. 8 (b)).

2. Bahamas

2. In October 2018, Ms. Alicia Wallace, from Equality Bahamas working on women's rights and gender-based violence, engaged with the Committee on the Elimination of all forms of Discrimination against Women (CEDAW) in the context of the review of Bahamas. Equality Bahamas submitted a public alternative report to CEDAW and Ms. Wallace travelled to Geneva to deliver an oral statement during the CEDAW session on 24 October 2019. In the following days, Ms. Wallace's statement was reportedly echoed in local newspapers and was read aloud by the host of a popular radio talk show, Freedom March. During the radio show, the host made disparaging comments about CEDAW, and about Ms. Wallace and her colleagues, including related to their engagement with the UN. The host reportedly displayed pictures of Ms. Wallace and her colleagues and criticized their advocacy. This episode reportedly worsened an already hostile environment for Ms. Wallace, who in 2014 had received death threats on Facebook in connection to her work on violence against women.

3. On 30 May 2019, CEDAW sent a letter to the State party addressing these allegations. On 22 June 2019, the Government responded and noted that, upon receipt of the allegations, the relevant authorities started an investigation, contacted Ms. Wallace to obtain more information about her situation, and offered her assistance through the Gender Based Violence Specialist, Department of Gender and Family Affairs. The Government expressed concern about the allegations stating that it will seek to protect the rights and safety of women defenders in the country.

3. Bahrain

4. In July 2018, the Human Rights Committee noted with concern a large number of reports of reprisals against Bahraini human rights defenders and journalists because of their work, particularly when they collaborate with United Nations treaty bodies and the Human Rights Council (CCPR/C/BHR/CO/1, para. 59). The Committee noted with concern the cases of Mr. Sayed Ahmed Al-Wadaei and Ms. Ebtesam Abdulhusain Ali-Alsaegh (see AnnexII).

5. On 19 June 2019, the Government responded, stressing that competent authorities do not charge, arrest, imprison or take reprisal measures against anyone for working with the United Nations. It is the view of the Government that any allegations of intimidation or acts of reprisal against individuals or their families because of their human rights work are untrue and false; and anyone making such allegations is merely trying to cover up the fact that legal proceedings against them or any of their relatives are owing to violations and acts prohibited or criminalized by national law. Regarding the travel ban on Ms. Ebtesam Abdulhusain Ali-Alsaegh, the Government indicated that a judicial order was issued in April 2017 barring her from travel as part of a different case where she was charged with taking part in an unauthorized public assembly. The ban was lifted on 13 July 2017, and the

case was set aside due to insufficient evidence. With regard to the allegations that Ms. Ali-Aksaegh received threats, there has been no complaint filed through any of the relevant national remedies. The Government response also referred to the situation of Ms. Hajar Mansoor Hassan and Mr. Nabeel Rajab (see AnnexII).

4. Bangladesh

6. Some human rights advocates and indigenous peoples' representatives, in particular from the Chittagong Hill Tracts, were reportedly intimidated during the 18th session of the UN Permanent Forum on Indigenous Issues in New York in April 2019, where they reported on incidents of persecution, arbitrary arrest, torture and ill-treatment, disappearances and killings in the Chittagong Hill Tracts in the first half of 2019. Participants were followed and privately videotaped without their consent, and were approached and asked not to take the floor in public meetings. As a result, some participants avoided speaking with United Nations officials out of fear of reprisals.

7. On 5 July 2019, the Government responded to the allegations, expressing its dismay at the allegations reported. However, to be able to check on the authenticity of the allegations, the Government indicated that it requires more information without which allegations are incomplete, unfounded and unjustified. The Government stated that in UN meetings it is common practice to take photos or record audio/video of speakers unless prohibited or restricted for a specific event. It states that Permanent Forum events are open to all, including side events. The Government indicated that it is not aware on any incident where "indigenous participants were approached in the corridors and asked not to take the floor in public meetings." Lastly, the Government highlighted that everyone in Bangladesh is indigenous and there are as many as 50 ethnic groups, but most of the participation at the Permanent Forum is from a single ethnic group and recommends for the Permanent Forum to be more inclusive.

5. Benin

8. In July 2018, the Subcommittee on Prevention of Torture reported that during its visit it received testimonies that detainees feared reprisals for speaking freely and engaging with members of the delegation, in particular at the Agblangandan gendarmerie station and in the Cotonou prison. The Subcommittee took note of the assurances provided by the authorities that no reprisals would take place. The Subcommittee requested the authorities to ensure that no reprisals occur after its visit, and to provide it with detailed information on the steps taken to prevent reprisals against staff or prisoners who spoke to members of the Subcommittee (CAT/OP/BEN/3, paras. 107-108).

6. Bolivia (Plurinational State of)

9. In July 2018, the Subcommittee on Prevention of Torture reported that during its visit it was unable to speak in private to persons deprived of liberty in MocoVÍ and San Pedro prisons due to lack of cooperation by staff and fear of reprisals against inmates. The occurrence of reprisals as a result of the Subcommittee's visit was corroborated during a follow-up visit by OHCHR, and the Subcommittee requested detailed information about measures adopted to address this. The Subcommittee recommended prompt, impartial and effective investigations so that those responsible are brought to justice and suitable redress is provided to victims (CAT/OP/BOL/3, paras. 3, 14, 126-131).

7. Burundi

10. During the 2018 September session of the Human Rights Council, the Permanent Mission of Burundi in Geneva requested the withdrawal of the badges of a number of civil society representatives with ECOSOC accreditation, including members of the Burundian Coalition of Human Rights Defenders. The Permanent Mission, which made its request

public on Twitter, denounced the interruption of a side event it had organized by "former" members of civil society who are now wanted by the Burundian justice system. The names of the defenders were made public and the individuals were later attacked on social media. Ms. Marie Louise Baricako, Mr. Janvier Bigirimana, Ms. Yvette Ininahazwe, Mr. Pierre Claver Mbonimpa, Ms. Eulalie Nibizi, Mr. Alexandre Niyungeko, Mr. Pacifique Nininahazwe, and Mr. Vital Nshimirimana consented to be named in the present report, while others did not due to the fear of further reprisals.

11. On 5 March 2019, the High Commissioner for Human Rights announced with deep regret that the UN Human Rights Office in Burundi was closed at the insistence of the Government and that its staff had been "severely hampered in their ability to look into allegations of violations" since the October 2016 suspension of cooperation.⁶¹ The climate of intimidation, reprisals and fear in Burundi prevented OHCHR from engaging with human rights defenders, especially those based in the country. Civil society actors in the country have reportedly avoided being publicly associated with OHCHR.

12. On 5 October 2018, the Human Rights Council urged the Government of Burundi to stop any reprisal against human rights defenders who cooperate with international human rights mechanisms, including the Council (A/HRC/RES/39/14, para. 15). The Council mentioned the closure of OHCHR in Burundi and underlined the need for the Office to fulfil its mandate and to resume its activities, including its monitoring and reporting functions, with full access to persons and locations (para. 14).

8. China

13. It was reported that several activists, human rights defenders and lawyers, including Ms. Li Xiaoling, Ms. Li Yuhan, Mr. Liu Zhengqing, Ms. Xu Yan, and Mr. Zhen Jianghua, had been targeted for engaging with the United Nations human rights mechanisms or attending trainings on how to engage with United Nations human rights bodies, organized by civil society with United Nations resource persons.

14. On 27 November 2018, the Zhuhai City Xiangzhou District Court convicted activist Ms. Li Xiaoling, who had engaged with the UN human rights mechanisms, of "picking quarrels and provoking trouble" after a 14 November 2018 trial and sentenced her to three years in prison, suspended for five years. She had first been detained in June 2017 and reportedly been denied adequate medical treatment. Ms. Li was released on probation on 3 December 2018 and prevented from leaving Zhuhai. She is fitted with an electronic bracelet to track her movements and record her voice.

15. A trial hearing for human rights lawyer Ms. Li Yuhan, who had engaged with the UN human rights mechanisms, at the Shenyang City Heping District Court was scheduled for 9 April 2019 but then cancelled on 6 April 2019. She is in pre-trial detention on charges of "picking quarrels and provoking trouble" since being seized by the police on 9 October 2017 and formally arrested on 15 November 2017. Ms. Li has reportedly suffered ill-treatment and torture in detention and denied medical treatment. In August 2018, the Working Group on Arbitrary Detention determined that the detention of Ms. Li Yuhan is arbitrary and recommended that she be released and provided compensation.⁶²

16. On 10 January 2019, human rights lawyer Mr. Liu Zhengqing, who had engaged with the UN human rights mechanisms, was disbarred on the grounds that his defense statements "endangered national security" and "slandered" the State. He had previously faced reprisals for representing a human rights defender's case addressed by the United Nations, and his case had been addressed by several mandate holders in 2011 (CHN

⁶¹ OHCHR, "UN Human Rights Office in Burundi closes," (5 March 2019).

⁶² Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.

13/2011).⁶³ Mr. Liu reportedly refused to attend the hearing, which was held in absentia, following which he was notified that he had been stripped of his license to practice law.

17. On 4 January 2019, Ms. Xu Yan, who had engaged with the UN human rights mechanisms, was called for questioning by individuals allegedly associated with the police related to her campaign for the release of her detained husband, Mr. Yu Wensheng. The case of Mr. Yu was addressed by the Working Group on Arbitrary Detention⁶⁴ and the subject of a special procedures communication (CHN 5/2018).⁶⁵ He was the attorney for human rights lawyer Mr. Wang Quanzhang (subject of a Working Group on Arbitrary Detention opinion No. 62/2018 - see Annex II). Previously on 27 January 2018, Ms. Xu had been summoned by police and informed that her husband was suspected of "inciting subversion of state power," transferred to Xuzhou, Jiangsu Province (hundreds of miles away), and put under "residential surveillance at a designated location." On several occasions in 2019, Ms. Xu was reportedly subjected to surveillance and unable to leave her home.

18. On 28 December 2018, activist Mr. Zhen Jianghua, who had engaged with the UN human rights mechanisms, was convicted of "inciting subversion of state power" and sentenced to two years in prison, following a closed-door trial. He was reportedly seized from his apartment without a warrant on 1 September 2017 and denied access to a lawyer. On 29 September 2017, he was reportedly put under "residential surveillance at a designated location." Mr. Zhen's case was raised by four special procedures mandate holders in January 2018 (CHN 2/2018).⁶⁶

19. In May 2019, it was reported that staff members of the international non-governmental organization Chinese Human Rights Defenders (CHRD) faced serious intimidation and harassment for sharing information with the United Nations and conducting trainings for China-based human rights defenders seeking to cooperate with the United Nations. Between February and July 2018, repeated anonymous emails in Chinese reportedly threatened CHRD and its staff members with "severe consequences" if the organization held its planned trainings, including physical assault and abduction at airports and forcible return to China. The last reported email was sent weeks before the Committee on the Elimination of Racial Discrimination (CERD) review of China in August 2018, and three months before the universal periodic review (UPR) of China in November 2018. It was further reported that an article published in a Chinese newspaper denounced CHRD's United Nations human rights trainings and efforts to engage the UPR and treaty body reviews.

20. On 1 July 2019, the Government responded to the allegations in writing. Regarding the case of Ms. Li Xiaoling, the Government indicated that, in April 2018, she was charged with "picking quarrels and provoking trouble" and illegal possession of a State classified document. According to the Government, since 2010, Ms. Li Xiaoling, has repeatedly created disturbances in public places by expressing solidarity for others, forming crowds of onlookers, and holding up signs and slogans. She has also shared information about these activities and maliciously sought to sensationalize and draw attention to them via on-line platforms as well as media outlets based outside mainland China. In November 2018, the first instance court found Ms. Li Xiaoling guilty of provocative and disturbing acts and sentenced her to three years imprisonment, suspended for five years. Ms. Li Xiaoling lodged an appeal, which was rejected on 11 February 2019, and she is currently on probation.

63 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30914>.

64 Opinion No. 15/2019 adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, concerning Yu Wensheng (China), 24 April–3 May 2019.

65 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33962>.

66 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33943>.

21. Concerning the situation of Ms. Li Yuhua, the Government indicated that she was taken into criminal detention on 9 October 2017 on allegations of "provocative and disturbing acts." The first instance court charged her with a count of fraud and provocative and disturbing acts following allegations she had repeatedly provoked trouble and created disturbances in public places, undermining social order. Hearings on the case are ongoing and, according to the Government, the so-called "abuses" and "tortures" have not happened.

22. Regarding the situation of Mr. Liu Zhengqing, the Government indicated that he was disbarred not because of his legal defence of so-called "human rights defenders" but because his legal practice had violated relevant provisions of the Chinese Law on Lawyers. According to the Government, sanctions on a small number of lawyers, such as Mr. Liu Zhengqing, who have violated laws and regulations, serve to protect the rights and interests of the majority of lawyers practicing in accordance with the law. Sanctions also serve to encourage lawyers to practice strictly in accordance with rules and norms and in good faith, to create a favourable environment for legal practice, and to facilitate the rapid and healthy development of the legal profession in China.

23. Concerning the situation of Ms. Xu Yan, the Government indicated that the judicial authorities have not taken any compulsory measures against her. Regarding the allegations pertaining to international NGO Chinese Human Rights Defenders, the Government has inquired and found no relevant information.

24. Regarding the situation of Mr. Zhen Jianghua, the Government indicated that in September 2017 he was taken into custody and put under "residential surveillance at a designated location." In May 2018, the People's Procuratorate of Zhuhai City (Guangdong Province) filed a case against him for "inciting subversion of State power" based on rumors and slander against the Government from his repeated publication of articles and statements via websites based outside mainland China. On 16 December 2018, the court found Mr. Zhen Jianghua guilty of inciting subversion of State power and sentenced him to two years in prison and confiscation of his personal assets in the amount of 235,000 yuan (USD\$ 34,000).

9. Colombia

25. Lieutenant Wilmer Orlando Anteliz Gonzalez, a key protected witness of a criminal investigation by the National Prosecutor's Office, was reportedly the subject of acts of reprisal for cooperating with OHCHR in Colombia. Lieutenant Anteliz is in contact with OHCHR in Bogotá as key witness and whistle-blower in a criminal investigation on alleged links between a criminal armed group and members of the National Police Department in Tolima. This cooperation allegedly prompted acts of intimidation and reprisals against him, including disciplinary investigations, demotions, unsolicited transfers, and lack of adequate protection measures. He and his family have also received death threats. On 15 November 2018, the Assistant Secretary-General raised concern in writing about the allegations.

26. In August 2018, during a field visit to Ituango (Antioquia), OHCHR, United Nations High Commissioner for Refugees (UNHCR), the national human rights institutions and the UN Verification Mission in Colombia met with a woman defender (name withheld) working on a program for the substitution of illicit crops. Further to this meeting, the woman received threats against her life from an illegal armed group if she was seen talking to the UN again. Due to this, the woman defender was forced to relocate. OHCHR reports that restrictions to engage with the UN in this area imposed by illegal armed groups are not limited to this one case, but rather extend to the entire community.

10. Cuba

27. Allegations of patterns of intimidation and reprisals in Cuba continued in the reporting period, both prior to engaging with the United Nations as well as upon return in

the form of travel bans and restrictions.⁶⁷ In August 2018, CERD noted with concern information on travel restrictions placed on human rights defenders, preventing them from participating in the Committee's session. The Committee expressed regret that Cuba did not acknowledge that these events occurred and had not taken steps to investigate or prevent them. The Committee urged Cuba to adopt the necessary measures to ensure that rights defenders, particularly those working against racial discrimination, are not subjected to arbitrary restrictions that prevent them from participating in meetings by international human rights mechanisms (CERD/C/CUB/CO/19-21, paras. 13-14).

28. In November 2017, Mr. Norberto Mesa Carbonell, Afro-descendant and founding member of the *Cofradía de la Negritud* ("Black Brotherhood"), had participated in the United Nations Forum on Minority Issues and engaged with Cuba's UPR. In July 2018, Mr. Mesa Carbonell was reportedly intimidated by State security agents with legal action against a relative if he submitted information to CERD. Due to this, Mr. Mesa Carbonell decided not to submit the alternative report. On 30 August 2018, the Committee sent a letter to the authorities addressing these allegations and requesting a response with information on measures taken to prevent and address reprisals against those who cooperate with the UN. On 15 October 2018, the Government responded to the Committee. On 30 April 2019, Mr. Mesa Carbonell was arrested by the police without charges, held in a cell overnight without access to necessary medicine or to a phone call, and released the next day.

29. On 20 June 2019, the Government responded denying the allegations, including the alleged pattern of reprisals against those who cooperate with the UN. The Government asserted that allegations are taken by the UN as valid despite information put forward by the authorities that is not taken into account. In the view of the Government, this does not respect the principles of objectivity, impartiality and non-selectivity and contributes to the politicization of the issue, in particular "the selective and arbitrary use of the mechanism against developing countries." The Government stated that the defense of human rights is a noble cause that it has always supported and will continue to support, and it is not acceptable that it is manipulated as a pretext to violate the right of the peoples to self-determination.

11. Democratic Republic of the Congo

30. In January 2019, a member of civil society in Kwilu Ngongo (Central Kongo Province) reported and publicly denounced an incident to the UN Joint Human Rights Office (UNJHRO) of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), where two men had been arrested, stripped and walked naked in the street mid-day on the order of a police officer. After UNJHRO brought the incident to the attention of the relevant authorities, criminal proceedings were initiated against the police officer involved. On 8 February 2019, during a public meeting in Kwilu-Ngongo, the deputy administrator of the Mbanza-Ngungu Territory announced the suspension of the defender from his functions and appointed an interim chairman of the civil society organization. The local authority refused to give the floor to the defender in question during the meeting, calling him a whistle-blower and an informant of the UNJHRO. The decision was later announced through the local community radio, threatening legal proceedings against the defenders in case of non-compliance.

31. On 12 April 2019, five special procedures mandate holders expressed concerns at death threats and kidnapping attempts against human rights defenders working with the Réseau d'aide aux Femmes et Enfants Nécessiteux (RAFEN) as reprisals for cooperation with the World Bank (COD 1/2019; CHN 2/2019; OTH 15/2019; OTH 16/2019). Defenders reportedly documented and denounced to the World Bank and its Inspection Panel acts of gender-based violence and the use of child labour by employees of the Zhengwei Technical Cooperation Company (SZTC) in charge of building the Bukavu-Goma road, as part of the High-Priority Roads Reopening and Maintenance Project in the DRC (ProRoutes).

⁶⁷ OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (11 May 2018).

32. Death threats reportedly took place between September and November 2017, after a request for an evaluation of the ProRoute project to the World Bank's Inspection Panel was made public confirming that violations had occurred and announcing the suspension of reimbursements for all civil engineering works in the ProRoutes project. Kidnapping attempts were reported in early 2018 when the defenders accompanied survivors to court. It is reported that the World Bank is in regular contact with threatened stakeholders, including civil society actors.

33. On 21 May 2019, the Government of China responded,⁶⁸ stating that there is no factual basis for the allegations of the Zhengwei Congo (Golden) project, as verified by the local police investigation and the World Bank. Regarding the non-compliance of "pk99 + 800" material mining and the delay of the road construction, following negotiations, US\$63,185 was paid to the landlord, who withdrew the complaint against Zhengwei Company. Regarding the complaints from the project team about sexual assault of local residents, the Government stated that local police concluded that the allegations were unfounded. Regarding the use of child labor in the project, the Government indicated that the Cong (Credit) Labor Law allows apprentices of 17 years of age to participate, as some did, but there was no use of child labor. Regarding the allegations of threats, beatings and kidnapping by Zhengwei Company, the Government states that following the compensation agreement was reached in 2017 there has been no formal or informal contact with the parties.

34. On 7 June 2019, the World Bank responded⁶⁹ to the allegations in writing, stressing that they launched a collaborative discussion to help address the allegations with the UN agencies in Eastern DRC, and they have worked with the human rights defender over the past 20 months to address concerns. These actions are consistent with the Bank's new Environmental and Social Framework, which has instituted new provisions to help protect individuals from retaliation throughout the life of a project. Regarding the Bank's interaction with the human rights defender affected, while a member of the Bank's team met the individual on many occasions, they do not have first-hand evidence of the allegations. They can, however, confirm that there has been verbal tension between relatives and members of the community dissatisfied about the suspension of the works. The Bank indicated that the decision to partially suspend the disbursement for all civil works under the project was taken, as it became clear that there was a breach of the Borrower's social and environmental obligations. The Bank lifted the partial suspension when authorities met all conditions required.

12. Egypt

35. On 2 November 2018, the Special Rapporteur on the right to adequate housing and the Special Rapporteur on the situation of human rights defenders addressed allegations of forced evictions and violations of the rights to physical integrity, liberty and security in what appeared to be "a pattern" of acts of intimidation and reprisals against individuals who cooperated with the Special Rapporteur on the right to adequate housing during her visit to Egypt from 24 September to 3 October 2018 (EGY 16/2018; A/HRC/40/60/Add.1, paras. 585, 593; A/HRC/40/61/Add.2, paras. 10-12). The mandate holders underscored that the alleged violations appeared to be in breach of the Terms of Reference for country visits by Special Procedures mandate holders of the Human Rights Council.⁷⁰ Already at the conclusion of her visit, the Special Rapporteur on the right to adequate housing expressed

⁶⁸ Response from Government (official translation pending at time of publication): <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34713>.

⁶⁹ Response: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34732>.

⁷⁰ See point (c) of the Revised Terms of Reference for country visits by Special Procedures mandate holders of the United Nations Human Rights Council (based on Appendix V, E/CN.4/1998/45).

that "one of the most challenging aspects was to access individuals, families and organizations defending the right to housing."⁷¹

36. Prior to the visit, individuals reported phone calls by Government officials enquiring whether they intended to meet the Special Rapporteur. After the visit, individuals reported being followed by unknown persons and photographed in their place of residence; house demolitions and forced evictions against community leaders who met the Special Rapporteur; the undisclosed detention of one resident for two days and a physical attack against one witness.⁷² It was reported that one person fled Egypt for security reasons following the visit.

37. On 1 January 2019, the Government responded to the concerns of special procedures,⁷³ expressing that it contained "numerous unfounded allegations, including intimidations and demolition of homes, without any details about the individuals in question or the areas." It noted that the authorities were unable to verify allegations and initiate investigations as insufficient details were provided. The Government confirmed its full respect and observance of the assurances given that no one would be subject to intimidation or reprisal in relation to the visit.

38. In March 2019, several representatives of civil society reported harassment and surveillance during the Human Rights Council and its side events, including on panels related to Egypt. The targeted representatives reported being slandered in the press and on social media, including being associated with terrorism for their statements at the Council. Some individuals reported being video recorded, and believe the footage was shared with Egyptian security agencies monitoring Egyptian defenders' activities outside Egypt.

13. Eritrea

39. At its 38th session, the Human Rights Council encouraged States to protect and pay due attention to the safety of those who have cooperated with the Commission of Inquiry and the Special Rapporteur, and in particular to protect them from reprisals (A/HRC/RES/38/15, para. 8). On 25 June 2018, the Special Rapporteur on the situation of human rights in Eritrea noted that she was unable to obtain details about the killing of a young man shot dead as he tried to cross the border near a frontier town due to fear of reprisals (A/HRC/38/50, para. 61). In her statement at the 73rd session of the General Assembly,⁷⁴ the Special Rapporteur urged the Government to actualize key responsibilities associated with its membership to the Human Rights Council, including the protection of survivors, witnesses, and civil society cooperating with human rights organs both at the UN and regional levels from intimidation and reprisals.

14. Guatemala

40. It was reported to OHCHR that judges, especially those with jurisdiction in "high-risk" cases related to corruption, organized crime, and transitional justice, as well as public prosecutors, continued to face attacks, reprisals and intimidation. Such acts included spurious injunctions and requests to lift immunity in order to remove some of these judges from their posts (A/HRC/40/3/Add.1, paras. 15-18). A joint report by the national human rights institution (Procurador de los Derechos Humanos) and OHCHR, described numerous acts of intimidation and reprisals against judges, magistrates and prosecutors in cases of

71 End of mission statement, Leilani Farha, Visit of the Special Rapporteur on the right to adequate housing to Egypt (3 October 2018).

72 OHCHR, "Egypt: UN experts alarmed by treatment of human rights defenders after visit," (4 December 2018); OHCHR, Statement by Leilani Farha at the 40th session of the Human Rights Council (4 March 2019).

73 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34459>.

74 Statement by Sheila B. Keetharuth, Special Rapporteur on the situation of human rights in Eritrea at the 73rd session of the General Assembly, New York (24 October 2018).

corruption and transitional justice which increased after November 2018, when the Government announced that it would unilaterally end the agreement with the International Commission against Impunity (CICIG).⁷⁵

41. On 30 April, 18 September 2018, and 30 January 2019, the Special Rapporteurs on foreign debt and human rights and on the independence of judges and lawyers, raised concerns about reprisals against judges from the Constitutional Court seeking to protect the work and mandate of the CICIG, in particular Mr. Francisco de Mata Vela, Mr. Bonerge Mejía and Ms. Gloria Porras and their relatives. Acts of reprisals reportedly took the form of misuse of legal impeachment proceedings ("antejuicios") as well as public stigmatization and vilification campaigns in traditional and social media (GTM 7/2018; GTM 13/2018; and GTM 1/2019).

42. The mandate holders also expressed concern about reported reprisals against a number of judges with competence in high risks cases, including Ms. Erika Lorena Aifán Dávila, Ms. Iris Yassmin Barrios, and Mr. Miguel Angel Gálvez Aguilar (GTM 7/2018, GTM 13/2018, and GTM 1/2019), as well as Mr. Juan Pablo Xitimul de Paz. These judges have jurisdiction in cases investigated with the support of the CICIG, particularly related to alleged corruption, organized crime and illicit financial flows involving powerful interest groups. Acts of reprisals against them reportedly included the use of disciplinary and professional bodies to file ill-founded complaints against judicial decisions, as well as public stigmatization and vilification campaigns in traditional and social media.⁷⁶

43. On 25 April 2019, the Assistant Secretary-General raised the allegations above in writing. He also addressed the situation of Ms. Claudia Samayoa, president of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) and Mr. José Manuel Martínez, of "Justicia Ya." Ms. Samayoa and Mr. Martínez are reportedly the subject of a criminal complaint filed in late March 2019 by the President of the Supreme Court of Justice connected to an "antejuicio" request they filed in January 2019 against magistrates of the Supreme Court of Justice. The Assistant Secretary-General also raised the situation of Ms. Helen Mack, Director of the Mack Foundation, who has reportedly been subject to attacks and legal actions in connection to her participation in an injunction request before the Constitutional Court regarding the unilateral termination of the agreement with the United Nations, which created CICIG.

44. On 23 April 2019, the Government responded to the communication of 30 January 2019, including to the allegations related to CICIG⁷⁷ whose presence in the country, according to the Government, created pressures or interests alien to the rule of law. Thus, after the UN Secretary-General decided not to remove Commissioner Mr. Ivan Velasquez, the Government decided not to extend the agreement establishing the CICIG. According to the Government, the CICIG was not part of the UN. It became a failed experiment in the fight against corruption and impunity with a legacy that divided society and was highly detrimental to the rule of law.

45. On 24 June 2019, the Government responded with detailed (confidential) information about the latest security assessment and protection measures provided to those individuals mentioned above, as well as on complaints received.

15. Honduras

46. In May 2018, Ms. Glenda Ayala, human rights lawyer and civil society member of the National Preventive Mechanism against torture, cruel, inhuman and degrading treatment

⁷⁵ OHCHR, "Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad," Informe conjunto de la Procuraduría de los Derechos Humanos y la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Guatemala, (2019), para. 74.

⁷⁶ OHCHR "Guatemala must ensure independent justice system in fight against corruption, say UN rights experts," (11 February 2019).

⁷⁷ Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34634>.

(CONAPREV), participated in the examination of Honduras during the 14th session of the UN Committee on Enforced Disappearances. She presented a report including allegations of torture and ill-treatment during the detentions in the context of the 2017 presidential elections. Since her participation in the session, Ms. Ayala, who is up for re-election in September 2019, has reportedly been the subject of demeaning comments from public officials, including members of Congress, undermining her position and work at the CONAPREV. Moreover, it is reported that CONAPREV has been affected by budgetary restrictions without explanation. Fearing for her physical integrity, Ms. Ayala has reported to the National Protection Mechanism, the National Commissioner for Human Rights (CONADEH) and the UN Subcommittee on Prevention of Torture. At the request of CONADEH, the National Police are providing security measures for Ms. Ayala.

16. Hungary

47. On 10 September 2018, seven special procedures mandate holders raised concerns about legislation and practices impacting the activities of civil society (HUN 7/2018).⁷⁸ They referenced the NGO Transparency Law (HUN 2/2017), stating that it would stigmatize foreign funded NGOs and noting that seventeen NGOs had filed a case against the law. The legislative initiatives and stigmatizing public discourse have been reported to OHCHR as intimidating and deterring civil society actors from cooperating with the UN, resulting in self-censorship in some cases.

48. Certain sectors of civil society report having been denied cooperation by Government agencies and some have lost access to foreign funding. Their ability to provide services to groups in need, to collect reliable data and gather information has reportedly been affected, as well as their capacity to conduct research, advocacy and reporting to UN human rights bodies. Further, civil society organizations have reported being called "traitors" serving foreign interests for their engagement with the UN. The mandate holders observed that "Threats against human rights defenders in Hungary are now regular and widespread, evidently encouraged by the Government."⁷⁹

49. The mandate holders expressed concern in particular about the public discourse on migration in this context (HUN 7/2018). Hostile rhetoric and billboards against civil society and the UN, for example around the consultations for the UN Global Compact for Safe, Orderly and Regular Migration on 13 July 2018, was previously reported (A/HRC/39/41, Annex I, para. 59). In July 2018, the Government informed OHCHR that its "rhetoric did not target any organization or individual for cooperating with the UN, but took a position and shared its view on the draft of a UN document related to migration" (A/HRC/39/41, para. 59).

50. The mandate holders drew attention to a draft bill, Act VI 2018, which amended certain laws relating to combatting illegal immigration, in particular, the creation of a new criminal offense, punishable with one year of imprisonment, in the Criminal Code of "supporting and facilitating illegal immigration" (HUN 7/2018). They noted that the "bill criminalises any 'organisational activities' to assist asylum seekers - already in Hungary or at the border - to exercise their legal rights to submit an asylum procedure or to obtain a residence permit." They also noted the bill makes it "a crime to organise border monitoring" and "to provide financial means for the above activities." The law inevitably restricts cooperation with UN entities assisting migrants and refugees, such as UNHCR. The law was found constitutional by the Constitutional Court in March 2019, with the exemption of altruistic action. However, organizations noted that this decision did not clarify how this exemption would be implemented and some reported restrictions in their work.

51. The mandate holders also raised concern about the amendments to the Tax Code adopted on 25 July 2018 (HUN 7/2018). In particular they noted the introduction of a special 25 percent tax on funding of organizations which carry out any activities that

⁷⁸ OHCHR, "UN experts decry Hungary's tough new measures against migrants and civil society," (11 September 2018).

⁷⁹ *Ibid.*

"promote migration" or for "immigration activities" which can include building networks and "propaganda activities that portray immigration in a positive light." Organizations reported to OHCHR that the tax has the effect of reducing their budgets and, consequently, their ability to conduct activities, do research, report to UN human rights bodies, and participate in UN meetings.

52. On 18 June 2019 the Government responded that the allegations were false and inaccurate and based on political bias.

17. India

53. In June 2018, Mr. Thirumurugan Gandhi, an environmental human rights defender in Tamil Nadu, participated in the 38th session of the Human Rights Council where he delivered statements, was a panelist in various side events, and met two special procedures mandate holders. Mr. Gandhi denounced the killing of 13 people in May 2018 in Tuticorin City (Tamil Nadu) due to excessive use of force by police against peaceful demonstrators protesting Sterlite Industries, a copper smelter plant reportedly causing environmental pollution in the area. Upon his return to India, on 9 August 2018, Mr. Gandhi was arrested at the Kempegowda International Airport, brought before the Metropolitan Magistrate in Chennai the following day and then sent to Puzhal Central Prison, following which he was transferred to Vellore Central Prison. On 2 October 2018, he was released on bail. An incident of detention pertaining to Mr. Gandhi had previously been addressed by the Working Group on Arbitrary Detention in November 2017 (A/HRC/WGAD/2017/88). He was reportedly charged under the 'Unlawful Activities (Prevention) Act,' including for sedition.

18. Iran (Islamic Republic of)

54. In January 2019, journalists of British Broadcasting Corporation (BBC) Persian or BBC Farsi, the Persian language news channel of BBC World Service, reported patterns of harassment and threats in relation to action taken by special procedures mandate holders and the journalists' statements at the 37th, 38th and 39th sessions of the Human Rights Council. Journalists reported being called 'anti-Iranian' and being accused of undermining Iran for their statements at the UN. In March 2018 they were reportedly followed and questioned at and in relation to their participation in the Human Rights Council in Geneva. Another journalist reported threats against family members, including warnings about their son participating in the UN advocacy work related to special procedure communications.

55. It was reported that on 22 October 2018, during a presentation with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression during the Third Committee of the General Assembly, the Government of Iran accused BBC Persian of "pumping blind hate, fabricating fake news and provoking disruption and destruction."⁸⁰ BBC Persian journalists were also reportedly attacked in various state media and subjected to abusive, aggressive tweets in response to coverage of BBC Persian issues being raised in UN fora, such as accusing the journalists of undermining national security, being involved in terrorism, and being puppets of the Government of the United Kingdom. The intimidation and investigation of BBC Persian staff, former staff and contributors had previously been the subject of action by two special procedures mandate holders in October 2017 (IRN 29/2017)⁸¹ and raised in the March 2018 report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/HRC/37/68, para. 34).

56. On 15 January 2019 the General Assembly in resolution 73/181 on the Situation of human rights in the Islamic Republic of Iran called upon Iran "to release persons detained

⁸⁰ <http://webtv.un.org/search/third-committee-28th-meeting-general-assembly-73rd-session/5852054352001/?term=2018-10-22&sort=date&page=1>.

⁸¹ OHCHR, "UN experts call on Iran to stop intimidation of BBC staff," (27 October 2017).

for the exercise of their human rights and fundamental freedoms ... and to end reprisals against individuals, including for cooperating or attempting to cooperate with the United Nations human rights mechanisms (A/RES/73/181, para. 13)."

57. On 24 June 2019, the Government responded in writing to the allegations of intimidation and reprisals against BBC Persian journalists indicating that the incidents mentioned are not related nor attributed to cooperation with the UN. The Government rejects as untrue the allegations that the persons mentioned were subject to any punitive, restrictive, reprisal or judicial measure because of their cooperation with the UN.

19. Iraq

58. On 2 October 2018, five special procedures mandate holders raised concern over allegations of unlawful arrest, enforced disappearance and torture against Mr. Imad Al Tamimi and acts of intimidation and threats against Ms. Israa Al Dujaili, human rights defenders and volunteers for the non-governmental human rights organization Al Wissam Humanitarian Assembly, which documents cases of enforced disappearances in Iraq for their submission to the United Nations human rights mechanisms (IRQ 3/2018, and A/HRC/40/60/Add.1, paras. 597, 600-601). The mandate holders raised concern about other employees and volunteers of Al Wissam Humanitarian Assembly who have previously been subjected to acts of intimidation and reprisal, in particular related to the submission of cases and information to the Committee on Enforced Disappearances⁸² and to the Working Group on Enforced or Involuntary Disappearances, which they said may represent a pattern (see below and IRQ 1/2016; IRQ 2/2018).

59. On 14 July 2018, Mr. Al Tamimi participated in a peaceful demonstration held on Mutanabbi Street in Baghdad and was reportedly abducted by members of the Special Weapons and Tactics Unit (SWAT) in the vicinity of the "Medical City" in Baghdad. He was forced into a black pick-up truck and taken to an unknown location for interrogation, where he was subjected to acts of torture for the first two weeks of his detention. He remained secretly detained until 7 September 2018 when he was released.

60. On 27 August 2018, Ms. Al Dujaili went to a copy shop near Al Nasser Square in Baghdad to collect posters advertising events organized by Al Wissam Humanitarian Assembly for the 2018 International Day of the Victims of Enforced Disappearances. After leaving the shop, men allegedly connected to the Iraqi National Intelligence Service (INIS) questioned her about the posters, and she was verbally assaulted and threatened. Ms. Al Dujaili sought refuge elsewhere for fear of retaliation.

61. It was further reported that in December 2018, Mr. Riyadh Al Karawi, a representative of Al Wissam Humanitarian Assembly in Diwanyia, received threats and harassment in relation to the documentation of cases for the Working Group on Involuntary and Enforced Disappearances. Mr. Al Karawi also received threats and was intimidated in the context of his participation in a number of demonstrations in November and December 2018 against enforced disappearances. Mr. Al Karawi fled Iraq at the end of 2018 for security reasons.

20. Israel

62. On 31 May 2019, three special procedures mandate holders (ISR 8/2019) addressed a letter to the Government about State publications appearing to stigmatize civil society organizations for their engagement with international bodies, including the UN in the field of human rights, and also noted reports of harassment of civil society organizations engaging with UN human rights mechanisms. They refer to a May 2018 report⁸³ published by the Israeli Ministry of Strategic Affairs which lists civil society organizations working on human rights in the Occupied Palestinian Territories (OPT), which the Ministry claims

⁸² A/71/56, paras. 55–58; A/HRC/33/19, para. 23.

⁸³ http://eipa.eu.com/publicaffairs/wp-content/uploads/The-Money-Trail_English.pdf.

promote boycotts against Israel, and calls for halting financial support from European Union (EU) institutions to these organizations. In the report, the Ministry notes the involvement of these human rights organizations in anti-Israel delegitimization and the promotion of the Boycott, Divestment and Sanctions (BDS) movement.

63. Among the activities included under the umbrella of anti-Israel delegitimization were support for the creation of a database on businesses that have enabled, facilitated and profited from the construction and growth of Israeli settlements in the OPT, as requested by Human Rights Council (resolution 31/36), and petitioning the UN Secretary-General on further issues related to business and human rights in the OPT. In January 2019, a second report⁸⁴ alleging ties between NGOs promoting BDS and terrorist organizations was published by the Ministry. It includes information on their engagement with the Human Rights Council, the 2009 UN fact-finding mission on Gaza, and their petitioning of the UN Secretary-General on issues relating to business and human rights in the OPT. The report calls on governments and donor organizations providing funds to these organizations to halt such support.

64. In their letter, the three special procedures mandate holders also raised concerns about reported harassment of staff members of a Palestinian human rights organization while participating in side events and in private meetings with OHCHR staff during the Human Rights Council in March 2019 (ISR 8/2019). The special procedures mandate holders note they were followed and photographed by staff members of an organization reportedly involved in discrediting members of Palestinian civil society.

65. On 31 July 2019, the Government responded in detail,⁸⁵ rejecting alleged attacks on civil society organizations operating in Israel and the Palestinian territories and referring to the 2017 UPR in which it emphasized the recurring opportunities for dialogue and free discourse between civil society, academia and government representatives. Regarding the alleged stigmatization, the Government noted that despite the important role NGOs play in Israeli society, they are not "immune from criticism" and stated that BDS organizations often hide behind human rights claims. It noted that the Ministry of Strategic Affairs in its reports revealed direct links between BDS-promoting NGOs and designated terrorist organizations, information which it has aimed to provide to the EU and other European countries so they could re-examine the transfer of funds and make sure they are used for their intended purpose.

66. Regarding the claims of intimidation at the March 2019 Human Rights Council, the Government stated that these are "unfounded accusations hidden behind the veil of anonymity" and it cannot respond to claims against an Israeli NGO whose identity is unknown.

21. Kazakhstan

67. In March 2019, the New Generation of Human Rights Defenders Coalition, established to coordinate civil society inputs to the third cycle of the UPR of Kazakhstan, was reportedly subject to surveillance, called for questioning related to their cooperation with the UN, and had their private channels of communication compromised. Between 20 and 30 March 2019, two National Security Service (KNB) officials reportedly called for questioning a representative of the Coalition and inquired about their activity. The two officials were privy to detailed information on the discussions of the Coalition, and specifically referred to an encrypted message exchange (through an intercepted WhatsApp chat) that the Coalition had used to coordinate input to the UPR. The questioning occurred the same week that the Coalition sent its UPR submission on Kazakhstan to the United Nations for consideration. Another member of the Coalition reported an incident of surveillance the following week.

⁸⁴ <https://4il.org.il/wp-content/uploads/2019/01/The-Money-Trail-2nd-Edition-January-2019.pdf>.

⁸⁵ Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34808>.

22. Malaysia

68. On 10 May 2019, five special procedures mandate holders raised concerns about the summoning for questioning of LGBT+ human rights defender Mr. Numan Afifi in connection with his participation in the 40th session of the Human Rights Council in Geneva (MYS 2/2019). Mr. Numan Afifi is associated with the PELANGI Campaign and has worked with the Coalition of Malaysian NGOs (COMANGO) during Malaysia's UPR process. On 14 March 2019 in Geneva, Mr. Numan Afifi made a statement in the Human Rights Council on behalf of 12 Malaysian organizations working on sexual orientation and gender identity. On 16 April 2019, Mr. Numan Afifi was summoned for interrogation by the Classified Criminal Investigation Unit (D5) and asked to present himself to the Royal Malaysia Police (PDRM) headquarters in Bukit Aman on 26 April 2019, where he was questioned with a lawyer present.

69. It was further reported that Mr. Numan Afifi and Mr. Rizal Rozhan, of Persatuan Kesedaran Komuniti Selangor (EMPOWER), who delivered a statement on behalf of the International Service for Human Rights (ISHR) on 14 March 2019 during the deliberation of Malaysia's UPR outcome session, were harassed and criticized online for 'interfering' in issues of freedom of religion and belief in Malaysia and spreading incorrect information at the Human Rights Council. On 21 April 2019, the Islamic Development Department of Malaysia (JAKIM), a unit of the Religious Affairs Ministry under the Prime Minister's Office, released a statement denying claims made by Mr. Afifi and aligning itself with statements made by the Prime Minister to the effect that the lifestyles of LGBT+ persons will not be accepted in Malaysia.

23. Malta

70. Acts of intimidation against Ms. Sarah Clarke, at the time working for PEN International, by Maltese high level officials were reported to have taken place on 10 December 2018 during a UN High Level event in Marrakech, Morocco marking the 70th anniversary of the Universal Declaration of Human Rights. Ms. Clarke had been involved in the urging of a public inquiry into the assassination of the investigative journalist and human rights defender, Ms. Daphne Caruana Galizia (see MLT 2/2017; MLT 1/2018). She was also involved in the submission of a shadow report for the review of Malta by the UPR, including on the case of Ms. Galizia. Following the intervention by Malta at the UN High Level event, Ms. Clarke approached representatives of the Maltese Ministry for Foreign Affairs and Trade Promotion and referred to the case of Ms. Galizia. A representative reportedly told her, using abusive language, that she was biased and unaware of the facts (see also MLT 1/2019). A public clarification and a private apology were later registered by the official.

71. On 24 June 2019, the Government responded to the allegations indicating that the Maltese official's reaction did not happen in isolation but was the direct result of what had transpired immediately before, when the official felt that the actions of Ms. Clarke preceding his comments were undue and inappropriate. The Government noted that the public official publicly clarified his comments and issued a private apology directly to Ms. Clarke, offering his unreserved apologies and expressing regret for his choice of words and for having caused an offense.

24. Mauritania

72. In July 2018, the Committee against Torture noted with concern reports indicating that, on the pretext of checking their visas, the authorities detained five human rights defenders who intended to cooperate with the Committee during the review of Mauritania (CAT/C/MRT/CO/2, paras. 26 and 27). The Committee urged Mauritania to protect members of civil society who cooperated with the Committee from any possible reprisals during the consideration of the second periodic report.

73. On 27 August 2018, five special procedures mandate holders addressed the authorities about the confiscation of passports at the International Airport of Oumtounsy and travel ban against Ms. Maimouna Alpha Sy, Ms. Aissata Anne and Ms. Aissata Diallo of Collectif des Veuves, Mr. Sy Yaya Ousmane of Collectif des Orphelins, and Mr. Baba Traoré of Collectif des Rescapés. These individuals were intending to travel to Geneva to participate in the session of the Committee against Torture (MRT 2/2018; A/HRC/40/60/Add.1, paras. 622, 627).

25. Morocco

74. On 4 June 2019, three special procedures mandate holders expressed concerns at allegations that Ms. Naziha El Khalidi, Sahrawi journalist from the Equipe Media based in Laayoune, had been interrogated by the National Judicial Police (MAR 2/2019) after the mandate holders had submitted a communication to the authorities on 3 April 2019 about her reported arrest, ill-treatment, and criminal charges for her journalistic work (MAR 1/2019).⁸⁶ Ms. El Khalidi was reportedly interrogated on 17 May 2019 for three hours without the presence of her lawyer, during which time police officers informed her about the communication sent by the mandate holders. They inquired whether she was the source of the complaint, asked her to provide the e-mail address used to send the complaint, and she was compelled to sign a document with references to the special procedures communication.

26. Myanmar

75. The independent international fact-finding mission on Myanmar expressed its grave concern at the intimidation and threats faced by persons cooperating with the mechanisms of the Human Rights Council examining the situation in Myanmar and urged the Government to protect human rights defenders (A/HRC/39/64, para. 9). The mission verified instances of reprisals for engagement with the United Nations (para. 72).

76. The Special Rapporteur on the situation of human rights in Myanmar expressed concern that in late February 2019 the Parliament decided to discuss a motion urging the Government to respond to the actions of the Human Rights Council on Myanmar. A member of Parliament threatened to take legal action against people and organizations who "damage the dignity" of Myanmar by cooperating with the United Nations, which the Special Rapporteur noted could further muzzle human rights defenders (A/HRC/40/68, para. 46). It had been reported in the media on 21 February 2019 that the member of Parliament stated that any organization or person providing information considered to be false and with the intent to cause deliberation in the United Nations General Assembly will face legal action and that voting in the United Nations causes great damage to the dignity of the country.

77. In March 2019, the Human Rights Council called on the Government of Myanmar to ensure that individuals can cooperate without hindrance with the United Nations and other human rights entities, without fear of reprisal, intimidation or attack (A/HRC/RES/40/29, para. 6). In January 2019, the General Assembly reiterated its urgent call on the Government of Myanmar to allow full and unhindered access for the delivery of humanitarian assistance by humanitarian actors, including the United Nations, to affected persons and communities, without fear of reprisals, intimidation or attack (A/RES/73/264), para. 8 (e)).

⁸⁶ Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34727>.

27. Nicaragua

78. From June 2018 to May 2019, OHCHR documented 23 cases of harassment and persecution against those who regularly share information on human rights violations with OHCHR. Mr. Braulio Abarca, Mr. Levis Artola Rugama, Mr. Marcos Cardona, Mr. Gonzalo Carrion, Ms. Haydée Castillo Flores, Mr. Lerner Fonseca, Ms. Sara Henriquez, Ms. Mayorit Guevara, Mr. Jonathan Francisco López, Ms. Monica López Baltodano, Mr. Félix Alejandro Maradiaga, Mr. Medardo Mayrena, Mr. Pedro Mena, Ms. Ana Quiroz, Ms. Francisca Ramírez, Mr. Amaru Ruiz Aleman, and Mr. Henry Ruiz Condega consented to being named in the report, while others did not due to fear of further reprisals. Those affected have reported threats, harassments and smear campaigns on social media. Their homes and families have been under surveillance by police officers and pro-government armed elements. In some instances, their relatives suffered attacks against their life and personal integrity. On 22 February 2019 the High Commissioner expressed concern about the "arrest and jailing of opposition leaders, possibly in some cases as a reprisal for cooperating with the UN".⁸⁷

79. In 12 of the 23 cases, victims were arrested or had arrest warrants issued against them. All cases of detention presented elements of arbitrariness or illegality. Reports received indicate a pattern of persistent infringement of the principle of the publicity of hearings. In some cases, defense attorneys were threatened with criminal prosecution by the judges during hearings, and the use of undercover witnesses hindered the exercise of the defense. On 5 November 2018, nine special procedures mandate holders raised the situation of some of the women defenders affected, expressing concerns about disproportionate and undue restrictions on them (NIC 4/2018).

80. On 14 March 2019, the European Parliament adopted a resolution (2019/2615(RSP)) on the situation in Nicaragua, and strongly condemned "the persecution, arrest and intimidation of people cooperating with the UN and other international bodies." In March 2019, the Human Rights Council adopted a resolution on the human rights situation in Nicaragua expressing concern over reported acts of intimidation and reprisals (A/HRC/RES/40/2, para. 2).

81. On 23 September 2018, Mr. Jonathan Francisco López, a 20-year-old student leader from the National University of Managua, was arrested on a warrant issued on 14 July 2018, transferred to the detention centre known as "El Chipote", and held incommunicado for a number of days. Initially, he was not allowed to communicate with his family or lawyer, and was not brought before a judge. The situation of Mr. López was reported as an act of reprisals for his leading role in the students' protests and for a meeting in June 2018 with the High Commissioner for Human Rights in Geneva. On 8 October 2018, the Assistant Secretary-General addressed these allegations in writing to the Government. On 22 February 2019, the High Commissioner for Human Rights noted that the proceedings in many of the cases that have reached the courts, including that of Mr. López, "have been marked by a lack of transparency, issues relating to the credibility and independence of witnesses, undue restrictions on evidence and witnesses for the defence, and insufficient access of defendants to their lawyers."⁸⁸

82. On 7 November 2018, four mandate holders expressed concern at the arbitrary detention of Mr. López and at attacks, intimidation and threats against Mr. Félix Alejandro Maradiaga and others more generally (NIC 5/2018; A/HRC/40/60/Add.1, para. 246; A/HRC/40/52, para. 58)⁸⁹ as reprisals for their cooperation with international bodies, including the United Nations. On 5 September 2018, Mr. Maradiaga participated in an information session on Nicaragua related to the UN Security Council in New York. A week later, on 24 September 2018, a criminal court in the district of Managua issued a warrant for his arrest on charges of organized crime and financing of terrorist activities, reportedly for his cooperation with the UN. Prior, on 9 July 2018, the Inter-American Commission for

⁸⁷ OHCHR, "Bachelet concerned about criminalization of dissent in Nicaragua," (22 February 2019).

⁸⁸ *Ibid.*

⁸⁹ See also OHCHR, "Nicaragua must stop repression of human rights – UN experts" (22 November 2018).

Human Rights had granted Mr. Maradiaga precautionary measures responding to a sequence of attacks, threats, death threats against him and his family, as well as stigmatization by public officials. Due to this situation, Mr. Maradiaga left the country.

83. On 27 November 2018, the Government responded. Regarding the situation of Mr. López, the Government indicated that he had been charged with obstruction and kidnapping under articles 327 and 163 of the Criminal Code. On 14 November 2018, during a preliminary hearing, it was decided to keep Mr. López in pre-trial detention during which he has received weekly visits by relatives and access to medical attention. Regarding the situation of Mr. Maradiaga, the Government informed that there was an arrest warrant against him on charges of organized crime and financing of terrorist activities, as per articles 393 and 395 of the Criminal Code. On 14 February 2019, the Fifth Criminal Court of Managua found Mr. López guilty of the crimes of disruption of public services, illegal possession and carrying of weapons, kidnapping and threats, and sentenced him to five years and three months in prison. On 20 May 2019, Mr. López was released, together with other 99 persons detained in the context of the 2018 protests, under "family cohabitation or other alternatives measures to deprivation of liberty."

84. On 8 February 2019, the spokesperson of the High Commissioner for Human Rights⁹⁰ expressed concerns that agents from the Ministry of Interior conducted a raid, allegedly without a warrant, on the offices of the Federación Red Nicaragüense para la Democracia y Desarrollo, known as "Red Local," a coalition of 22 civil society organizations working across the country. During the raid, documents and assets were seized, and two of Red Local's staff were detained for a few hours and subsequently released. The assault took place only six days after a group of Nicaraguan civil society representatives, including members of Red Local, met the High Commissioner for Human Rights in Geneva and shared their concerns about the increasing restrictions on civic space and expression of dissent in Nicaragua. On 12 March 2019, seven special procedures mandate holders addressed the alleged reprisals against Red Local and its members for cooperation with the UN, expressing concern that the raid was reportedly intended to obstruct the activities of the members of Red Local, as well as send a message to civil society in the country (NIC/1/2019).

28. Poland

85. On 13 December 2018, five special procedures mandate holders expressed concern about reports that human rights defenders traveling to participate in the 24th Conference of the Parties (COP 24) to the UN Framework Convention on Climate Change (UNFCCC), held in Katowice, were barred from entering the country in early December 2018.⁹¹ They also expressed concern that the defenders were harassed, arbitrarily detained and questioned for several hours by the Polish authorities. The majority of up to a dozen individuals denied entry into the country were reportedly holding visas to enter Poland and approved UN accreditation. On 25 January 2019, the Assistant Secretary-General addressed these concerns in writing.

86. Prior, on 23 April 2018, five special procedures mandate holders addressed the adoption of a law related to the organization of the COP24 by Poland (POL 3/2018). They expressed serious concern that the law could enhance the surveillance powers of the police and secret services, allowing them to collect, obtain, process and use personal electronic and digital data without the necessary safeguards, and consequently, unduly restrict the right to privacy on environmental human rights defenders and members of the public seeking to participate in COP24 (article 17.1).

87. On 23 May 2018, the Government addressed the allegations that related to the law, providing a detailed explanation of preparatory measures the law was foreseen to facilitate

⁹⁰ OHCHR, "Comment on a raid of key Nicaraguan civil society organization by UN Human Rights Spokesperson Rupert Colville," (8 February 2019).

⁹¹ OHCHR, "Poland: UN experts condemn measures to stop human rights defenders join climate talks," (13 December 2018).

in the organization of COP24. The Government noted that principally the law was aimed at efficient organization and financing of the conference and the regulation of how state institutions will cooperate to ensure full security. It also noted that the Ministry of Environment gave the assurance of the right of social partners to manifest their views freely at the conference and noted the important role of non-governmental organizations, per the Paris Agreement.⁹²

88. On 1 February 2019, the Government responded to the Assistant Secretary-General stating that the scope and international character of the climate summit required additional temporary security measures to provide participants with sufficient security and ensure effective counter-terrorism protection. It stated that the Internal Security Agency cooperated with foreign partners to this end and that only those individuals identified as previously involved in disturbing the peace and committing unlawful acts were denied entry to COP24 as a preventive tool.

89. It was reported that Poland's national human rights institution and the Commissioner on Human Rights, Mr. Adam Bodnar, have been continually subject to acts of intimidation and reprisals in connection to their work, including for their cooperation with the UN. Since 2016, there has reportedly been a reduction of the budget assigned to the Office of the Commissioner for Human Rights by the Parliament, in part because of Mr. Bodnar's international engagement. In September 2017, an unsuccessful motion for dismissal of Mr. Bodnar was put forward by two Members of Parliament invoking Mr. Bodnar's collaboration with international bodies. Despite numerous international recommendations to provide the Commissioner with appropriate resources,⁹³ it does not have enough to effectively fulfil its statutory obligations.

90. In October 2016, Mr. Bodnar presented an alternative report to the Human Rights Committee in Geneva during its review of Poland. In its concluding observations (CCPR/C/POL/CO/7), the Committee addressed points raised by Mr. Bodnar, who was subsequently accused in the media of having influence over the Committee's observations, including contacting them in advance. A public official accused Mr. Bodnar of a lack of objectivity, which could have constituted breaking his oath as Commissioner. On 5 March 2019, two special procedures mandate holders addressed allegations about a civil lawsuit against Mr. Bodnar by the public broadcaster, Telewizja Polska SA (TVP), in relation to advocacy against hate speech (POL 1/2019). The Government responded on 17 April 2019, detailing the circumstances of immunity of the Commissioner in Poland and providing an update on the status of the case.⁹⁴

29. Saudi Arabia

91. On 8 February 2019, four special procedures mandate holders issued an urgent appeal with renewed concerns about the situations of several women human rights defenders, including Ms. Samar Badawi (see Annex II) and Ms. Loujain Al-Hathloul, both of whom had cooperated with the United Nations and were being held in Dhabban prison in Jeddah (SAU 1/2019).⁹⁵ They raised concerns about reports of detention, torture, sexual harassment and ill-treatment including in the form of gender-based violence committed against them. On 9 April 2019, the Assistant Secretary-General addressed these cases with the Government in writing.

92. On 27 February 2018, Ms. Loujain Al-Hathloul cooperated with CEDAW during the consideration of Saudi Arabia. In early March 2018, shortly after Ms. Al-Hathloul's return

92 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34052>.

93 E/C.12/POL/CO/6; CCPR/C/POL/CO/7; and A/HRC/36/14, paras. 120.27–32.

94 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34630>.

95 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34611>.
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32787>.

from Geneva, she was arrested in Abu Dhabi by Emirati authorities and taken to Riyadh by Saudi authorities for interrogation. After three days she was released and a travel ban was imposed. On 15 May 2018, Saudi police forces raided Ms. Al-Hathloul's home, arrested her and held her in incommunicado detention for three months. The charges against Ms. Al-Hathloul reportedly include using social media to communicate with international actors and contact with foreign entities and participating in an exam of the United Nations. The case of Ms. Al-Hathloul has been raised by several special procedures mandate holders (SAU 15/2014; SAU 7/2018 and A/HRC/40/60/Add.1, para. 637; SAU 1/2019).⁹⁶

93. The CEDAW Chair and Committee Focal Point on Reprisals wrote confidential letters to the Government⁹⁷ related to the allegations of arbitrary detention and degrading treatment and punishment. In response, the Government provided information on the conditions of detention and remedies available to Ms. Al-Hathloul.⁹⁸ On 5 April 2019, the Government submitted additional information, stating that she had committed offences related to national security and cybercrimes and is detained in the General Directorate of Investigation (Al-Mabahith) with rights to medical treatment, legal representation, communications and visits. The Government stated that the investigation into her case has been conducted and concluded.

94. On 25 June 2018, three special procedures mandate holders addressed the situation of Mr. Abdulrasheed Al-Faqih and Ms. Radhia Al-Mutawake of the Mwatana Organization for Human Rights (see also Yemen), including reported arbitrary detentions during attempts to fly from Seiyun airport, in apparent reprisal for their cooperation with UN human rights mechanisms (YEM 4/2018; SAU 8/2018 and A/HRC/40/60/Add.1, para. 638). In 2017, Ms. Al-Mutawake was the first Yemeni woman to present a briefing at the UN Security Council and Mr. Al-Faqih had actively participated in Human Rights Council sessions in 2017. The detention and confiscation of their passports at Seiyun airport by military police were reportedly based on orders received from the Saudi-led coalition in Yemen, and caused them to not be able to travel (YEM 4/2018; SAU 8/2018). On 28 June 2018, the Government responded stating that Saudi Arabia is not concerned with these cases since they are in the territories of Yemen.⁹⁹

95. In March 2019, Mr. Yahya Al-Assiri, director of the Saudi human rights organization AIQST, which reports on the human rights situation of detainees and activists in Saudi Arabia, delivered a statement on behalf of the International Federation for Human Rights (FIDH) during the UPR adoption of Saudi Arabia, and spoke as a panellist at a side event on Saudi Arabia organised by the World Organization Against Torture (OMCT). As a result of his engagement, Al-Assiri reportedly received threats on social media. Some of the women human rights defenders detained in 2018¹⁰⁰ were reportedly interrogated about Mr. Al-Assiri, including explicitly regarding his engagement with the UN Human Rights Council.

30. Sri Lanka

96. A February 2019 OHCHR report notes that harassment or surveillance of human rights defenders and of victims of human rights violations continue. In 2018, rights defenders reported being questioned by the authorities after travelling to attend sessions of the Human Rights Council (A/HRC/40/23, para 55). Representatives of civil society have also reported being monitored, under surveillance, or intimidated, including receiving death threats, by different groups while participating in sessions of the Council. A former NGO worker was visited by armed men who questioned him about his activities in support of

96 OHCHR "Saudi Arabia must immediately free women human rights defenders held in crackdown, say UN experts," (27 June 2018).

97 25 May 2018, 20 July 2018, 7 August 2018, 13 November 2018, and 20 November 2018.

98 9 October 2018 and 3 December 2018.

99 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34154>.

100 OHCHR, "Saudi Arabia must immediately free women human rights defenders held in crackdown, say UN experts," (27 June 2018).

visits by diplomats and United Nations officials, including the High Commissioner for Human Rights in 2013 (para. 55). The OHCHR report further notes that such cases suggest that informal and often extra-legal intelligence gathering activities have not ceased.

97. On 2 August 2018 five special procedures mandate holders noted with concern allegations of harassment, including online attacks, of Ms. Sandya Ekneligoda in reprisal for her efforts to seek the truth about the fate and whereabouts of her husband (LKA 2/2018; A/HRC/40/60/Add.1, para. 414), disappeared journalist Mr. Prageeth Ekneligoda, whose case was registered by the UN Working Group on Enforced or Involuntary Disappearances on 3 February 2010 (case number 10002838). Ms. Ekneligoda has been the target of threats, intimidation and online attacks by supporters of the Buddhist monk leader of the group Bodu Bala Sena (BBS), Mr. Galagodaatte Gnanasara Thera. He reportedly stormed the court room during a hearing on Mr. Ekneligoda's disappearance and threatened and intimidated Ms. Ekneligoda. He was convicted for contempt of court in 2018 and granted Presidential pardon on 23 May 2019.

31. Tunisia

98. In January 2019, the National Syndicate of Tunisian Journalists (SNJT), which monitors attacks against journalists, was subject to online harassment for promoting the use of the United Nations special procedures. On 29 January 2019, the SNJT issued a public statement calling on the Tunisian authorities to ensure protection of journalists and accountability through immediate investigation of increasing attacks against them. The SNJT stated that in case the authorities did not respond promptly, it would alert the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. On 30 January 2019, a leader of the Tunisian regional security forces syndicate published the SNJT press release on its official Facebook page stating "The Traitors have no place between us. Back to hell and those who have problems with the Ministry of Interior should go away outside Tunisia with the United Nations."

99. Following the statement, a complaint was submitted to investigate and prosecute those responsible within the security forces on the bases of the Press Code. The case is being investigated and the security forces leader is being prosecuted for incitement to murder, per article 51 of the Decree-law number 2011-115 (revised Tunisian Press Code). As of June 2019, no judgement had yet been pronounced.

32. Turkmenistan

100. On 27 November 2018, two special procedures mandate holders addressed alleged reprisals against Ms. Daria Atdaeva, Russian national, and her husband, Mr. Annamurad Nurmukhammedovich Atdaev, for cooperation with the Working Group on Enforced or Involuntary Disappearances (TKM 2/2018, A/HRC/40/60/Add.1, paras. 548, 551). On 27 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government concerning Mr. Atdaev, allegedly disappeared in late January 2017 from the penal colony in Tedzhen, Ahal Province (A/HRC/WGEID/112/1, para. 99). According to the information received, Mr. Atdaev was sentenced by a court in Ashgabat city on 13 December 2016 and is currently being detained at an unknown location. Ms. Daria Atdaeva filed a complaint with the Working Group in April 2017, and has since maintained contact with the Working Group in order to clarify the fate and whereabouts of her husband.

101. In July 2018, after a first denial of visa, Ms. Atdaeva was authorized to visit her husband. However, on 21 September 2018, the Russian Embassy in Turkmenistan sent Ms. Atdaeva a letter stating that her husband was denied visitation rights because he violated internal rules of the penitentiary facility. This letter was sent one week after Ms. Atdaeva met with the Working Group in Geneva, and after she spoke about her husband's case at a public side event at the Organization for Security and Cooperation in Europe (OSCE).

102. On 25 June 2019 the Government responded to the allegations, stating that Ms. Atdaeva does not have any restrictions on entry into and exit from Turkmenistan. It noted that Mr. Atdaev was sentenced to 15 years imprisonment in Ashgabat on 6 March 2017 for

violating the Criminal Code, including conspiracy to seize power, appeals for a violent change of the constitutional order, incitement of social, national or religious hatred, creation of an organized group, and criminal community and other criminal structures or participation in their activities. He is currently in the correctional colony AH/E-2 of the Ministry of Internal Affairs and has had five short visits with his close relatives.

33. United Arab Emirates

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

104. Consequently, and as an alleged act of reprisal, on 17 December 2018 Mr. Mekkaoui was moved to solitary confinement and was put in a cell underground, without natural day light. Since then, Mr. Mekkaoui has only intermittently been able to contact his family and the last phone call he made was on 15 April 2019. Moreover, in March 2019, the Public Prosecution initiated new legal proceedings against Mr. Mekkaoui, his sister, his nephew and his lawyer, accusing them of "misrepresentation and incitement against the UAE" based on the interviews from 5 December 2018 and his nephew's Facebook page calling for Mr. Mekkaoui's immediate release. His health reportedly remains critical.

105. It is alleged that three women in detention, Ms. Alya Abdulnoor, Ms. Maryam Soulayman Al-Ballushi and Ms. Amina Alabduli, faced reprisals after information on their conditions of detention and health situations were shared in December 2018 with the United Nations special procedures, including recorded testimonies. Their conditions and the treatment of their family members while visiting prison reportedly worsened following action by three special procedures mandate holders on 12 February 2019 (ARE 2/2019). The authorities denied the allegations on 4 March 2019.¹⁰¹

106. Ms. Alya Abdulnoor was arrested in July 2015 and charged with "financing terrorism" after she helped raise funds for needy Syrian families in the United Arab Emirates and war-affected women and children in Syria. Before her transfer to Al-Wathba prison, Ms. Alya Abdulnoor was reportedly held in secret detention and in solitary confinement for six months and subjected to intense interrogation, torture, and threats. In 2015 she was re-diagnosed with cancer shortly after her arrest and despite her health condition was not provided with adequate medical treatment. After her state of health worsened significantly, she was transferred to Mafraq Hospital in November 2016 and was kept there until January 2019.

107. At the beginning of January 2019, a few weeks after a press release on her conditions, Ms. Abdulnoor was suddenly transferred to Tawam hospital where medical staff had very limited access to her and treatment was monitored and authorised by the authorities. The authorities reportedly imposed more restrictions during visits, relatives were subjected to humiliating body searches and their personal belongings were taken from them. Ms. Abdulnoor died in custody on 4 May 2019, despite pleas from the United Nations for assistance.¹⁰²

101 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34572>.

102 OHCHR, "UAE: Terminally ill prisoner, Alia Abdulnoor, must be released to "live final days in dignity," say experts" (26 February 2019); OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (7 May 2019).

108. Ms. Maryam Soulayman Al-Ballushi was detained on 19 February 2015 and accused of "financing terrorism" because of her donation to a Syrian family. She was transferred to a secret detention center in solitary confinement where she stayed for five months, and was reportedly interrogated and subjected to beatings on the head and threatened with rape. It is alleged that a confession was obtained under duress and, on 12 April 2016, Ms. Al-Ballushi was sentenced to 5 years prison at Al-Wathba prison. After information was submitted about the situation of Ms. Al-Ballushi and others to the United Nations special procedures, the family was reportedly contacted by a female State Security officer who threatened to bring Ms. Al-Ballushi to trial again and lay new charges against her. She also threatened to harm the family members if Ms Al-Ballushi kept denouncing her detention conditions.

109. On 4 May 2019, shortly after Ms. Abdulnoor's death, allegedly because they were seen as information sources to advocates abroad including the United Nations, Ms. Al-Ballushi and her cellmate, Ms. Amina Alabduli, were subjected to unequal treatment within the prison. Ms. Alabduli had been arrested in November 2015 and sentenced in October 2016 to 5 years charged with "inciting hatred against the State and disturbing public order; undermining the reputation of the State institutions, and publishing false information to endanger the State's relations with its allies." Following the death in custody of Ms. Abdulnoor, six police officers reportedly entered and searched the cell of Ms. Al-Ballushi and Ms. Alabduli and stamped on and confiscated their religious books. It is reported that they are both constantly abused by other inmates, which the prison administration reportedly has not addressed. Beyond requesting protection from the prison administration, they have complained about the systematic ill-treatment they are subjected to, compared to other detainees.

34. Uzbekistan

110. According to reports received, in November 2018, Ms. Tatyana Dovlatova, a human rights defender, and several other women activists, were prevented from attending the Asian Forum on Human Rights in Samarkand. The Forum took place on 22 and 23 November 2018 organized by the National Human Rights Center, and co-organized by the OHCHR Regional Office for Central Asia, the United Nations Country Team in Uzbekistan and the Organization for Security and Cooperation in Europe. On 22 November 2018, Ms. Dovlatova and the other women were subjected to detailed questioning by the Samarkand Prosecutor and the Deputy General Prosecutor in connection with their attempts to attend the Forum without being on a list of participants approved by the Government, and for requesting to meet with United Nations officials and human rights experts attending the Forum. Following the questioning, Ms. Dovlatova and the other women were reportedly taken against their will to Tashkent in order to prevent their interaction with the United Nations. The following days, when the Forum was still ongoing, Ms. Dovlatova and the other women were under surveillance by Uzbekistan security forces reportedly to prevent their interaction with United Nations officials and to prevent them from raising human rights issues at the Forum.

35. Venezuela (Bolivarian Republic of)

111. Between 11 and 22 March 2019, an OHCHR team visited Venezuela. On 20 March 2019, in an oral update to the Human Rights Council, the High Commissioner for Human Rights noted the visit as a positive first step and underlined the importance of completely unhindered access for the OHCHR team, with no reprisals against any person who had met, or sought to meet, them.¹⁰³ According to reports received in March and April 2019, medical personnel, human rights defenders, and members of students' movements who cooperated

¹⁰³ OHCHR, Oral update on the situation of human rights in the Bolivarian Republic of Venezuela, Statement by UN High Commissioner for Human Rights, 40th session of the Human Rights Council (20 March 2019).

with OHCHR during the visit suffered acts of intimidation and reprisals. OHCHR raised allegations of individual cases with the Government.

112. On 16 March 2019, the house of Dr. Ronnie Villasmil, who had engaged with OHCHR on 14 March 2019 during their visit to the Enrique Tejera Hospital in the state of Carabobo, was searched without a warrant by members of the Cuerpo de Investigaciones Científicas Penales y Criminalísticas (CICIPC). The CICIPC official reportedly left a subpoena to present himself to the police of the state of Carabobo. When asked about the incident, the Government explained that there was a complaint against Dr. Villasmil filed by a staff member of the hospital.

113. On 13 March 2019, OHCHR visited the Centro Nacional de Procesados Militares de Ramo Verde, a military detention center and a number of inmates approached the team and told them about detention conditions. A few days later, OHCHR was informed that family visits had been restricted for some of those who cooperated with the team.

114. On 14 March, Mr. Marlon Jesús Díaz Golindano, leader of a student movement from the University of Carabobo, tried to speak with OHCHR's team during their visit to Central Hospital of Valencia but a group of pro-government armed individuals (colectivos armados) physically attacked him and threatened him not to speak with OHCHR. On 17 March 2019, OHCHR visited the Dr. Pasto Oropeza Ribera Hospital accompanied by Dr. María Auxiliadora Castillo and Dr. Amarante Anza Maldonado. On 21 March 2019, both doctors received a notification that, as of 1 April 2019, they were to be beneficiaries of (early) retirement, which neither of them had requested.

115. On 25 March 2019, following the oral update of the High Commissioner,¹⁰⁴ disparaging statements were made on the pro-government news portal *A porrea* against individuals and organizations who had cooperated with OHCHR during their visit. Those affected included the Observatorio Venezolano de Conflictividad Social, Ms. Liliana Ortega of Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989 (COFAVIC), and Mr. Rafael Uzcátegui of Programa Venezolano de Educación y Acción en Derechos Humanos (Provea), who were labelled as financed by foreign interests and accused of disseminating false information.

116. On 8 October 2018, Mr. Fernando Albán of the Primero Justicia party died in custody in Caracas. In September 2018, Mr. Albán had travelled to New York where he participated in meetings with diplomatic delegations to the UN attending the General Assembly as part of a delegation of members of the party. He took part in meetings about possible UN-led initiatives to address the human rights situation in Venezuela, in particular action to be taken, among others, in the Security Council.

117. On Friday 5 October 2018, upon arriving at Caracas international airport from New York, Mr. Albán was taken into custody by members of the Bolivarian National Intelligence Services (SEBIN) allegedly in connection with the failed assassination attempt against the President of 4 August 2018. The authorities did not inform Mr. Albán's family or lawyers of his detention or whereabouts, and on 8 October 2018, according to official sources, Mr. Albán killed himself by leaping from the tenth floor of SEBIN's administrative headquarters. OHCHR received reports indicating that Mr. Albán's suicide was unlikely, including related to the restrictions of movement applied to prisoners under the custody of SEBIN. On 23 November 2018, the Assistant Secretary-General addressed these allegations in writing.

36. Viet Nam

118. In August 2018, four special procedures mandate holders expressed concerns at allegations of torture, interrogation on religious activities and use of social media, as well as interdiction to report to international human rights organizations, related to Mr. Y Than Buon Dap, Mr. Y Bhuar Bdap, Mr. Ciêu Bkrông, Mr. Y Khen Nie, and Mr. Y Krit Bdap

¹⁰⁴ *Ibid.*

(VNM 9/2018). On 25 April 2019, the Government responded, stating that the individuals disseminated distorted information on State policies regarding ethnic minorities to mislead the local people, and defamed the State by making up stories about the Government's violation of the rights of religious and ethnic groups.¹⁰⁵

119. It was reported that, in February 2019, Ms. Nguyen Thi Kim Thanh faced reprisals following her participation in Vietnam's UPR in Geneva on 21 January 2019, where she met with United Nations staff to advocate for the release of her husband, prisoner of conscience Mr. Truong Minh Duc, who was the subject of a special procedures communication in September 2017 (VNM 6/2017). Photos of these meetings were posted on Facebook. When she returned to Viet Nam, upon her arrival at the Airport in Ho Chi Minh City on 21 February 2019, she was detained by security forces who questioned her about her meetings with the United Nations. Ms. Nguyen Thi Kim Thanh was informed that she was being placed on a list of individuals barred from traveling abroad for national security reasons, her passport was confiscated, and her case referred to the Department of Immigration. She was asked to sign an official record of these directives.

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

121. On 26 September 2018, Mr. Nguyen Van An, a Catholic from Ke Gai Parish, was informed of an arrest warrant for documenting a violent incident that took place in December 2017 involving members of "Red Flag Associations" and reporting it to the Special Rapporteur for freedom of religion or belief in February 2018. Mr. Nguyen Van An was also an official government witness for the incident, but was later persecuted for his documentation role. He was the subject of four police summons and accused of "unlawful restraint." His family was reportedly subjected to police harassment. Due to these incidents, Mr. Nguyen Van An and his family have left the country.

122. In March 2019, the Human Rights Committee expressed concern at cases of reprisals against rights defenders, including for engaging with the United Nations. It recommended the State party to allow the defenders the necessary latitude to carry out their activities, including engaging with the United Nations, without fear of restrictions or reprisal. The Committee also expressed concern that members of religious communities and their leaders face surveillance, harassment, intimidation, and physical assaults leading to death, and was disturbed by the involvement of non-State actors, such as the "Red Flag Associations," in inciting religious discrimination as well as acts of violence (CCPR/C/VNM/CO/3, paras. 43, 51-52).

123. On 26 June 2019, the Government responded to the allegations. Regarding the cases of Ms. Nguyen Thi Kim Thanh and Ms. Bui Thi Kim Phuong, the Government stated that the claims that the authorities "threaten" or "prevented individuals from travelling" are untrue and stated that the compilation and drafting of reports related to the UPR and International Covenant on Civil and Political Rights (ICCPR) are carried out in an open, transparent and inclusive manner. Regarding the situation of Mr. Nguyen Van An, the Government indicated that claims of threats against him and his family are unjustified. The Government stated that there is no "Red Flag Association" in the country and that when tension between Catholic followers and local residents erupted in December 2017, the authorities convoked the two groups requesting them not to engage in acts causing disruption to local social order and security.

105 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34638>.

37. Yemen

124. On 25 June 2018 three special procedures mandate holders addressed the situation of Mr. Abdulrasheed Al-Faqih and Ms. Radhia Al-Mutawake of the Mwatana Organization for Human Rights, including reported arbitrary detention during attempts to fly from Seiyun airport, in apparent reprisal for their cooperation with UN human rights mechanisms (YEM 4/2018 and SAU 8/2018). These restrictions occurred after Ms. Al-Mutawake was the first Yemeni woman to brief the UN Security Council, and Mr. Al-Faqih actively participated in Human Rights Council sessions in 2017. On 14 June 2018, Mr. Al-Faqih was on his way to Say'un airport when he was detained and interrogated at Bab Al-Falaj checkpoint (Marib) by individuals believed to be members of forces loyal to the Government wearing Central Security Forces uniforms, who confiscated his passport and cell phone and took him to the security headquarters in Marib. He was unable to contact anybody for several hours and his location remained unconfirmed until his release later that afternoon. This incident prevented him from travelling abroad. On 18 June 2018, Mr. Al-Faqih and Ms. Al-Mutawake were prevented from travelling again when they were detained at Seiyun airport by military police reportedly of the Saudi-led coalition, and their passports confiscated (YEM 4/2018 and SAU 8/2018). Mr. Al-Faqih has reportedly been able to return to Yemen but Ms. Al-Mutawake remains at risk due to her advocacy work.

38. State of Palestine

125. In the West Bank, from July to October 2018, several detainees reported to OHCHR having faced reprisals after participating in interviews with staff from the OHCHR office in the Occupied Palestinian Territory who documented cases of cruel, inhuman or degrading treatment that may amount to torture in Palestinian detention centres. In three cases detainees declined to speak to OHCHR, and others expressed fear of revealing details regarding their treatment due to fear of reprisals. OHCHR has raised these concerns with the relevant authorities.

Annex II

Information on alleged cases included in follow-up to previous reports

1. Bahrain

1. The 2018 report of the Secretary-General included references by multiple United Nations actors to a general context of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the United Nations (A/HRC/39/41 paras. 29-30). Those individuals included Mr. Sayed Ahmed Al-Wadaei and some of his close relatives, Ms. Ebtessam Abdulhusain Ali-Alsaegh, and Mr. Nabeel Rajab (A/HRC/39/41, Annex I, paras. 1-6; Annex II, paras. 4-11).

2. During the reporting period, travel bans allegedly continued to be applied against those who wish to travel abroad, including to engage with the Human Rights Council. This prevented a number of civil society representatives based in Bahrain from participating in the 40th session of the Council in March 2019. Names of those affected are not put forward due to fear of further reprisals.

3. Mr. Sayed Ahmed Al-Wadaei reportedly continues to suffer disparaging public statements in pro-Government media. The deterioration of the detention and health conditions of his mother-in-law, Ms. Hajar Mansoor Hassan, and her two cellmates at Isa Town Women's detention Centre, Ms. Medina Ali and Ms. Najah Yusuf, have been reported. On 19 January 2019, the Working Group on Arbitrary Detention found the detention of Mr. Al-Wadaei's relatives, Mr. Mahmood Marzooq Mansoor and Ms. Hassan, to be arbitrary and in reprisal for their family ties with him (A/HRC/WGAD/2018/51, para. 85, 93).¹⁰⁶ The Opinion was reported in the media and the Ministry of Interior publicly referred to Mr. Al-Wadaei as a "terrorist fugitive" and a "criminal," and to his family members as "terrorists."

4. On 17 January 2019, five special procedures mandate holders addressed allegations concerning Ms. Ali-Alsaegh and Ms. Hassan (BHR 7/2018; A/HRC/36/31, Annex I, paras. 5, 7; A/HRC/40/60, para. 75). Concerns about Ms. Ali-Alsaegh were in relation to threats, travel restrictions and criminal charges for her cooperation with the United Nations, including the Human Rights Council. During the 38th session of the Human Rights Council, after Ms. Ali-Alsaegh posted several tweets highlighting human rights concerns in Bahrain, she received messages through Twitter and Instagram urging her to close her accounts and to stop her human rights work, under threat of public defamation and rape. Her situation was addressed by special procedures in 2016 and 2017 (BHR 9/2017;¹⁰⁷ BHR 8/2017;¹⁰⁸ BHR 4/2016¹⁰⁹).

5. The mandate holders also raised concerns about further acts of reprisals, including physical abuse in detention, against Ms. Hassan, convicted under a counter-terrorism law. On 16 September 2018, Ms. Hassan was reportedly assaulted, harshly beaten, hospitalized, and then held incommunicado in Isa Town Prison from 16 to 23 September 2018. Around those dates, the 2018 report of the Secretary-General, which mentioned her case, was

106 Opinion No. 51/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Sayed Nazar Naama Baqger Ali Yusuf Alwadaei, Mahmood Marzooq Mansoor and Hajar Mansoor Hassan (Bahrain), 20–24 August 2018.

107 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33623>.

108 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33610>.

109 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2078>.
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2101>.

presented at the 39th session of the Human Rights Council (A/HRC/39/41, Annex I, para. 5).

6. The family of Ms. Hassan has reportedly not seen her since September 2018 and in January 2019, she went on a two-day hunger strike to protest the restrictions after the publication of the Opinion of the Working Group. Reports also indicate that Ms. Hassan is being denied access to adequate medical care, in particular since August 2018 when she developed medical conditions that require specialized treatment. On 20 March 2019, the Embassy of Bahrain in London, through its Twitter account, posted private correspondence between Mr. Al-Wadaei and the Ombudsman Office of the Ministry of Interior of Bahrain, including information on the situation of his mother-in-law and private email accounts of relatives. The tweets were later deleted.

7. On 11 March 2019, the Government responded providing detailed information about the situation of Ms. Ali-Asaegh and Ms. Hassan, including related to the claims submitted to the Ombudsman Office. It stated that allegations about retaliation against individuals or family members for their human rights activities are not true.¹¹⁰

8. The case of Mr. Nabeel Rajab, from the Bahrain Center for Human Rights, was included in the 2017 and 2018 reports of the Secretary-General (see A/HRC/36/31, para. 23 and Annex I, para. 6; and A/HRC/39/41, Annex II, para. 9). In August 2018, the Working Group on Arbitrary Detention found the detention of Mr. Rajab arbitrary, and referred the case to the Assistant Secretary-General for Human Rights.¹¹¹ On 31 December 2018, Bahrain's Court of Cassation upheld Mr. Rajab's conviction and sentence of five years' imprisonment. On 6 May 2019, the court rejected a motion submitted by his lawyers asking for an alternative punishment to the jail sentence. He has now exhausted all legal avenues and will remain in prison until 2023. On 4 January 2019, the spokesperson of the High Commissioner for Human Rights called on the Government of Bahrain to immediately and unconditionally release Mr. Rajab and to stop criminalizing dissenting voices.¹¹²

9. The Government in its reply of 19 June 2019 refers to the cases of Ms. Ali-Asaegh, Ms. Hassan, and Mr. Rajab. In the case of Ms. Ali-Asaegh, it provides detailed information and indicated that she was prevented from travelling due to charges against her for "unauthorized demonstration." Regarding the situation of Ms. Mansoor Hassan, the Government indicated that she was arrested in March 2017 on the charge of having taken part in placing an object resembling an explosive in a public roadway for the purpose of terrorism. According to the Government, over the course of interrogation, some of Ms. Hassan's fellow suspects confessed to having made an imitation explosive and planting it near a farm. On 30 October 2017, Ms. Hassan was sentenced to a three-year prison term. Concerning allegations of torture, the Government indicated that no complaint has been lodged by Ms. Hassan through any of the national remedies, nor has she complained about not receiving medical treatment.

10. Regarding the situation of Mr. Rajab, the Government indicated that the charges against him are unrelated to his human rights activities and have no bearing on the exercise of his right to freedom of opinion and expression; they are merely the application of the law which makes persons criminally responsible if they violate legislative norms.

2. Bangladesh

11. The case of human rights organization Odhikar and its Secretary Advocate, Mr. Adilur Rahman Khan, was included in the 2011 report of the Secretary-General (A/HRC/18/19 paras. 25-26). Odhikar regularly cooperates with the UN and submitted

¹¹⁰ Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34562>.

¹¹¹ Opinion 13/2018 adopted by the Working Group on Arbitrary Detention at its eighty-first session, concerning Nabeel Ahmed Abdulrasool Rajab (Bahrain), 17–26 April 2018.

¹¹² OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (4 January 2019).

information for Bangladesh's 2009 review by the UPR. Starting in 2010, the activities of Odhikar were reportedly increasingly monitored by the authorities and its staff were threatened and harassed by government officials. In 2014, Odhikar's bank accounts were frozen by the NGO Affairs Bureau, and since then they have not been able to make bank transactions or receive any funds, severely limiting the organization's capacity to operate. Odhikar has been the subject of 13 communications by special procedure mandate holders, a number of which have not been responded by the Government. In December 2018, mandate holders raised concerns at a reported smear campaign against Odhikar as well as harassment and acts of violence against its staff (BGD 10/2018). Odhikar has been accused of anti-state and anti-government activities and of tamishing the country's image by providing misinformation to the international community. Mr. Rahman Khan was also reportedly monitored and surveilled during and after his trip to Geneva in September 2018 to attend the Human Rights Council and related events.

12. On 5 July 2019, the Government responded, indicating that all NGOs that receive funding from outside the country are required to fulfill criteria established in national law, mainly the Foreign Donations (Voluntary Activities) Regulation Bill of 2016. If NGOs fail to comply with provisions in the law, they could be suspended. This applies to all NGOs in Bangladesh, including Odhikar.

3. Burundi

13. The cases of Mr. Armel Niyongere, Mr. Dieudonné Bashirahishize, Mr. Vital Nshimirimana, and Mr. Lambert Nigarura were included in the 2018 and 2017 reports of the Secretary-General (see A/HRC/39/41, Annex II, paras. 12-13, and A/HRC/36/31, para. 24, Annex, paras. 11-15). Three of the human rights lawyers were disbarred and one suspended allegedly for cooperating with the Committee against Torture during the review of Burundi. The Committee considered the verdict of the court an act of reprisal for their engagement with the United Nations human rights system.

14. According to new information received, the decision of the Court of Appeal has yet to be communicated to the four lawyers, thus preventing them from making an appeal. Moreover, on 15 May 2019, the Public Prosecutor reportedly issued an order requesting the seizure of real estate property and other assets in the country belonging to Mr. Armel Niyongere, Mr. Dieudonné Bashirahishize and Mr. Vital Nshimirimana.

4. Cameroon

15. The cases of Ms. Maximilienne Ngo Mbe and Ms. Alice Nkom of Central Africa Human Rights Defenders Network (REDHAC) were included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 31, and Annex I, paras. 7-8). They suffered physical attacks, intimidation and harassment reportedly in connection to their cooperation with the Human Rights Committee during the review of Cameroon in October 2017. On 26 October 2017, five special procedures mandate holders addressed their situation (CMR 5/2017), and on 11 July 2018 (A/HRC/39/41, Annex I, para. 8) and 17 July 2018 the Government responded affirming that Ms. Ngo Mbe and Ms. Nkom have never been persecuted for their human rights work or cooperation with the UN and requested further detail about the allegations.¹¹³

16. According to new information received, between October and December 2018, Ms. Maximilienne Ngo Mbe has been closely monitored and surveilled by plain clothed officers of the intelligence services and unmarked cars outside the REDHAC offices. When traveling, Ms. Maximilienne Ngo Mbe is routinely subjected to additional questioning and anonymous phone calls welcoming her back into the country. Since November 2017, she

¹¹³ Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34200>.

has received harassing text messages calling her a liar, including reportedly from the Vice-President of the National Commission on Human Rights and Liberties.

5. China

17. The case of Ms. Cao Shunli was included in the 2018 (A/HRC/39/41, Annex I, para.10-11), 2016 (A/HRC/33/19, para. 39), 2015 (A/HRC/30/29, Annex, para. 1), and 2014 (A/HRC/27/38, paras. 17-19) reports of the Secretary-General. On 14 March 2019, nine special procedures mandate holders issued a statement¹¹⁴ renewing their call for a comprehensive and independent investigation five years after the death of Ms. Cao Shunli, a human rights defender who died in custody on 14 March 2014 following attempted engagement with the UPR.¹¹⁵ They called for an investigation in 2014¹¹⁶ after Ms. Cao Shunli was arrested in September 2013 at Beijing International Airport (CHN 11/2013), when her whereabouts remained unknown for five weeks until she resurfaced in custody and was charged with "provocation." On 24 January 2014, the Government noted that she had been detained on the criminal charge of disturbing public, social and administrative order and a warrant for Cao's arrest was issued on the charge of the crime of provocation.¹¹⁷ During her incarceration, Ms. Cao Shunli's health seriously deteriorated, allegedly due to torture, ill-treatment, and authorities' failure to provide her access to medical care, and she died weeks after being admitted to hospital in critical condition on 19 February 2014 (CHN 13/2013).

18. The case of Ms. Chen Jianfang, a human rights activist, was included in the 2014 report of the Secretary-General (A/HRC/27/38, paras. 17-19). On 20 March 2019, Shanghai police reportedly took Ms. Chen Jianfang from her home and she has allegedly been subject to enforced disappearance since then. Days before she was taken away, she had written a tribute to Ms. Cao Shunli on the fifth anniversary of her death (see above), published online on 14 March 2019. Previously, in 2014, she was reportedly interrogated, warned about attempting to attend a human rights training program, and barred from traveling for life (CHN 11/2013).¹¹⁸

19. The case of Ms. Wang Yu, a Chinese lawyer, was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 10-12) concerning her legal representation on several sensitive cases, including her role in the case of Ms. Cao Shunli (see above). She was arrested and charged for "subversion of state power," reportedly tortured in custody, and forced to confess to criminal behavior (CHN 6/2015). On 31 July 2018, the Government noted that Ms. Wang was "lawfully subjected to criminal detention on suspicion of troublemaking and inciting the subversion of State power, and was subsequently put under residential surveillance in accordance with the law" (A/HRC/39/41, Annex I, para. 16). On 27 March 2019, Ms. Wang was reportedly handcuffed and taken to the Maizidian Police Station on the grounds that she failed to show an ID card while attempting to enter the Embassy of the United States of America in Beijing to attend a lecture. Embassy staff reportedly attempted to prevent police from detaining her, to no avail. She was later reportedly taken to Beijing Public Security Bureau's Chaoyang branch and held for one night for "obstructing government administration," and then released without charge.

20. The case of Mr. Qin Yongmin, democracy activist and dissident, and his wife, Ms. Zhao Suli, was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 13-14). In October 2018, Mr. Qin was reportedly transferred to Guanghua Prison in

114 OHCHR, "China: UN experts renew calls for probe into death of Cao Shunli," (14 March 2019).

115 OHCHR, "UN experts alarmed by reprisals against activists linked to China's international human rights review," (16 October 2013).

116 OHCHR, "Deadly reprisals: UN experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation," (18 March 2014).

117 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32624>.

118 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32042>.

Qianjiang City, Hubei Province to serve a 13-year prison sentence on "subversion of state power" charges brought in July 2018. The criminal indictment reportedly accuses Mr. Qin of promotion of engagement with United Nations human rights mechanisms. On 31 July 2018, the Government stated that in March of 2015 he was "lawfully subjected to criminal detention on suspicion of subverting State power" and that he was "lawfully sentenced to 13 years' fixed-term imprisonment and three years' deprivation of political rights" (A/HRC/39/41, Annex I, para. 17). Mr. Qin's wife Ms. Zhao reportedly remains under de facto house arrest, but has now been granted regular, albeit monitored, monthly visits since he was transferred to Guanghua Prison. They are both reportedly suffering health issues.

21. The cases of Mr. Mi Chongbiao and his wife Ms. Li Kezhen were included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 15-16) after Mr. Mi posted a complaint online submitted to the Human Rights Council. Ms. Li is reportedly targeted solely on the basis of her relationship to Mr. Mi. On 31 July 2018, the Government stated that in May 2012, Mr. Mi was "lawfully subjected to criminal detention on suspicion of troublemaking subsequently changed to residential surveillance that was lifted in August 2012" and that the allegations of "disappearances" or "arbitrary detentions" are incorrect (A/HRC/39/41, Annex I, para. 16). On 20 June 2018, Mr. Mi and Ms. Li were reportedly allowed to return to their home in Yunyan District, Guiyang City, Guizhou after being detained in April 2017 and held incommunicado for several months. In July 2017, they were put under "residential surveillance at a designated secret location." Mr. Mi has reportedly been subjected to ill-treatment and torture. Since returning home, the couple has remained under 24/7 police monitoring and their residence is surrounded by guards. On 27 June 2018, their lawyer attempted to visit them but was stopped by police and taken away for questioning.

22. The case of Ms. Li Wenzu was included in the 2017 report of the Secretary-General (A/HRC/36/31, Annex I, paras. 20-21) related to arbitrary arrest and detention in reprisal for her cooperation with the Special Rapporteur on extreme poverty and human rights, during his visit to China in August 2016. The Government stated that Ms. Li's freedom of movement had not been restricted and that she had not been subject to unlawful surveillance or harassment (A/HRC/36/31, Annex I, para. 21). Ms. Li is the wife of Mr. Wang Quanzhang, arrested on 10 July 2015 during the "709" incidents (CHN 6/2015) and whose case was taken up by the Working Group on Arbitrary Detention.¹¹⁹ On 26 December 2018, Mr. Wang Quanzhang was tried at Tianjin No. 2 Intermediate Court, but Ms. Li Wenzu was reportedly blocked by police from leaving her apartment compound to attend the closed-door trial. Since 29 April 2019, she has been denied visitation rights with her husband, following his transfer to Linyi Prison in Shandong Province.

23. The case of Ms. Wang Qiaoling was included in the 2017 report of the Secretary-General (A/HRC/36/31, Annex I, paras. 20-21) regarding alleged acts of intimidation and harassment in reprisal for her cooperation with the Special Rapporteur on extreme poverty and human rights, during his visit to China in August 2016 (A/HRC/34/75, CHN 9/2016). The Government stated that Ms. Wang's freedom of movement had not been restricted and that she had not been subject to unlawful surveillance or harassment (A/HRC/36/31, Annex I, para. 21).

24. Ms. Wang is the wife of Mr. Li Heping, arrested on 10 July 2015 during the "709" incidents (CHN 6/2015).¹²⁰ Upon arrest, Mr. Li was put under "residential surveillance at a designated location" and a criminal conviction was imposed on 27 April 2017 on charges of "subversion of state power" (CHN 3/2017).¹²¹ Mr. Li received a three-year prison sentence,

119 Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.

120 OHCHR, "UN Human Rights Chief deeply concerned by China clampdown on lawyers and activists," 16 February 2016; OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (5 May 2017); OHCHR, "Lawyers need to be protected not harassed" – UN experts urge China to halt detentions, (16 July 2015); UN Committee Against Torture, Concluding observations on the fifth periodic report of China (9 December 2015).

121 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33449>.

suspended for four years. He was reportedly tortured and ill-treated in prison, including forcibly medicated, and reportedly still suffers psychological trauma and long-term medical issues. On 6 June 2018, Beijing Judicial Bureau notified Mr. Li that he had been disbarred as a result of the criminal conviction. On 2 March 2019, Luo Shan County Public Security Bureau officers "criminally summoned" Ms. Wang Qiaoling for six hours of interrogation at Lingshan Police Station in Xinyang City, Henan Province, due to her efforts to meet lawyer Mr. Jiang Tianyong after his release from prison (see below).

25. The case of lawyer Mr. Jiang Tianyong was included in the report of the Secretary-General in 2017 and 2018 (A/HRC/36/31, Annex I, paras. 22-24 and A/HRC/39/41, Annex II, paras. 14-16) and the subject of multiple actions by special procedures mandate holders (CHN 13/2016; CHN 15/2016; and CHN 3/2017).¹²² He had met the Special Rapporteur on extreme poverty and human rights, during his visit to China in August 2016 (A/HRC/34/75, CHN 13/2016)¹²³ The mandate holders urged the Government to immediately release Mr. Jiang, who was held incommunicado and may have been subjected to torture and ill-treatment in relation to his association with the Special Rapporteur.¹²⁴ His case is registered with the Working Group on Enforced or Involuntary Disappearances (no.10006805) and his subsequent detention was found arbitrary by the Working Group on Arbitrary Detention.¹²⁵

26. On 20 January 2017, the Government noted that Mr. Jiang had been charged with illegal possession of classified State documents with the intention of illegally transmitting State secrets abroad, among other charges to which he had admitted (A/HRC/39/41, Annex II, para. 16).¹²⁶ Mr. Jiang was reportedly released from prison on 28 February 2019 and placed in police custody. He, his family members and visitors remain under surveillance and are subject to harassment and intimidation. On 20 May 2019, six mandate holders expressed serious concern about the lasting impact of Mr. Jiang's arrest and detention on his health (CHN 9/2019).

27. The case of Mr. Dolkun Isa was included in the 2017 report of the Secretary-General (A/HRC/36/31, para. 29), in the context of his participation in the Permanent Forum on Indigenous Peoples in New York. On 28 July 2018, six special procedures mandated holders expressed serious concern regarding attempts by the Government to prevent Mr. Isa from participating in United Nations fora, which they stated may aim to "prevent the sharing of information with United Nations human rights bodies about the human rights situation of the Uyghur minority in the Xinjiang Uyghur Autonomous Region of China" (CHN 13/2018).¹²⁷

28. On 1 July 2019, the Government responded to the allegations above. Regarding the case of Ms. Cao Shunli, the Government indicated that judicial organs handled the case in accordance with the law, and guaranteed her legal rights. She died of illness on 14 March 2014. Regarding the case of Ms. Chen Jianfang, the Government indicated that she is a suspected criminal and the judicial authorities are handling the case according to law. As for Ms. Wang Yu, the Government indicated that, in accordance with the law, she was summoned for investigation in March 2019 and her legal rights have been protected. To date, no criminal compulsory measures have been taken against Ms. Wang Yu.

29. Regarding the case of Mr. Qin Yongmin, the Government indicated that after his release from prison in 2010, he continued to engage in activities aimed at the subversion of State power by writing articles, publishing books, and using the Internet and media outlets

122 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33355>.

123 OHCHR, "UN experts urge China to investigate disappearance of human rights lawyer Jiang Tianyong," (6 December 2016).

124 Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20-24 August 2018.

125 *Ibid.*

126 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33355>.

127 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34273>.

based outside mainland China. In July 2018, he was found guilty of subversion of State power and establishing an illegal organization under his leadership, and sentenced to 13 years in prison and deprivation of political rights for three years. His appeal was rejected in September 2018. According to the Government, his health is in good condition and "the house arrest" of his wife Ms. Zhao Suli never happened.

30. Regarding the situation of Mr. Mi Chongbiao the Government denied allegations of torture and indicated that he is not under house arrest. Concerning the situation of Ms. Li Wenzu, the Government informed that judicial authorities have not taken any compulsory measures against her, and the so-called harassment and arbitrary detention never happened. Regarding the situation of Ms. Wang Qiaoling, the Government indicated that the Chinese judicial authorities have not taken any compulsory measures against her, and there has not been intimidation or harassment.

31. Regarding the case of Mr. Jiang Tianyong, the Government indicated that he was accused of inciting subversion of State power, as he had long been influenced by anti-China forces including on "sensationalized high-profile case incidents." He publicized statements defaming the Government on websites outside of mainland China and on several occasions travelled abroad to take part in training for overthrowing the State power. He also sought funds from outside mainland China to be used to sensationalize incidents relating to high-profile cases. Mr. Jiang Tianyong was sentenced in November 2017, released in February 2018, and is currently in the three-year period of deprivation of political rights.

32. Concerning the case of Mr. Dolkun Isa, the Government indicated that he is a designated terrorist by the Chinese Government, seriously threatening national security and spreading international terrorist activities. The World Uyghur Congress of which he is chairman has incited the "East Turkistan Islamist movement" to carry out violent and extremist activities in the Xinjiang region and has arranged for individuals in China to travel abroad illegally to Syria and elsewhere to join the "jihad." It is the view of the Government that he, in the guise of "human rights" and "ethnic independence," incited extremism and hatred and engaged in separatist activities, undermining China's sovereignty and territorial integrity, which is against the purposes and principles of the UN Charter.

6. Colombia

33. The case of Mr. Germán Graciano Posso, member and legal guardian of the Peace Community of San José de Apartadó, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 33 and Annex I, para. 18) regarding death threats and an assassination attempt against him by a paramilitary group following his participation in the United Nations Forum on Business and Human Rights in Geneva in 2017. On 1 February 2018, five special procedures mandate holders addressed these allegations (COL 1/2018).

34. On 5 December 2018, Mr. Graciano Posso won the prestigious national award on human rights for 2018, as "Defender of the Year," along with other renowned defenders. On 14 December 2018, the 17th Brigade of the Colombian Army launched a legal action ("desacato de tutela") against the Peace Community of San José de Apartadó for publicly denouncing alleged criminal behaviour by the armed forces, including collusion with illegal armed actors and criminal groups. This action can have direct implications for Mr. Graciano Posso as he is the legal guardian of the Peace Community.

35. The Special Rapporteur on the situation of human rights defenders expressed deep concern about the legal action in his statement at the end of his visit to Colombia in December 2018.¹²⁸ On 28 January 2019, the Constitutional Court requested a review of the legal action and, in parallel, the local court requested the temporary suspension of the ruling. Until the Constitutional Court rules on the matter, no legal action can be taken against the Peace Community or its legal representative.

¹²⁸ End of mission statement, Special Rapporteur on the situation of human rights defenders, Michel Forst, Visit to Colombia, 20 November to 3 December 2018 (page 7).

7. Cuba

36. The case of Mr. Juan Antonio Madrazo Luna, member of the Comité Ciudadanos por la Integración Racial (CIR), was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, para. 25) due to travel restrictions that prevented him from travelling to Geneva to attend the UPR session. According to new information received, in August 2018, Mr. Madrazo Luna was the subject of a 21-day travel ban preventing him from participating in the Committee on the Elimination of Racial Discrimination review of Cuba. On 30 August 2018, the Committee sent a letter to the State party addressing these allegations and requesting a response with information on measures taken to prevent and address reprisals against those who cooperate with the UN. On 15 October 2018, the Government responded to the Committee.

37. Reports received indicate that, in December 2018 and January 2019, Mr. Madrazo Luna and members of CIR were subject to a number of police operations preventing them from carrying out different events, including the celebration of Human Rights Day and presentation of CERD's observations. On 21 January 2019, Mr. Madrazo Lunas was arrested and held in a police station for eight hours.

38. The case of Ms. Dora L. Mesa, of Asociación Cubana para el Desarrollo de la Educación Infantil (ACDEI), was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 24-25). According to new information, Ms. Mesa continues to be the subject of harassment, intimidation and threats, including death threats. Ms. Mesa has been threatened at her home by a man who identified himself as a member of State Security, with severe consequences including to her physical integrity, should she not cooperate with them. She does not leave home for fear of being attacked. Her attempts to appeal to the Supreme People's Court for the return of her passport failed. She has been interviewed by police officers who have told her not to have contact with any official from the OHCHR or do research on child rights in Cuba.

39. The Assistant Secretary-General addressed the allegations of reprisals against Ms. Mesa on 27 December 2018. On 16 January 2019, the Government responded categorically denying the allegations and rejecting that, without new elements, allegations previously responded to are taken up again. The Government reiterated elements of its previous response of 10 May 2018 (A/HRC/39/41, Annex I, para. 26), including that the individuals mentioned in the letter pretend to be human rights defenders when they commit illegal acts aimed at overthrowing constitutional order established in the country following instructions and funding from foreign governments. The Government expressed concern that there are no safeguards to prevent the politization, selectivity and arbitrariness of the use of the reprisals mandate against developing countries.

8. Djibouti

40. The case of Mr. Kadar Adbi Ibrahim, professor, journalist and human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 37 and Annex, para. 31) because he was unable to participate in the UPR review of Djibouti in May 2018. Four Member States expressed their concern during the UPR session (see A/HRC/39/10, paras. 54, 64, 84 and 104). In July 2018, three special procedures mandate holders raised concerns about his arrest and the confiscation of his passport upon his return to Djibouti from Geneva in April 2018, where he had conducted advocacy activities ahead of the UPR of Djibouti (DJI 1/2018, and A/HRC/40/60/Add.1, paras. 19, 50). On 24 September 2018, the Government responded indicating that Mr. Ibrahim had been placed under surveillance due to his close connections with extremist movements in the country and that in 2016 Mr. Ibrahim was convicted in violation of national legislation.¹²⁹

¹²⁹ Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34341>.

41. On 15 March 2019, the Assistant Secretary-General addressed allegations of continued reprisals against Mr. Ibrahim as it was reported he continued to be unable to travel with his passport confiscated by the Service de Documentation et Sedimentation (SDS). Mr. Ibrahim has brought concerns to the attention of the National Prosecutor's Office, the National Human Rights Commission, and the Office of the Mediator of the Republic to no avail.

9. Egypt

42. The case of Mr. Ebrahim Abdelmonem Metwally Hegazy, of the Association of the Families of the Disappeared, was included in the 2018 report of the Secretary-General (A/HRC/39/41 para. 38 and Annex I, paras. 32-35) concerning his initial disappearance and later detention while he was on his way to meet the Working Group on Enforced and Involuntary Disappearances in Geneva in September 2017 (EGY 14/2017, A/HRC/WGEID/109/1, para. 35 (p), and see also A/HRC/WGEID/114/1, para. 56).¹³⁰ He was charged with founding and leading an illegal terrorist organization, conspiracy with foreign entities or organizations to harm state security, and spreading false information. He has been detained in Aqrab prison (Tora) and reportedly subjected to ill-treatment and torture in detention.

43. The Government responded on 8 November 2017¹³¹ with assurances of Mr. Metwally's conditions of detention and access to a lawyer. On 31 July 2018, the Government informed that he was charged with leading a terrorist group and spreading false news, statements and rumors abroad about the situation in the country.

44. It was reported in May 2019 that Mr. Metwally continues to be held incommunicado from the time of his arrest in Aqrab prison, where he is subjected to systematic physical and psychological abuse that could amount to torture. Since February 2019, the prison administration has not allowed family visits, despite permission by the prosecution. During this period, abuses against Mr. Metwally have reportedly intensified and his conditions of detention are extremely poor. Despite suffering from acute medical problems, he has been denied examination by medical specialists. Mr. Metwally has not had a trial, as he is still being investigated before the Supreme State Security Court (case No. 900/2017). Mr. Metwally's lawyers were notified with adjournment dates that differed from the days when he was physically present in the courtroom affecting both his right to prepare his defense and the possibility for the lawyers to enquire about treatment in detention. The proceedings have reportedly been adjourned to an unspecified date.

45. The case of Dr. Ahmed Shawky Abdelsattar Mohamed Amasha was included in the 2017 and 2018 reports of the Secretary-General (A/HRC/36/31, para. 33 and Annex I, para. 34; A/HRC/39/41, Annex II, paras. 17-18, 21) concerning his reported abduction, detention, torture and ill-treatment in retaliation for his work documenting cases of enforced disappearances for special procedures (EGY 5/2017). In November 2017, the Working Group on Arbitrary Detention found the detention of Dr. Amasha arbitrary and requested the Government to ensure his immediate release.¹³²

46. On 31 July 2018, the Government noted that Dr. Amasha was still in pre-trial detention on charges of joining a group established contrary to law, calling for demonstrations without authorization, incitement to violence and other charges. He was recommended to undergo medical treatment in the prison's clinic. According to information received in May 2019, his family and lawyer have not been allowed to visit him in prison

130 OHCHR, "UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them," (15 September 2017); Oral presentation of the Assistant Secretary-General for Human Rights to the Human Rights Council (20 September 2017). See also OHCHR, "Report highlights rising reprisals against human rights defenders cooperating with the UN," (20 September 2017).

131 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33769>.

132 Opinion 78/2017 adopted by the Working Group on Arbitrary Detention at its eightieth session, concerning Ahmed Shawky Amasha (Egypt), 20–24 November 2017.

since his initial abduction in March 2017. His lawyers are able to see him only when he is presented to the prosecutor for the renewal of his pre-trial detention, during which time he is held in a glass cage in the presence of the prosecutor. Dr. Amasha reportedly suffers from urgent medical issues without adequate care, his conditions of detention are poor and he is frequently subjected to ill-treatment.

47. On 28 September 2018, several special procedures mandate holders drew attention to the misuse of counter-terrorism legislation against individuals peacefully exercising their right to freedom of expression and association, which they said "should not be used as an excuse to suppress dissent or curtail human rights work."¹³³

48. The 2017 (A/HRC/36/31, para. 32 and Annex I, para. 33) and 2018 (A/HRC/39/41, Annex I, paras. 19, 22) reports of the Secretary-General addressed legislation adopted on 24 May 2017 (Law 70 of 2017 for Regulating the Work of Associations and Other Institutions Working in the Field of Civil Work). The former High Commissioner for Human Rights noted the crucial function of NGOs in Egypt had been "severely hampered already through asset freezes, travel bans, smear campaigns and prosecutions." He noted the new law further restricted space for human rights work by NGOs, including closer scrutiny of acquiring foreign funding¹³⁴ (see also EGY 14/2016). Previously, in September 2017, the Assistant Secretary-General expressed concern that some provisions under the law could undermine civil society's ability to engage freely with the UN, including provisions that would require them to seek Government permission before working with international organizations or experts.

49. In November 2018, it was reported that the Government was considering revisions to Law 70/2017. Discussions have reportedly taken place in 2019 for a new draft law for submission to the House of Representatives for consideration. The draft was not made public or subjected to scrutiny. In the meantime, the existing law and its application reportedly remain a threat to NGOs' ability to fully function, with many organizations allegedly declining to submit information to UN human rights mechanisms or otherwise self-censoring to prevent prosecution and intimidation. Many organizations have reported an inability to access foreign funding as an impediment to participating in international advocacy as well as related obstacles to research and travel. These circumstances have affected many civil society organization's preparations for Egypt's UPR review in November 2019. Reprisals for engagement in Egypt's UPR in 2014 were addressed in the 2014 report of the Secretary-General (A/HRC/27/38, para. 23; EGY 19/2013).

50. The 2017 (A/HRC/36/31, para. 30) and 2018 (A/HRC/39/41, Annex II, paras. 19, 22) reports of the Secretary-General addressed allegations of reprisals against civil society members in the form of asset freezes and travel bans. Several civil society representatives were prohibited from travelling outside of Egypt under case 173/2011, impacting their cooperation with the UN. On 20 December 2018, it was reported that over 40 civil society activists and human rights defenders were acquitted in case 173/2011, many of whom had been targeted for allegedly receiving foreign funds, inter alia. Despite this significant development, case 173 remains open and many civil society representatives have been brought in for questioning. As of May 2019, 31 human rights defenders were reportedly banned from travel, and around 60 summoned for investigation. Seven NGOs and ten human rights defenders were still subject to asset freezes including several cases in the 2017 and 2018 reports of the Secretary-General, such as staff members of the Cairo Institute for Human Rights Studies (CIHRS) and members of their families, Mr. Bahey El Din Hassan (EGY 16/2017), and Mr. Mohamed Zaree (EGY 16/2017), among others.

10. Guatemala

51. The case of Mr. Jerson Xitumul Morales, a journalist who regularly collaborated with OHCHR, was included in the 2018 report of the Secretary-General (A/HRC/39/41,

¹³³ OHCHR, "Egypt: UN experts condemn "systematic targeting" of human rights defenders," (28 September 2018).

¹³⁴ OHCHR, "Repressive new NGO law deeply damaging for human rights in Egypt – Zeid," (1 June 2017).

para. 40, Annex I, paras. 40-41). He was arrested on charges of threats, instigation to commit a crime, illicit association, illicit meetings and demonstrations, damages and illegal detention related to his reporting on the demonstrations in May 2017 by fishermen against the pollution of Lake Izabal by the mining activities of the Guatemalan Nickel Company (CGN). According to new information received, the trial of Mr. Morales was closed on 24 July 2018 at the request of the Public Ministry, due to the lack of evidence.

52. The situation of the national human rights institution (Procurador de los Derechos Humanos) and that of its Ombudsperson, Mr. Augusto Jordán Rodas Andrade, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 41 and Annex I para. 42). Allegations included attempts to undermine the independence of the institution because of its support for the CICIG, as well as smear campaigns against Mr. Rodas Andrade and threats to his family. According to new information received, attacks against the institution have continued due to its cooperation with the CICIG. The institution is reportedly facing a reduction of its 2019 budget, which may lead to its closure in October 2019. Moreover, there have been multiple attempts to remove Mr. Rodas Andrade from office by impeachment.

11. Honduras

53. The case of Ms. Hedme Castro, from ACI-PARTICIPA, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 44 and Annex I, paras. 45-47). According to new information received, on 6 April 2019, a member of the national police launched tear gas at individuals connected to ACI-PARTICIPA and relatives of Ms. Castro in the city of Choluteca. On 16 May 2019, four special procedures mandate holders addressed these allegations, expressing serious concerns about the physical and psychological integrity of Ms. Castro and her relatives (HND 2/ 2019). On 17 July 2019, the Government responded¹³⁵ on the protection measures taken for Ms. Castro. In April 2017, the case was admitted to the national protection mechanism and a risk assessment was initiated for Ms. Castro and ACI-PARTICIPA. According to the Government, the assessment was not completed due to the lack of availability of Ms. Castro. The protection mechanism has followed up on the complaint affecting Ms. Castro's relatives.

54. Acts of intimidation and harassment against those sharing information with the UN in the fight against impunity for the killing of Ms. Berta Cáceres, a prominent indigenous Lenca leader and environmental human rights defender killed in March 2016, were reported in the 2018 report of the Secretary-General (A/HRC/39/41, para. 45 and Annex I, paras. 48-49). On 14 July 2018, the CERD expressed concern about the difficulties that rights defenders encounter in obtaining access to justice, as well as the persistence of high levels of impunity for violations of their rights. While noting that seven persons were convicted of the assassination of Ms. Cáceres, the Committee recommended awareness-raising campaigns on the crucial work undertaken by rights defenders to foster a climate of tolerance where they can work free from intimidation, threats and reprisals (CERD/C/HND/CO/6-8, para. 24, 25 (d)). Following their official visit to Honduras in November 2018, the Working Group on discrimination against women in law and practice expressed concern about the trial for Berta Cáceres' murder, which they see as "emblematic of the lack of transparency and unfair legal processes faced by women's human rights defenders."¹³⁶ On 7 December 2018, UN experts welcomed the conviction of the murderers of Berta Cáceres but reiterated their concern that the "masterminds" remain at large.¹³⁷

135 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34786>.

136 End of mission statement to Honduras, Human Rights Council Working Group on discrimination against women in law and practice, (14 November 2018).

137 OHCHR, "Honduras: Masterminds of Berta Cáceres killing still at large, say UN experts," (7 December 2018).

12. Hungary

55. The 2018 report of the Secretary-General (A/HRC/39/41, paras. 55-56) noted the listing by the Hungarian publication *Figyelő* of more than 200 individuals who were accused of being part of a group regarded by Prime Minister Orbán as "mercenaries paid by George Soros to topple the Government." The list included people who had been publicly intimidated for reporting to or about the UN. The Government informed OHCHR in July 2018 that the allegations are not attributable to the Government given that *Figyelő* is not a State publication (A/HRC/39/41, Annex, para. 59). During the reporting period, OHCHR was informed that the "*Figyelő* list" has continued to contribute to increased stigma on and threats to human rights defenders, civil society organizations, investigative journalists, certain segments of academic community and other critical and independent voices. In addition, family members of those on the list report being fired from employment or being threatened to be fired.

13. India

56. The 2018 report of the Secretary-General drew attention to concerns about the application of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to civil society for their cooperation with the UN (A/HRC/39/41, para. 50 and Annex I, paras. 60-67). On 20 December 2018, three special procedures mandate holders addressed the detrimental impact of the FCRA for Indian organizations' ability to access foreign funding and expressed concern that that, under the FCRA, Amnesty International India and Greenpeace India and some of its affiliates have had their offices raided, bank accounts frozen or registration suspended or cancelled (IND 28/2018).

57. In the 2018 report of the Secretary-General (A/HRC/39/41, para. 50 and Annex I paras. 63-65), it was reported that the Centre for Social Development (CSD) and its staff had been surveilled for submitting information to and meeting with the UN on uranium mining and cement factories in Meghalaya, and consequently the organization's bank account was frozen for 6 months on claims that it violated the FCRA. In April 2019, the CSD reportedly filed a case against the Ministry of Home Affairs in the Manipur High Court, which is currently ongoing. In May 2019, the organization received notification from the Ministry of Home Affairs indicating that under the FCRA its bank account was defroze and activities could be resumed. It is reported that the Secretary of the organization, Mr. Nobokishore Urikhimbam, has reportedly been surveyed by military intelligence officials at his office premises and at his home in Imphal. In November 2018 as well as in April and May 2019, the CSD and some of its staff were also reportedly under surveillance by individuals who questioned the staff, including at their places of residence, about their activities and sources of funding.

58. The situation of Mr. Henri Tiphagne, from the Centre for Promotion of Social Concerns (also known as People's Watch), was included in the 2018 report of the Secretary General (A/HRC/39/41, para. 50, and Annex I, paras. 61-62). Special procedures mandate holders expressed concern at the use of the FCRA to restrict the work of non-governmental organizations seeking to cooperate with the UN (OTH 27/2017). Independent experts noted that the non-renewal of CPSC's license was a clear case of reprisal for his cooperation with the United Nations (IND 14/2018). The refusal to renew the organization's license to receive foreign funding was upheld by the High Court of New Delhi in January 2017, and the case was adjourned to 31 August 2018. According to information received in May 2019, the High Court of New Delhi held a last hearing on 2 May 2019 and the matter is still pending. The case had been posted to 30 July 2019.

59. The situation of Mr. Khurram Parvez, Chairperson of the Asian Federation Against Involuntary Disappearances and Program Coordinator of the Central Jammu and Kashmir Coalition of Civil Society (JKCCS), was included in the 2017 and 2018 reports of the Secretary-General (A/HRC/36/31, paras. 36; A/HRC/39/41, Annex II, paras 23-24). Mr. Parvez was reportedly subjected to travel bans, arbitrary arrest and detention in relation to his cooperation with the Human Rights Council, the Working Group on Enforced and Involuntary Disappearances, and the UPR. Mr. Parvez was a source of information

collected for an OHCHR report published in June 2018 on the human rights situation in the State of Jammu and Kashmir¹³⁸ and has reportedly suffered reprisals for this. The police filed "First Information Reports" before a court in Srinagar for three cases, for which hearings were held in March 2019, April 2019, and May 2019. At the time of writing, it was reported that no witnesses had been produced and the outcomes of the hearings were pending.

14. Iran (Islamic Republic of)

60. The case of Ms. Raheleh Rahemipor was included in the 2017 (A/HRC/36/31, para. 37 and Annex, paras. 41-42) and 2018 (A/HRC/39/41, Annex II, paras. 25-27) reports of the Secretary-General concerning allegations of continuous judicial harassment for her efforts in seeking the truth about the fate and whereabouts of her brother, Mr. Hossein Rahemipor, and his infant daughter, raised by special procedures mandate holders (IRN 9/2018). Their disappearances have been registered with the Working Group on Enforced and Involuntary Disappearances since June 2016. In 2017, Ms. Rahemipor was sentenced to a year in prison "for spreading propaganda against the system" and arrested while her first case was under appeal. During interrogation, she was allegedly pressured to withdraw the complaints to the Working Group, which she refused. The situation was addressed by several special procedures (IRN 23/2016; IRN 29/2016; IRN 3/2017; IRN 27/2017) as well as in the February 2018 Secretary-General's report on the human rights situation in Iran (see A/HRC/37/24, para. 47).

61. The Government responded on 4 September 2018 stating that the allegations were false and that Ms. Rahemipor had circulated fabricated claims with the help of a terrorist group. However, her sentencing had not been finalized and she was not in prison.¹³⁹ According to reports, on 9 April 2019 Ms. Rahemipor was informed that her previously imposed prison sentence had been changed to a fine.

15. Iraq

62. The situation of Mr. Imad Amara of Al Wissam Humanitarian Assembly was included in the 2016 (A/HRC/33/19, para. 24), 2017 (A/HRC/36/31, Annex II, para. 4), and 2018 (A/HRC/39/41, Annex II, para. 28) reports of the Secretary-General in relation to his arbitrary arrest, interrogation and ill-treatment for his and others' documentation of cases of enforced disappearances and submission of information to the UN human rights mechanisms. In May 2019, it was reported that Mr. Amara was continually prevented from carrying out his peaceful human rights work. He and two other Al Wissam Humanitarian Assembly volunteers were arrested by plain-clothes officers during a peaceful demonstration against corruption in Tahrir Square in Baghdad. The officers handcuffed and blindfolded them before taking them to an unknown location. The three men were then insulted, severely beaten and questioned about their involvement with Al Wissam Humanitarian Assembly. They were released a few hours later after being forced to sign the pledge. It is reported that Mr. Amara faces serious risks to suffer further reprisals should he resume his activities.

16. Israel

63. The case of Mr. Hagai El-Ad, the Director-General of B'Tselem was included in the 2017 report of the Secretary-General (A/HRC/36/31, para. 38 and Annex I, para. 43). On 20 December 2018, seven special procedures mandate holders addressed a new incident in

138 OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit – Baltistan (14 June 2018).

139 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34541>.

October 2018 where Mr. El-Ad again briefed the Security Council about the human rights situation in the OPT and faced harassment (ISR 14/2018). They noted that many in the Israeli political leadership had denounced B'Tselem, calling the organization unpatriotic, traitors and political outcasts. The mandate holders stated that "the labelling of Mr. El-Ad as "traitor" and "collaborator" may serve to stigmatize his work as harmful to national security, including by disparaging them in the eyes of the public, and creating an atmosphere of harassment that could lead to physical violence."

64. The March 2019 report of the High Commissioner for Human Rights (A/HRC/40/43, para. 30) also noted that a number of senior Israeli officials publicly condemned Mr. El-Ad. The High Commissioner's report noted that the Permanent Representative of Israel to the United Nations had accused Mr. El-Ad of defaming his Government, called him a "lousy collaborator" and said that if he had been Palestinian or Bolivian he would "likely end up dead."¹⁴⁰

65. The case of Mr. Omar Shakir, Director of Human Rights Watch, was included in the 2018 report of the Secretary-General (see A/HRC/39/41, para. 53 and Annex I, para. 68). In April 2019, three special procedures mandate holders expressed grave concern at the revocation of the work visa for Mr. Shakir, urging "Israel to reverse the order, to allow Mr. Shakir and Human Rights Watch to continue unimpeded with human rights advocacy, and to fully respect its human rights obligations in its relationships with Palestinian, Israeli and international human rights organizations."¹⁴¹ It was reported to OHCHR that in June 2019 the Israeli Supreme Court issued an interim injunction (administration petition 367759-05-18) suspending the deportation order for the duration of legal proceedings, and a hearing would be held 25 July 2019.

17. Kyrgyzstan

66. The situation of civil society organizations Anti-Discrimination Centre Memorial and Bir Duino Kyrgyzstan was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 54 and Annex I, paras. 69-70) regarding the designation as extremist material of an alternative report they submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) in April 2015. The report addressed the obligations of the Government to protect the rights of Kyrgyz migrant workers. The CMW Chair and Focal Point for Reprisals addressed the Government for further clarification on 25 June 2018, 14 August 2018 and 10 September 2018.¹⁴² It was reported that Kyrgyz authorities had failed to notify either organization of the decision, leaving Anti-Discrimination Centre Memorial and Bir-Duino without the right to defend themselves in court or appeal the decision.

67. On 22 October 2018, the Supreme Court reportedly lifted the 'extremist materials' designation, at least temporarily, reinstating the right of ADC Memorial to carry out its activities in Kyrgyzstan. The matter was remanded to the Oktyabrski Court which, on 16 January 2019, considered the case again but did not make a decision. As of May 2019, ADC Memorial is reportedly able to act legally in the country.

18. Mali

68. Allegations of cases and trends of reprisals were included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 56 and Annex, paras. 73-76) regarding retaliation by State actors and non-State armed groups against individuals who collaborated with the

¹⁴⁰ UN Security Council, 8375th meeting, the situation in the Middle East, including the Palestinian question, 18 October 2018, <http://webtv.un.org/meetings-events/watch/part-1-the-situation-in-the-middle-east-including-the-palestinian-question-security-council-8375th-meeting/5850529585001/?term=>.

¹⁴¹ OHCHR, "UN experts call on Israel not to overturn deportation Human Rights Watch director" (25 April 2019).

¹⁴² Letters available publicly at UN Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&CountryID=93&TreatyID=7&DocTypeID=130.

Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Individuals and organizations affected by intimidation and reprisals in the reporting period did not give consent to be named due to the fear of further reprisals. In January 2019, the Independent Expert on the situation of human rights in Mali, reported that the number of verified serious violations of children's rights had significantly increased but that many were underreported for several reasons, including the difficulty of verification and access to some geographical areas, fear of reprisals, and the lack of protection and other services for victims and witnesses (A/HRC/40/77, para. 53).

19. Mexico

69. The 2018 (A/HRC/39/41, Annex II, paras. 33-36) and 2017 (A/HRC/36/31, para. 41, and Annex I, paras. 49-52) reports of the Secretary-General included alleged acts of reprisals against the complainants in the case *Ramirez et al. v. Mexico* (2015) where the Committee against Torture found a violation of different provisions of the Convention against Torture (CAT/C/55/D/500/2012). In 2017 and 2018, the CAT requested protective measures in relation to the allegations of reprisals and made several attempts to follow up on the case with the Government.¹⁴³

70. On 30 January 2019, the State party informed the Committee that criminal investigations were reopened to bring the perpetrators to justice but no significant progress in establishing accountability had been achieved. There has been no further update on the two victims that were sent back to prison shortly after their release, who are reportedly experiencing serious health issues as a result of their alleged torture and conditions of detention. The State party's submission does not contain any update on access to medical treatment required by the victims, including one that reportedly has hearing loss as a result of torture. Complaints have been filed with the State Human Rights Commission. The Committee decided to keep the follow-up dialogue open (CAT/C/66/3, paras. 12-14).

20. Morocco

71. The detention of Mr. Rachid Ghribi Laroussi was found arbitrary by the Working Group on Arbitrary Detention in 2015 (A/HRC/WGAD/2015/34, para. 29, 31). According to information received, Mr. Laroussi's family sent the 2015 Opinion of the Working Group to the Ministry of Justice and to the National Human Rights Council (Conseil National des Droits de l'Homme - CNDH), following which, in August 2016, Mr. Laroussi was transferred from Tangiers, where his family lives, to a prison in Fes (approximately 300km away). He was placed in solitary confinement and prevented from continuing his legal studies. It is reported that Mr. Laroussi keeps a copy of the Opinion in Arabic in his cell and that his insistence in requesting his release has played a part in the decisions to transfer him.

72. On 8 April 2019, Mr. Laroussi reportedly started a hunger strike to call the attention of the authorities to the Working Group's Opinion and, as a result, was put in solitary confinement without light for four days. On 16 April 2019, the local branch of the CNDH visited Mr. Laroussi and on 30 April 2019 he was transferred again, without any prior notice or explanation, to Meknes Toulal II prison and detained in solitary confinement with restricted visits and calls.

73. The case of Mr. Ennaâma Asfari, a Sahrawi human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 57 and Annex I, para. 77) regarding the deterioration of his conditions of detention and transfer following the decision of the Committee against Torture about his case (CAT/C/59/D/606/2014). On 13 July 2018, the Committee wrote to the Government emphasizing the need to refrain from reprisals (G/S0 229/3 MAR(8) 606/2014). On 31 July 2018, the Government responded and met

¹⁴³ CAT/C/63/3, paras. 7-8 and CAT/C/65/3, paras. 10-11.

with the Committee on 3 December 2018.¹⁴⁴ On 5 December 2018, the Government responded to the allegations of reprisals, including limited visits by family members and entry ban against Mr. Asfari's wife, Ms. Claude Mangin-Asfari, into the Moroccan territory. On 14 and 15 January 2019, it was reported that Ms. Mangin-Asfari was able to visit her husband in Kenitra prison following a campaign she led, including a hunger strike. However, Mr. Asfari reportedly continues to be deprived of other family visits and those of his lawyers, and still suffers from harsh detention conditions. The Committee decided to keep the dialogue with the State party open, including by requesting another meeting with a representative in Geneva in July 2019 (CAT/C/66/3).

74. The case of Mr. Ali Aarrass was included in the 2013 report of the Secretary-General (A/HRC/24/29, para. 27) regarding threats and prison transfer reportedly in connection to his cooperation with the Special Rapporteur on torture during his visit to the country. His situation was addressed by a number of special procedures mandate holders (MAR 11/2012 and A/HRC/23/51; MAR 2/2013, and A/HRC/25/74; and MAR 7/2015). The Government responded to the allegations in 2013 and 2015. In a decision of 14 May 2014, the Committee against Torture reported that it is of the view that the information before it disclosed a violation of article 2, paragraph 1, and articles 11, 12, 13 and 15 of the Convention against Torture in the case of *Aarrass v. Morocco* (CAT/C/52/D/477/2011, para. 11; Communication 477/2011, para. 7.4).

75. On 3 December 2018, in light of the absence of updates by the State party, the Committee met with the Permanent Mission in Geneva and sent reminders for observations on 6 August and 30 November 2018, due by 31 December 2018. On 11 January 2019, the State party submitted observations. In May 2019, in the absence of a meaningful progress in implementation of the decision, the Committee decided to keep the follow-up dialogue open, and to request another meeting with the Permanent Mission in Geneva in July 2019 (CAT/C/66/3, paras. 9-11, and CAT/C/65/3, paras. 8-9). Mr. Ali Aarrass has reportedly suffered further reprisals while at Salé II prison, and continues to be held in solitary confinement. In December 2018, while the prison director was on leave, two prison officials took him by force, undressed him while spitting on him, and threatened to rape him. They also insulted him and his family. He was reportedly deprived of food for ten days.

21. Myanmar

76. The 2018 report of the Secretary-General (A/HRC/39/41, para. 59 and Annex I, para. 79) noted that the Special Rapporteur on the situation of human rights in Myanmar had received information about violent reprisals taken by the armed forces against civilians with whom she had met following her visit to Rakhine State in January 2017, including a reported killing, beatings and a rape (see A/HRC/37/70, para. 63). The Special Rapporteur has been denied entry into Myanmar since January 2018, and has not been able to visit the area to follow up on these reports.

77. The 2018 report of the Secretary-General (A/HRC/39/41, para. 60 and Annex I, paras. 80-82) noted that the Governing Body of ILO remained concerned about cases of apparent reprisal against complainants in forced labour cases, including that of Mr. Aung Ko Htwe (see GB.332/INS/8, para. 16),¹⁴⁵ which were also raised by the Special Rapporteur (see A/HRC/37/70, para. 15). Mr. Aung Ko Htwe had been forcibly recruited into the army in 2005 at age 14 and should receive continued protection as a complainant with ILO, according to the 2007 agreement between the ILO and Myanmar.¹⁴⁶ However, on 28 March 2018, the Dagon Seikkan Township Court sentenced him to two years in prison with hard labor.

¹⁴⁴ CAT/C/65/3, paras. 8-9.

¹⁴⁵ ILO, Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session, 2013 (7 February 2018).

¹⁴⁶ ILO, Supplementary Understanding between the Government of Myanmar and ILO, 2007.

78. It was reported that on 30 October 2018 Mr. Aung Ko Htwe was tried and acquitted of "causing destruction of the whole or any part of the Union Seal" by Yangon's Botataung Township Court for his conduct during the trial when he allegedly stepped on a copy of Myanmar's Constitution. In December 2018, three special procedures mandate holders raised concerns about Mr. Aung Ko Htwe's trial (MMR 6/2018). On 4 and 25 March 2019, the Government responded, addressing his charges and trial.¹⁴⁷ At the time of writing, Mr. Aung Ko Htwe remains in Yangon's Insein prison, where he has been since his arrest on 18 August 2017.

22. Philippines

79. Allegations of reprisals against the Commission on Human Rights of the Philippines (PHL 12/2017) were included in the 2018 report of the Secretary-General (A/HRC/39/41, paras. 61-62 and Annex I, paras. 84-85). As of May 2019, it was reported that members of the Commission continue to be under surveillance by State agents and threats have been made against their lives and security, amid calls for their resignation. Chairperson Mr. Chito Gascon has been particularly targeted as head of the Commission, with a State agent reportedly assigned to follow his movements. Mr. Gascon was also reportedly under surveillance during a side event at the Human Rights Council in March 2019.

80. Regarding the former Chair of the Commission, Ms. Leila M. de Lima, on 24 August 2018 the Working Group on Arbitrary Detention adopted an opinion¹⁴⁸ which highlights, among other things, that the detention is deemed arbitrary (para. 61 and 67) and recommends that Ms. De Lima be released immediately, afforded compensation (para. 81), and that her detention be investigated (para. 82). Ms. de Lima has been in prison since February 2018 on allegations of drug-related charges, deemed "politically motivated" by several special procedures mandate holders (PHL 5/2017; A/HRC/40/60/Add.1, para. 403; A/HRC/40/52, para. 58).

81. In the 2018 report of the Secretary-General it was noted that multiple actors expressed concern at the February 2018 petition of the Department of Justice to a Manila court which sought to declare the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as "terrorist" organizations (A/HRC/39/41, para. 62 and Annex I, paras. 86-89). In particular, they noted that the petition included a list of over 600 individuals labelled as de facto "terrorists," among them recognized human rights defenders, indigenous peoples' representatives, and representatives of community-based organizations, a number of which had been long-standing partners of the United Nations.

82. In July 2018, the Manila Regional Trial Court reportedly requested the removal of multiple names from the list based on a petition, and in January 2019, the Department of Justice amended the original petition to an abridged list. Multiple individuals still report being targets for having previously been listed, including subjected to harassment, surveillance and stigmatization.

83. Among this list were past and current human rights defenders of the Karapatan Alliance for the Advancement of People's Rights, a national alliance of human rights organizations and individuals. In April 2019, Karapatan members reportedly were subjected to continued threats, harassment and intimidation against them and their partners. They noted in particular the "red-tagging" (Executive Order No. 70), which attempted to discredit the reports Karapatan sends to the UN as a basis for smear and vilification campaigns, and the terrorist-labelling of organizations in line with the Government's counterinsurgency program. Karapatan cited defamatory propaganda materials circulated in public places and online, most recently in December 2018 and February 2019. They also noted public

147 Response from Government:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34553>.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34576>.

148 Opinion No. 61/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Leila Norma Eulalia Josefa De Lima (Philippines), 20–24 August 2018.

statements by officials calling for the defunding of organizations to halt their advocacy work.

84. Several indigenous peoples' representatives and human rights defenders advocating for the rights of indigenous peoples were on the petition of the Department of Justice, addressed by CERD on 8 May 2018 under its early warning and urgent action procedures, and in a follow up letter on 30 August 2018.¹⁴⁹ The Committee urged the Government to stop the targeting of indigenous leaders and human rights defenders, including incumbent and former United Nations special procedures mandate holders, as terrorists, which could amount to intimidation and reprisals. In August 2018, UN experts urged further action to remove names on the Government's "terror list."¹⁵⁰

85. On 21 June 2019, the Government responded to the allegations. Regarding the situation of the Commission on Human Rights, the Government stated that contrary to the allegations of reprisals, it has further cultivated enabling conditions and environment for the work of the Commission with the unprecedented increase of its 2017 budget by over 60% from its regular budget. With reference to the statement by the Presidential spokesperson, the Government indicated that it exercises full rights to legitimately respond to public statements by other actors and that labelling Government's statements as acts of reprisals and intimidation is a curtailment of the role of State actors in any democratic process. Regarding the case of Senator de Lima, the Government provided detailed information on the legal proceedings and the status of the ongoing cases against her, indicating that it is improper to intervene with regard to her detention and prosecution in light of concerns for the independence and impartiality of the judicial process.

86. Concerning the situation of Karapatan, the Government indicated that it is unlawfully operating since its corporate existence and registration have long been ordered revoked for the non-filing of reports. In view of the Government, Karapatan has failed to substantiate its figures concerning human rights violations or present evidence before an independent domestic body created to look into the allegations. Regarding the creation of the National Task Force to End Local Communist Armed Conflict, the Government states that some indigenous peoples and rights defenders have been exploited by terrorist organizations and misuse the international system and its sympathies, calling State efforts to uphold the rule of law, bring perpetrators to justice, and put an end to atrocities these groups commit with impunity as "acts of reprisals."

23. Russian Federation

87. Reported acts of harassment, surveillance, threats, and intimidation against Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev and their families, representatives of the Shor indigenous peoples from South West Siberia, as reprisals for cooperation with the CERD, were included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 63, Annex I, paras. 90-91). In April 2018, as a consequence of the threats, they left Russia with their children. In May 2018, CERD raised their situation with the State party and, in June 2018, special procedures mandate holders raised concerns with the authorities (RUS 11/2018;¹⁵¹ OTH 34/2018; A/HRC/40/60/Add.1, paras. 512 and 677). On 12 September 2018, the Government responded to the allegations by special procedures and noted a preliminary investigation into the harassment and a criminal case was refused on 28 April 2018 on the basis of "absence of a crime." On 26 July 2018 this decision was overturned by the supervising procurator, and further investigations were ongoing. On 24 July 2019 the Government provided an update to OHCHR and noted that the investigation was ongoing.

149 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/PHL/INT_CERD_ALE_PHL_8761_E.pdf.

150 OHCHR, "The Philippines: UN experts urge further action to remove names on Government's "terror list," (20 August 2018).

151 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34329>.

88. In September 2018, in the context of the UPR of the Russian Federation, States made recommendations regarding restrictive legislation, in particular, laws on "foreign agents" and "undesirable" organizations (A/HRC/39/13, paras. 147.61-67; 147.83-95). Since 2012, the Russian Federation has adopted a number of laws and amendments that have reportedly had a direct impact on the willingness and ability of civil society actors to engage with international bodies, in particular with the UN. Human rights organizations have been impacted primarily by the application of laws and policies such as N 121-FZ Foreign Agent Law for Non-Commercial Organizations, adopted in July 2012 and amended in June 2016 (N 147-FZ and N 179-FZ). Since 2013, authorities have carried out multiple inspections of human rights organizations under suspicion of being an "NGO - foreign agent." Such criteria have included the existence of foreign funding from any charitable foundation, including the UN, and "engagement in policy."

89. The case of the Anti-Discrimination Centre Memorial (ADC Memorial) was included in the 2013 report of the Secretary-General when the Committee against Torture raised concerns at reported reprisals faced for providing information to the Committee in December 2012 (A/HRC/24/29, para. 31). The Government responded to the allegations, stating that activities of Russian law enforcement authorities regarding ADC Memorial, or any other non-profit organization, were carried out in accordance with the law and have nothing to do with reprisals (HRC/NONE/2013/102).¹⁵² In August 2018, the Committee against Torture recalled the administrative case against ADC Memorial, regretting that the prosecutor's office had reportedly referred to alternative reports sent to the Committee as a political activity justifying their registration as "foreign agents." The Committee reiterated its recommendation that rights defenders, journalists and lawyers should not be subjected to reprisals for their communication with or provision of information to the United Nations treaty bodies, including the Committee (CAT/C/RUS/CO/6/ paras. 28 and 29 (c)).

90. On 24 July 2019, the Government provided an update to OHCHR. Regarding ADC Memorial, it noted that in 2013 the St. Petersburg Prosecutor's Office reviewed the organization's compliance with laws governing non-commercial organizations. It was found to have engaged in political activity while in receipt of foreign funding and to have failed to register with the justice authorities as a non-commercial organization performing the functions of a foreign agent. The Government stated that ADC Memorial did not agree with the measures taken in response and ceased operations on 11 April 2014.

91. As regards the recurrent criticism of Russian laws on foreign agents, the Government referred to the position taken in its national report to the May 2018 UPR and stated that the legislative requirements' purpose was to ensure greater transparency. It noted that the obligation of a non-commercial organization performing the functions of a foreign agent to submit an application for inclusion in the relevant register did not: prevent it from receiving financial support from foreign and international organizations, foreign citizens or stateless persons; preclude it from participating in political activities in the Russian Federation; or discriminate against it by comparison to non-commercial organizations that do not receive foreign funding. It was also emphasized that Russian laws regulating the activities of non-commercial organizations performing the functions of foreign agents have recently undergone a significant revision in terms of what constitutes "political activity," with more legal precision and several exclusions.

24. Saudi Arabia

92. The case of Mr. Mohammad Fahad Al Qahtani, lawyer and co-founder of the Saudi Association for Civil and Political Rights (ACRPA) was included in the 2012 and 2013 reports of the Secretary-General (A/HRC/21/18, paras. 35-37; A/HRC/24/29, para. 42) concerning his sentencing to 10 years of imprisonment and a 10-year travel ban for inter alia having provided false information to outside sources, including the human rights mechanisms of the United Nations. On 17 December 2018, Mr. Al Qahtani reportedly

¹⁵² https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130.

started a hunger strike and was subsequently punished with solitary confinement for two days. On 20 March 2019, he was moved from the wing of political prisoners inside Al Hai'r Prison to the wing hosting regular criminals despite his complaints.

93. The case of Mr. Essa Al Nukheifi, a human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 65 and Annex I, paras. 95-96, 98) regarding charges, imprisonment, and bans on travel and the use of social media for cooperation with the visit of the Special Rapporteur on extreme poverty and human rights to Saudi Arabia in January 2017 (SAU 2/2017).¹⁵³ On 8 April 2019, Al Nukheifi requested to be transferred to Jizan prison to be able to see his family, but his request was reportedly denied.

94. The case of Mr. Fawzan Mohsen Awad Al Harbi, human rights defender and member of ACPRA was included in the 2014 report of the Secretary-General (A/HRC/27/38, para. 30) and addressed by special procedures mandate holders (SAU 1/2014) regarding travel restrictions and a request to sign a pledge to terminate ACPRA in connection to his cooperation with the UN. In December 2013, he was arrested and detained at Al Malaz prison in Riyadh and charged with, among other things, "co-founding an unlicensed organization" and "ignoring judicial decisions ordering its dissolution." In June 2014, he was sentenced to one year in prison and an additional six-year suspended prison sentence. In November 2014, the Court of Appeal increased his sentence to a 10-year prison term followed by a travel ban of 10 years. On 30 July 2018, Mr. Al Harbi's wife, Ms. Amal Al Harbi, was reportedly arrested. She had been vocal in campaigning for the release of her husband and is currently being held at Dhahban Prison pending the finalization of the trial.

95. The case of Ms. Samar Badawi was included in the 2015 annual report of the Secretary-General (A/HRC/30/29, para. 36) concerning threats and subsequent interrogation for a statement she made at the Human Rights Council in September 2014. On 30 July 2018, it was reported that Ms. Badawi was arrested without a warrant in Jeddah and transferred to an unknown location where she was detained incommunicado for a month before being allowed contact with her family. In early 2019, it was alleged that Ms. Badawi was among other women reported in the media who faced sexual harassment, torture and other forms of physical and psychological ill-treatment during interrogation. Ms. Badawi has been the subject of several special procedures communications (SAU 16/2014), (SAU 1/2016), (SAU 11/2018), and (SAU 1/2019) and a public statement.¹⁵⁴ The Government responded,¹⁵⁵ indicating that the facts pertaining to the allegations of reprisals were inaccurate and that Ms. Badawi was subject to criminal charges. On 5 April 2019, the Government provided information that Ms. Badawi is detained at a prison in Jeddah Governorate Makkah Province. According to information received, she is allowed regular contact with her family at Dhahban Prison but has been denied her right to legal counsel and has not been informed of the charges against her.

25. South Sudan

96. In the 2018 report of the Secretary-General, the United Nations Mission in South Sudan (UNMISS) and OHCHR reported instances of restrictions by national authorities against individuals whose opinions were perceived as critical of the Government or the reputation of the country and who cooperated with the United Nations (A/HRC/39/41, paras. 67-68 and Annex I, paras. 100-102).¹⁵⁶ During the reporting period, UNMISS received

153 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33466>.

154 OHCHR "Saudi Arabia must immediately release all women's rights defenders, say UN experts," (12 October 2018).

155 On 13 May 2015, 25 May 2016, 29 October 2018, and 29 January 2019:
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34383>.
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34518>.

156 UNMISS and OHCHR, "Report on the Right to Freedom of Opinion and Expression in South Sudan since the July 2016 Crisis," (February 2018).

reports of at least eight incidents, including arbitrary arrests, detention, and acts of intimidation and harassment. For instance, former detainees who were being released from detention facilities, were ordered not to share information with the United Nations on their experiences during their detention.

97. National authorities continued to target individuals and organizations perceived as sharing information regarding possible human rights violations or specifically contributing to UNMISS public reports. The perpetrators were identified among the elements of the South Sudan National Security Service, pro-Government forces and personnel of State administration. As a result, growing self-censorship is reported.

98. In March 2019, Security Council Resolution 2459 (2019) strongly condemned obstructions of UNMISS by the Government of South Sudan and opposition groups, including severe restrictions on freedom of movement and constraints on the Mission's operations, and requested UNMISS to continue reporting violations of the Status of Forces Agreement (SOFA) between the Government and the UN. In particular they requested UNMISS to continue to compile monthly the access denials/blockage of UNMISS patrols with UNMISS human rights officers attempting to visit or access areas where violations of human rights may have occurred, and obstructions of UNMISS human rights officers to police stations/detention facilities and similar Government establishments where human rights violations are reported.¹⁵⁷

26. Thailand

99. The case of Mr. Maitree Chamroensuksakul, a Lahu indigenous human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 69 and Annex I, paras.103-104). Special procedures mandate holders raised concern at harassment and death threats against him following a meeting with the Special Rapporteur on the situation of human rights defenders (THA 4/2017), to which the Government responded.¹⁵⁸ Mr. Chamroensuksakul had documented and publicly raised violations against the Lahu community by law enforcement officers, and in particular the death of a 17-year old Lahu youth activist shot by military personnel in March 2017 during an alleged anti-drug operation. In May 2019, it was reported that Mr. Chamroensuksakul and his family continue to face intimidation and threats and are unable to return to their home. On 22 October 2018, the Government provided additional information to OHCHR, stating that the search of Mr. Chamroensuksakul's home took place with a warrant and was unrelated to the visit of the Special Rapporteur. The Government further noted that Mr. Chamroensuksakul is entitled to file a complaint for any damages incurred, and is eligible for witness protection concerning the death of the youth activist.

100. The case of Ms. Sirikan Charoensiri, of Thai Lawyers for Human Rights, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para.70 and Annex paras. 105-106) regarding criminal charges reportedly linked to her participation at the Human Rights Council in September 2016. Four special procedures mandate holders raised concerns (THA 2/2017) to which the Government responded.¹⁵⁹ Ms. Charoensiri also participated in the March 2017 session of the Human Rights Committee, where she publicized the case of 14 student activists arrested for their alleged participation in peaceful protests following the military coup in May 2014. It was reported that, if found guilty, Ms. Charoensiri could face up to 15 years in jail and could be tried in a military court for sedition. During the reporting period, Ms. Charoensiri's trial was postponed for the 11th time. On 22 October 2018, the Government provided information that the three criminal

157 S/2019/191, paras. 45–52 and 72–75; S/2018/1103, paras. 34–44 and 57–61; S/2018/831, paras. 37–50 and 63–68.

158 Response from Government:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33567>.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34373>.

159 Response from Government:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33464>.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33629>.

complaints against Ms. Charoensiri were still being investigated. It noted that she was not being charged in her capacity as a lawyer or human rights defender but on the possible basis of being one of the principal offenders or accomplices in the alleged offenses. It also noted that there was currently no legal proceeding against Ms. Charoensiri in the Military Court.

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

102. On 28 June 2019, the Government responded to the allegations providing detailed comments. The Government requested further details on the intimidation and threats against Mr. Chamroensuksakul and his family, in order to better understand how they relate to his cooperation with the UN. The Government also noted that the Ministry of Foreign Affairs has asked relevant agencies to verify this case and is waiting for more information. Regarding the situation of Ms. Sirikan Charoensiri, the Government further updated that the case had been postponed eleven times due to the procedures of the Office of the Attorney General, in particular its criminal procedure codes. The next hearing of the indictment decision is scheduled for late June 2019. Regarding the reported online smear campaign against Ms. Anghkhana Neelapaijit, the Government shared that she filed two libel complaints on 7 June 2017 and 18 September 2017. The Royal Thai Police instructed the competent authorities to treat them as urgent cases, which are still under investigation. Preliminary findings suggest that the incidents involve fake Facebook accounts.

27. United Arab Emirates

103. The case of Mr. Ahmed Mansoor, advisor to the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was included in the 2018 (A/HRC/39/41, Annex, para. 55), 2017 (A/HRC/36/31, para. 60 and Annex, paras. 86-87) and 2014 (A/HRC/27/38, para. 38) reports of the Secretary-General related to his collaboration with the Human Rights Council, the special procedures, the UPR and the treaty bodies. Mr. Mansoor was detained and experienced physical assaults, death threats, and government surveillance. He had been subject to a travel ban from 2011 to prevent him from engaging in person with United Nations human rights mechanisms. On 6 July 2018 the Government provided information to OHCHR, stating that Mr. Mansoor "was tried, convicted and sentenced to ten years' imprisonment" and is serving his sentence at the Al Sadr penal institution with the right to an appeal.

104. On 4 January 2019, the spokesperson for the High Commissioner for Human Rights expressed concern that the Court of State Security Chamber of the Federal Supreme Court had upheld a 10-year prison sentence and one-million dirham fine (about USD272,000) against Mr. Mansoor. The spokesperson urged the Government "to promptly and unconditionally release Mansoor and to ensure that individuals are not penalised for expressing views critical of the Government or its allies."¹⁶⁰ In April 2019, it was reported that Mr. Mansoor was on a hunger strike to protest an unfair trial and the conditions in which he is detained. On 7 May 2019, seven special procedures mandate holders expressed

¹⁶⁰ OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (4 January 2019).

grave concern over Mr. Mansoor's physical well-being and the poor conditions of his detention.¹⁶¹

105. The case of Mr. Osama Al-Najjar was mentioned in the 2018 and several previous reports of the Secretary-General (A/HRC/39/41, Annex II, paras. 57-58; A/HRC/33/19, para. 44; A/HRC/30/29, para. 6; and A/HRC/27/38, para. 37) and raised by five special procedures mandate holders (ARE 2/2015). He was alleged to have been subject to reprisals after meeting with the Special Rapporteur on the independence of judges and lawyers during her visit to the country in 2014. According to information received, Mr. Al-Najjar was arrested, tortured and held incommunicado in March 2014, was then transferred to Al Wathba prison, to be released on 17 March 2017, following the completion of his three-year sentence. However, in March 2017 the Federal Supreme Court reportedly refused to release him and, requested by the Public Prosecution, transferred him to a counselling center (Munasaha) for guidance and reform.

106. In 2017, the court extended his placement in this center twice. In May 2018, seven special procedures mandate holders expressed serious concern over the continued arbitrary detention of Mr. Al-Najjar beyond the term of his sentence on the basis of broad and vague anti-terrorism legislation (ARE 1/2018).¹⁶² On 6 July 2018 the Government provided follow up information, noting that Mr. Al-Najjar is going therapy and treatment at a counselling centre called a Munasaha Centre which "consists of psychological, social and religious sessions to uproot terrorist and extremist ideologies" based on "concern that he might commit a terrorist offence after leaving the prison" and a "threat to public security." In March 2019, it was reported that Mr. Al-Najjar was still being held in a counselling center despite having completed his sentence and treatment.

107. The case of Mr. Mohamad Ismat Mohamad Shaker Az was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex, para. 56 and 58) concerning his treatment following an Opinion issued by the Working Group on Arbitrary Detention who found his detention arbitrary (ARE 6/2017).¹⁶³ Mr. Shaker Az was placed in solitary confinement on 2 July 2017 for two months allegedly in retaliation after the issuance of Opinion of the Working Group. It was further reported that the prosecutor would ask for an increased penalty, from 15 years to life imprisonment. On 6 July 2018 the Government provided information that Mr. Shaker Az is "currently serving his sentence of imprisonment at the Al Wathba penal institution, where he receives appropriate health care, and is permitted to communicate with his family in accordance with the regulations and procedures applicable to penal and correctional institutions."

108. In May 2019, it was reported that Mr. Mohammed Shaker Az was allowed phone calls to his family on a monthly basis, but the last time they heard from him was on 14 February 2019. Concerns are reported that this might constitute further acts of reprisals for his engagement with the United Nations and that, while being denied access to his family, he might be subjected to acts of torture or other forms of ill-treatment.

28. Venezuela (Bolivarian Republic of)

109. The case of judge Ms. Maria Lourdes Afiuni was included in multiple reports of the Secretary-General since 2010 (A/HRC/14/19, paras 45-47; A/HRC/27/38, para. 46; A/HRC/30/29, para. 7; A/HRC/33/19, para. 45). On 23 March 2019, the Special Rapporteur on the independence of judges and lawyers issued a statement¹⁶⁴ on the ruling of the court in Caracas sentencing Judge Afiuni to five years imprisonment for corruption, which he

161 OHCHR, "UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor," (7 May 2019).

162 Response from Government: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34161>.

163 Opinion No. 21/2017 adopted by the Working Group on Arbitrary Detention at its seventy-eighth session, concerning Mohamad Ismat Mohamad Shaker Az (United Arab Emirates), 19–28 April 2017.

164 OHCHR, "Venezuela: UN expert condemns further sentence against Judge Afiuni, says clearly act of reprisal," (23 March 2019).

noted with grave concern was another act of reprisal against her. Ms. Afiuni had been arrested and imprisoned in 2009 for deciding on the conditional release of businessman Mr. Eligio Cedeño in accordance with a decision of the UN Working Group on Arbitrary Detention (No. 10/2009). While in detention, she was reportedly subject to ill-treatment that could amount to torture, and refused medical treatment. Ms. Afiuni was held in prison for 14 months. In 2011, she was granted house arrest for health reasons, and two years later released under the conditions of not leaving the country or using social media. On 5 July 2019 it was noted by the High Commissioner for Human Rights that Ms. Afiuni was provided a conditional release.¹⁶⁵ Her release was conditional based on one of the measures of her sentence and she is reportedly still at risk of being detained.

29. Viet Nam

110. The case of Mr. Nguyen Bac Truyen was included in the 2016 report of the Secretary-General (A/HRC/30/29, para. 42) due to his arrest, incommunicado detention and charges, allegedly in reprisals for his support to the 2014 visit of the Special Rapporteur on freedom of religion and belief to the country. Mr. Nguyen Bac Truyen has been the subject of several special procedures communications (VNM 4/2014; VNM 11/2014; VNM 8/2016; VNM 6/2017). He is currently serving an 11-year sentence at An Diem Prison, Quang Nam province, 1,600 kilometers away from his hometown. The Government has responded to allegations in June 2014, March 2015, January 2017, and January 2018. Mr. Nguyen Bac Truyen reportedly submitted a petition on 11 February 2019 requesting to be transferred to a prison near Ho Chi Minh City to allow for visits by his family and lawyer, and on 12 March 2019 his request was denied. He was also reportedly denied access to letters of support from international organizations. A member State requested the immediate release of Mr. Truyen in the context of the UPR of Vietnam in January 2019 (A/HRC/41/7, para. 38.145).

111. Special procedures mandate holders expressed grave concern about surveillance, intimidation and travel bans against rights defenders and some members of the independent religious communities for their cooperation with the Special Rapporteur on freedom of religion of belief during his visit to Viet Nam in July 2014 (VNM 11/2014). Despite concerns raised during and after the visit,¹⁶⁶ individuals and groups reportedly continue to face severe restrictions in sharing information and meeting with United Nations experts and staff members.

112. A number of representatives of civil society, human rights defenders and religious organizations reportedly faced acts of reprisals after attending the NGO-organized August 2018 Southeast Asia Conference on Freedom of Religion or Belief in Bangkok, which included engagement with the United Nations Special Rapporteur on freedom of religion of belief. Of the 28 advocates invited from Viet Nam, two received police warnings against attending the conference, five were prevented from leaving Vietnam at border checkpoints or at the airport, two were detained and interrogated at the airport and their passports and cell phones were confiscated, and eight participants were summoned to the police station or visited by the police for questioning about their participation in the conference. Additionally, the police harassed family members of three participants while they were at the conference.

113. On 26 June 2019, the Government responded to the allegations. Regarding the situation of Mr. Nguyen Bac Truyen, the Government indicated that Mr. Truyen has participated in establishing an organization aimed at overthrowing the Government and his conviction was because he broke the law, not because of reprisals after the 2014 visit of the Special Rapporteur. The Government indicated that Mr. Truyen is currently detained in An

¹⁶⁵ OHCHR, Michelle Bachelet – Media Stakeout: Following Interactive Dialogue on Venezuela (Geneva, 5 July 2019): <http://webtv.un.org/media/media-stakeouts/watch/michelle-bachelet-ohchr-media-stakeout-following-interactive-dialogue-on-venezuela-geneva-5-july-2019/6055807284001>.

¹⁶⁶ OHCHR, “Autonomy of religious communities, a crucial test for the development of religious freedom in Viet Nam,” (31 July 2014).

Dien prison, his health is normal and he has access to healthcare, family visits and letters. The reply informs that his request for transfer could not be considered. Regarding the civil society representatives that attended or tried to attend the 2018 Southeast Asia Conference on Freedom of Religion or Belief, the Government stated that allegations are untrue, and that authorities do not "intimidate" or "harass" any individuals because they attend an international workshop.
