



## 人权理事会

### 第四十二届会议

2019年9月9日至27日

议程项目2和5

联合国人权事务高级专员的年度报告以及  
高级专员办事处的报告和秘书长的报告

人权机构和机制

## 与联合国及其人权领域的代表和机制的合作

### 秘书长的报告\*、\*\*

#### 概要

本报告按照人权理事会第12/2号决议提交。秘书长着重说明了联合国系统内外应对因寻求或曾经与联合国及其人权领域的代表和机制合作而遭到恐吓和报复问题的活动、政策动态及良好做法。报告介绍了人权事务高级专员办事处以及主管人权事务的助理秘书长作为领导联合国该领域工作的高级官员所开展的活动。本报告还载有指称恐吓和报复行为的信息，包括前一次报告(A/HRC/39/41)和更前次报告所列案件后续行动的信息。因字数限制，某些案件的更多信息列于附件一。前几次报告所列案件的后续行动信息列于附件二。报告的结尾部分总结了趋势，并提出了关于应对和预防恐吓和报复行为的建议。

\* 本报告在最后限期之后提交，以反映最新动态。

\*\* 本报告附件不译，仅以原文分发。



## 一. 导言

1. 人权理事会在第 12/2 号决议中表示关注，不断有报告称，一些个人和组织因寻求或曾经与联合国及其人权领域代表和机制合作而遭到恐吓和报复。理事会还谴责政府和非国家行为者实施的一切恐吓和报复行为，并请我向理事会第十四届会议提交报告，并在之后每年提交报告，在报告中将所有正当信息来源获得的有关指称报复行为的信息进行汇编并做出分析，并就如何解决这一问题提出建议。本报告便是按照第 12/2 号决议提交的第十次报告。<sup>1</sup>

## 二. 应对恐吓和报复行为的活动

2. 在与联合国各组织总部和实地办事处合作方面，国家和非国家行为者针对当前和以往的合作继续施行各种报复行为，并采取恐吓措施以阻碍今后的参与和合作。在本报告期内，联合国系统内在秘书处、实地办事处和和平特派团，并在大会、安全理事会、人权理事会及其机制、人权条约机构、土著问题常设论坛、妇女地位委员会、非政府组织委员会和世界银行集团都讨论过有关事件或趋势。

3. 秘书长依据大会第 72/247 号决议编写了《个人、群体和社会机构在促进和保护普遍公认的人权和基本自由方面的权利和义务宣言》二十周年报告，其中提及加强对恐吓和报复事件的应对(见 A/73/230, 第 21-26 段和第 64-66 段)。大会于 2018 年 12 月举行了一次高级别全体会议，敦促各国“预防和停止对……包括与联合国进行合作的和平示威者和人权维护者进行任意逮捕和拘留”。<sup>2</sup>

4. 在人权理事会，包括在国家决议中和在第三轮普遍定期审议(2017-2021 年)期间，都提出了回应和建议。在所审议的 98 个国家中，有 5 个收到了明确建议，其中有 2 个在本报告期内。<sup>3</sup> 联合国人权事务高级专员对“针对与联合国合作的受害者、人权维护者和非政府组织的报复行为”表示关切。<sup>4</sup>

5. 人权理事会认识到，环境人权维护者与联合国接触和沟通的权利非常重要，因此请秘书长继续将针对他们的指称恐吓和报复行为列入年度报告。<sup>5</sup>

6. 连续几届人权理事会主席都试图通过斡旋来处理理事会会议上和边会期间国家代表的指称报复行为以及对参加理事会会议的旅行限制。2019 年 3 月，主席强调了民间社会“的贡献至关重要”，并指出“我们有责任为他们提供足够的安全空间作出这些贡献”。<sup>6</sup>

<sup>1</sup> A/HRC/14/19、A/HRC/18/19、A/HRC/21/18、A/HRC/24/29 及其 A/HRC/24/29/Corr.1、A/HRC/27/38、A/HRC/30/29、A/HRC/33/19、A/HRC/36/31 以及 A/HRC/39/41。

<sup>2</sup> 大会第 73/173 号决议，第 2 段。

<sup>3</sup> 见对中国的审议(A/HRC/40/6, 第 28.339 段)和对古巴的审议(A/HRC/39/16, 第 24.158 段)。

<sup>4</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>。

<sup>5</sup> 人权理事会第 40/11 号决议，第 12 和第 27 段。

<sup>6</sup> <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>。

7. 主管人权事务的助理秘书长是接受任命来领导恐吓和报复行为应对工作的高级官员，在其领导下，联合国人权事务高级专员办事处(人权高专办)组织了活动，直接与合作伙伴和受害者进行商议。2018年12月，人权高专办在纽约与法律和学术专家举行了一次磋商会，研究被用来限制与联合国接触的法律和政策措施。2018年，人权高专办与东南亚和中亚的民间社会举行了区域磋商，随后于2019年5月在内罗毕与来自10个东非国家的民间社会成员进行了接触。

8. 人权高专办努力落实联合国开发计划署(开发署)、人权高专办和国家人权机构全球联盟制定的关于报复和恐吓行为的准则(见A/74/226,第80-86段)。本报告谈及国家人权机构的具体案例，此问题也在全球联盟于2018年10月通过的《马拉喀什宣言》中提及。<sup>7</sup>2019年9月，人权理事会第39/17号决议确认国家人权机构能发挥作用，“预防和处理报复案件，以此支持各国与联合国的合作”，并强调此类机构“不应受到任何形式的报复或恐吓”。<sup>8</sup>

9. 2019年4月，人权高专办开始在联合国秘书处、各机构、各基金和方案内进行有组织的咨询，以便进一步收集有关现有指南、资源和政策的资料并讨论建议。人权高专办还与包括欧洲委员会在内的区域政府间组织和多边开发银行一起，努力改进跨区域信息共享和分析工作。

10. 按照土著问题常设论坛的请求(见E/2018/43-E/C.19/2018/11,第14段)，助理秘书长于2019年4月24日处理了针对土著人民普遍存在的恐吓和报复行为。他鼓励进行更多定期报告、记录网络事件、分析国家法律和政策如何影响土著人民与联合国的接触。<sup>9</sup>常设论坛促请向 [reprisals@ohchr.org](mailto:reprisals@ohchr.org) 进行报告(见E/2019/43-E/C.19/2019/10,第71段)。

11. 2018年10月，世界银行和人权高专办面向多边开发银行及其独立问责机制合办的有关报复问题的圆桌会议，这是首次举办此类会议。2019年4月，人权高专办与美洲开发银行独立咨询和调查机制合办了关于开发性融资中报复行为风险的圆桌会议。高级专员在会上指出，通过“对报复行为采取‘零容忍’政策并以行动来支持”，预防措施可以产生强大的影响。她强调称：“通过故意运用或更确切地说是误用国内法，包括对非政府组织的注册和监管、资金限制、对言论自由、结社自由和和平集会自由的限制，以及滥用反恐法律，越来越多地施以压制”。<sup>10</sup>

12. 应各条约机构主席关于确定良好做法并提升协调人和报告员的作用的请求，<sup>11</sup>人权高专办和国际人权服务社与大赦国际和联合国条约机构非政府组织网络一起，于2018年12月在日内瓦举办了研讨会。2019年4月，条约机构启动了关于

<sup>7</sup> [https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration\\_EN\\_%2012102018%20-%20FINAL.pdf](https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration_EN_%2012102018%20-%20FINAL.pdf)。

<sup>8</sup> 人权理事会第39/17号决议，第4段；另见大会第72/181号决议，第6和第11段。

<sup>9</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24513&LangID=E>。

<sup>10</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24486&LangID=E>。

<sup>11</sup> 见A/73/140,第78段，及HRI/MC/2018/CRP.2。

报复问题的公共网页，<sup>12</sup> 2019 年 6 月，各条约机构主席与助理秘书长进行了对话，总结了良好做法。<sup>13</sup>

13. 人权理事会特别程序在一系列函件、公开讲话、新闻稿、报告和会议中讨论了报复问题。<sup>14</sup> 特别程序强调有必要保证完整记录案件以全面评估趋势，并任命了一位新的报复问题协调人。<sup>15</sup>

### 三. 政策动态和良好做法

14. 在就 2018 年报告(A/HRC/39/41)进行互动对话时，一些会员国和民间社会组织建议联合国收集有关处理和预防报复行为的良好做法的信息。2019 年 2 月，人权高专办发出了问卷<sup>16</sup>并整理了提交的回复。

15. 在国际层面，各国<sup>17</sup>强调要支持人权理事会的工作，包括普遍定期审议工作，并支持助理秘书长推动民间社会的参与。几位现任成员承诺坚决反对报复行为，加强对民间社会的保护，并推动其参加理事会。<sup>18</sup>

16. 关于个人的安全和保障，各国提到了对非政府组织财务上的资金支持、人权维护者保护指南以及外交干预，例如欧洲联盟人权维护者准则和对遭受风险者的紧急援助。<sup>19</sup>

17. 在国家层面，各国着重指出，确立强有力的法律框架使民间社会的参与成为国家优先事项，同时对报告的事件进行审查，这些都是良好的做法。民间社会成员谈到了规范性框架，其中明确了与区域和国际机构接触、交流和合作的权利。有些国家增列了条款或颁布了特定法律以保障能够诉诸国际论坛。<sup>20</sup>

18. 举例而言，在埃塞俄比亚，有报告称最近出现立法动态，该国进行了改革以便让民间社会能够参与联合国人权事务。2018 年 8 月 17 日，和平集会自由权和

<sup>12</sup> <https://www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx>。

<sup>13</sup> HRI/MC/2019/2 及 <https://www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx>。

<sup>14</sup> [https://www.ohchr.org/Documents/HRBodies/SP/HRC40\\_ChairItem5\\_13\\_March2019.docx](https://www.ohchr.org/Documents/HRBodies/SP/HRC40_ChairItem5_13_March2019.docx)；另见 A/73/215, 第 54-58 段；A/HRC/40/60, 第 48-51 段和第 109 (b)段；及 A/HRC/38/34, 第 51 段。

<sup>15</sup> 何塞·盖瓦拉·贝穆德斯先生，任意拘留问题工作组主席兼报告员(见 A/HRC/40/38, 第四节及第五节 B.2 部分)。

<sup>16</sup> <https://www.ohchr.org/EN/Issues/Reprisals/Pages/GoodPractices.aspx>。

<sup>17</sup> 在截止日期前收到了下列国家的回复：波斯尼亚和黑塞哥维那、克罗地亚、匈牙利、爱尔兰、毛里求斯、荷兰、波兰、斯洛伐克、瑞士、泰国、突尼斯、大不列颠及北爱尔兰联合王国、美利坚合众国。

<sup>18</sup> 阿富汗(见 A/72/377, 附件, 第 20(i)段)；安哥拉(见 A/72/79, 附件, 第 10(b)段)；阿根廷(见 A/73/387, 附件, 第 34 段)；澳大利亚(见 A/72/212, 附件, 第 15 段)；奥地利(见 A/73/339, 附件, 第 8 段)；捷克(见 A/73/82, 附件, 第 2 页)；丹麦(见 A/73/130, 附件, 第 8 段)；冰岛(见 A/72/923, 附件, 第 18 段)；联合王国(见 A/71/572, 附件, 第 14 段)；乌拉圭(见 A/73/318, 附件, 第 4 段)。

<sup>19</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders](https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders)。

<sup>20</sup> [https://www.ishr.ch/sites/default/files/files/final\\_good\\_practice\\_reprisals\\_submission\\_to\\_2019\\_sg\\_report\\_rev.pdf](https://www.ishr.ch/sites/default/files/files/final_good_practice_reprisals_submission_to_2019_sg_report_rev.pdf)。

结社自由权特别报告员谈及关于结社自由、媒体和获取信息自由、反恐和打击计算机犯罪的新兴立法改革(ETH 2/2018),认为这是加强法治的积极动态。在 2018 年之前,合作伙伴报告称,由于担心遭到报复而不愿与联合国接触。2019 年 4 月,特别程序赞赏埃塞俄比亚政府在修订《民间社会公告》方面采取的积极步骤,尽管立法上仍有一些障碍。<sup>21</sup> 各国在 2019 年 5 月的普遍定期审议中提出了扩大改革的建议,<sup>22</sup> 高级专员在 2019 年 3 月也提及这一点。<sup>23</sup>

19. 在编制准则和完善报告方面,已经开展了好几项措施。人权理事会第 39/11 号决议中陈述了各国切实落实参与公共事务权的准则,其中谈及恐吓和报复(例如见 A/HRC/39/28, 第 102 段)。人权高专办编制了关于将性别平等视角纳入人权调查的指南,其中也包括在防止报复行为的措施中纳入性别平等视角。<sup>24</sup>

20. 世界银行集团编制了有关其项目所涉投诉的良好做法。在准则发布后,<sup>25</sup> 合规顾问/监察员办公室报告了投诉情况,对投诉按地区和威胁所称来源进行了分类。<sup>26</sup>

21. 2018 年 10 月,国际金融公司发表了关于针对民间社会和项目利益相关方的报复行为的声明,<sup>27</sup> 坚定地表示它不会容忍“威胁、恐吓、骚扰或暴力等相当于报复”的行为。国际金融公司正在就风险筛查程序等内容制定内部规程。

22. 开发署审计和调查处社会与环境合规股初步批准了对其工作所涉风险和报复行为进行管控的标准运行程序,将公开征求意见。社会与环境合规股还协助美洲开发银行开发了一套关于报复风险应对措施的工具包。<sup>28</sup>

23. 和平行动部关于保护平民的 2019 年政策修订草案规定,维和特派团的所有组成部分都不能让平民因与特派团合作而遭受风险或伤害。该草案纳入了防止报复的措施,包括可能对个人的保护措施,该草案还要求在开展行动前对军事和警察组成部分进行风险评估,以减缓对平民的伤害。

24. 2019 年 3 月,在妇女地位委员会第六十三届会议闭幕会议期间,联合国促进性别平等和增强妇女权能署(妇女署)<sup>29</sup> 和委员会主席对委员会会议定结论协调人据报受到网络欺凌的事件表示关切。妇女署对网络欺凌事件遭到一致谴责表示赞赏,并指出网络欺凌在联合国无立足之地。

<sup>21</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24443&LangID=E>。

<sup>22</sup> 见 A/HRC/42/14, 第一.B 节, 及第 163.56、163.58-163.63、163.68-163.69 及第 163.218-163.220 段。

<sup>23</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24265&LangID=E>。

<sup>24</sup> [https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective\\_EN.pdf](https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf)。

<sup>25</sup> <http://www.cao-ombudsman.org/newsroom/documents/CAOApproachtoReprisals.htm>。

<sup>26</sup> <https://www.cao-ar18.org/reprisals-article/index.html>。

<sup>27</sup> [https://www.ifc.org/wps/wcm/connect/ec379db4-56f1-41e1-9d86-8ea05945bc67/EN\\_IFC\\_Reprisals\\_Statement\\_201810.pdf?MOD=AJPERES](https://www.ifc.org/wps/wcm/connect/ec379db4-56f1-41e1-9d86-8ea05945bc67/EN_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES)。

<sup>28</sup> [http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/\\$file/guide\\_for\\_iams\\_on\\_measures\\_to\\_address\\_the\\_risk\\_of\\_reprisals\\_in\\_complaints\\_management\\_february\\_2019.pdf](http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/$file/guide_for_iams_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf)。

<sup>29</sup> <http://www.unwomen.org/en/news/stories/2019/3/speech-ed-phumzile-closing-csw63>。



#### 四. 确保能够与联合国及其人权领域的代表和机制进行接触

25. 在我的前一次报告中以及在助理秘书长向人权理事会介绍该报告时，<sup>30</sup>谈到了阻止个人和机构在联合国论坛上公开表达意见的障碍。依然有报告称，国家代表试图阻止或拖延某些民间社会代表的资格认证，尤其是在人权领域。

26. 人权高专办继续收到报告称，个人在联合国会议上未经本人同意就被拍摄或拍照，还称在闭门会议上有人偷偷对发言进行录音，如此营造恐吓气氛，可能使其他人不敢参会。在实地工作中，一些和平特派团人权部门的工作人员或参与保护平民的人员继续报告说，与社区接触存在障碍，因为他们恐惧或遭到了恐吓(见 A/HRC/39/41, 第 80 段)。安全理事会敦促让和平特派团不受阻挠地进入以执行任务。<sup>31</sup>

27. 特别程序处理了接触问题。人权维护者处境问题特别报告员指出，由于限制性国家政策阻碍人权维护者注册或不向其提供旅行许可，因此人权维护者被排除在外(见 A/73/215, 第 54-58 段)。报告员在讨论妇女人权维护者的处境时提及大会的“无异议程序”，该程序允许各国无需提供理由就可以否决任何一个非政府组织参会。妇女人权维护者在会议前后都受到旅行禁令、骚扰、审讯、任意拘留和人身攻击(见 A/HRC/40/60, 第 48-51 段和第 109(b)段)。结社自由权和和平集会自由权特别报告员将“数量令人忧虑”的指称报复行为和有所增加的针对人权维护者活动追究刑事责任的情况联系在一起(见 A/HRC/38/34, 第 51 段)。

28. 连续几次报告持续注意到非政府组织委员会的工作量和工作方法，该委员会的任务是审议经济及社会理事会咨商地位的申请(见 E/2019/32(第一部分)和 E/2019/32(第二部分))。秘书处经济及社会事务部报告，2018 年 9 月，有 5,000 多个非政府组织享有一般或特别咨商地位或在候选名单上(见 E/2018/INF/5)。对咨商地位的需求仍然很高；经济及社会事务部在 2018 年这一周期收到了 820 份申请，比以往更多，<sup>32</sup>这表明在全球范围内咨商地位对非政府组织的重要性。

29. 2019 年 1 月，选出了 19 个国家<sup>33</sup>在该委员会任职，任期四年。<sup>34</sup>在 2019 年 5 月的续会上，委员会建议批准 219 份咨商地位申请，推迟 268 份申请(E/2019/32(第二部分))，推迟率与上一年相当(见 A/HRC/39/41, 第 22 段)。

30. 人权理事会特别程序于 2018 年 10 月会见了委员会主席，并于 2019 年 6 月 20 日发出载有建议的内容全面的信函，其中指出，“依然认为非政府组织不断增长的大量关于咨商地位的申请被任意推迟，由于委员会成员提出了出于政治动

<sup>30</sup> 见 A/HRC/39/41, 第 20-21 段，及 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23591&LangID=E>。

<sup>31</sup> 见安全理事会第 2463 (2019)号决议(刚果民主共和国)；第 2423(2018)号决议(马里)；第 2472 (2019)号决议(索马里)；第 2454(2019)号决议(中非共和国)；及第 2459 (2019)号决议(南苏丹)。

<sup>32</sup> <https://www.un.org/press/en/2019/ecosoc6982.doc.htm>。

<sup>33</sup> 成员包括巴林、巴西、布隆迪、中国、古巴、爱沙尼亚、埃斯瓦蒂尼、希腊、印度、以色列、利比亚、墨西哥、尼加拉瓜、尼日利亚、巴基斯坦、俄罗斯联邦、苏丹、土耳其和美国。

<sup>34</sup> 经济及社会理事会第 2018/201 E 号决定，可在此查询 <https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2018/decision.2018.201.e.pdf>。

机的和重复性的问题”。<sup>35</sup> 因为一名委员会成员提的问题即为整个委员会提的，因此会员国在审议委员会工作方法时处理了这些问题(见 E/2019/32(第一部分)，第 38 段和第 40-43 段)。委员会主席宣布建立一个非正式工作组，以审议对寻求咨商地位的非政府组织采用与制裁名单相连的甄选方法。<sup>36</sup>

31. 在我的前一次报告中，我欢迎委员会为提高透明度所作的积极努力，特别是通过网络播放其公开的讨论。我注意到大会邀请委员会审查如何“有效地受理非政府组织提出的越来越多的申请”。<sup>37</sup> 如前所述，在一些情况下，不断推迟申请实际相当于驳回，且看似针对的是从事人权工作的组织(见 A/HRC/39/41, 第 23 段和 A/HRC/38/18, 第 20 段)。我再次呼吁委员会公正透明地运用标准来评估各组织。

## 五. 收到的因与联合国及其人权领域的代表和机制合作而遭受恐吓或报复的案件信息

### A. 一般性评论

32. 本报告所载案件基于 2018 年 6 月 1 日至 2019 年 5 月 31 日收集的信息，并根据人权理事会第 12/2 号决议和第 24/24 号决议，载有关于对以下人员的恐吓或报复行为的信息：

(a) 寻求与联合国及其人权领域的代表和机制合作或曾经与其合作的个人，或曾经向其提供证词或信息的个人；

(b) 利用或曾经利用联合国组织设立的保护人权和基本自由程序的个人，以及所有为此目的曾向其提供法律和其他援助的个人；

(c) 根据联合国人权文书设立的程序提交或曾经提交来文的个人，以及所有为此目的向他们提供法律或其他援助的个人；

(d) 侵犯人权行为受害者的亲属，或向受害者提供法律或其他援助的个人的亲属。

33. 收到的这些信息尽可能得到了第一来源和其他来源的核实和证实。本报告也提到了公布这些案件的各种联合国出版物。本报告还载有各国政府作出的回应，将其作为国家行动的积极案例。

34. 本报告及附件并不试图提供详尽的案件清单。本报告的编制工作严格遵守了“不伤害”原则，严格确保提及指控中受害者的姓名要得到其同意，并对收到和认为可信的每个案件进行了风险评估。因此，本报告决定如果认定案件中有关个人或家庭成员的安全和福祉风险过高，则不将该案件包括在内。此外，提请我注意的一些案件在保密情况下处理，没有列入本报告。

<sup>35</sup> [https://www.ohchr.org/Documents/HRBodies/SP/CC\\_Chair\\_letter\\_to\\_NGO\\_Committee\\_20062019.pdf](https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf)。

<sup>36</sup> <https://www.un.org/press/en/2019/ecosoc6982.doc.htm>。

<sup>37</sup> 大会第 72/305 号决议，第 22 段。

35. 因字数限制，主报告中概述的案件的更多信息以及已收到的政府回应，载于附件一。前几次报告提到的未结案件，若在本报告期内出现新的动态，其相关信息载于附件二。<sup>38</sup> 本报告中提到的人权理事会特别程序任务负责人的来文以及政府对此的回应，可根据括号中的案件编号在网上查询。<sup>39</sup>

## B. 案件概要

### 阿尔及利亚

36. 2018 年 7 月，人权事务委员会呼吁阿尔及利亚保证与委员会合作过的个人不遭受报复，并且放弃对由于与委员会合作而被起诉的个人的控罪，将其释放和给予赔偿(见 CCPR/C/DZA/CO/4, 第 8(b)段)。

### 巴哈马

37. 2019 年 5 月 30 日，消除对妇女一切形式歧视委员会发出了一封关于妇女权利和性别问题人权维护者 Alicia Wallace 女士的信函。据报告，她和她的同事遭到了一位著名广播节目主持人和打进节目电话的人的诋毁性评论，包括关于她们于 2018 年 10 月接触了该委员会的评论。2019 年 6 月 22 日，该国政府作出了回应。

### 巴林

38. 2018 年 7 月，人权事务委员会关切地注意到，有大量报告称，巴林人权维护者和记者遭到报复，特别是在这些人与条约机构和人权理事会合作的时候(见 CCPR/C/BHR/CO/1, 第 59 段)。委员会关切地注意到 Sayed Ahmed Al-Wadaei 先生和 Ebtesam Abdulhusain Ali-Alsaegh 女士的案件。

39. 人权高专办收到指控称，旅行禁令仍然有效，这使巴林的一些民间社会代表(名字略去，由于担心遭到进一步报复)无法参加 2019 年 3 月的人权理事会会议。附件二载有对以下人士持续报复行为的指控：Sayed Ahmed Al-Wadaei 先生、Hajar Mansoor Hassan 女士、Medina Ali 女士、Najah Yusuf 女士、Ebtesam Abdulhusain Ali-Alsaegh 女士和 Nabeel Rajab 先生。2019 年 6 月 19 日，该国政府作出了回应。

### 孟加拉国

40. 据报告，在土著问题常设论坛 2019 年 4 月在纽约召开的会议上，一些人权倡导者和土著人民代表，尤其是来自吉大港山区的代表，受到了恐吓。这些人受到跟踪，未经同意即被录像，并被要求不要在公开会议上发言，因此这些人就没有与联合国官员交谈。附件二载有针对孟加拉促进人权组织(Odhikar)及此非政府组织工作人员的持续报复行为的指控。2019 年 7 月 5 日，该国政府作出了回应。

<sup>38</sup> 在前几次报告中提及且在本报告期内出现相关动态、仅列于附件二的国家如下：喀麦隆、吉布提、吉尔吉斯斯坦、马里、墨西哥、菲律宾，俄罗斯联邦，南苏丹和泰国。

<sup>39</sup> <https://spcommreports.ohchr.org>。



## 贝宁

41. 2018 年 7 月，防范酷刑和其他残忍、不人道或有辱人格待遇或处罚小组委员会报告称，被拘留人员担心因与其代表团谈话而遭到报复，特别是被拘留在 Agblangandan 警察局和 Cotonou 监狱的人员。小组委员会要求该国政府提供信息，说明为预防报复行为所采取的措施(见 CAT/OP/BEN/3, 第 107-108 段)。

## 多民族玻利维亚国

42. 2018 年 7 月，防范酷刑小组委员会报告称，出于担心遭到报复等原因，其代表团成员未能单独与两所监狱里的囚犯交谈。在这次探访之后，该国政府提供了信息，说明为处理这些指控而采取的措施(见 CAT/OP/BOL/3, 第 3、第 14 和第 126-131 段)。

## 布隆迪

43. 2018 年 9 月 15 日，布隆迪常驻日内瓦代表团向人权高专办发出普通照会，要求撤回人权维护者经过经济及社会理事会认证的代表证，其中包括布隆迪人权维护者联盟的成员。照会中提及姓名的人权维护者后来在社交媒体上遭到攻击。Marie Louise Baricako 女士、Janvier Bigirimana 先生、Yvette Ininahazwe 女士、Pierre Claver Mbonimpa 先生、Eulalie Nibizi 女士、Alexandre Niyungeko 先生、Pacifique Nininahazwe 先生和 Vital Nshimirimana 先生同意公开姓名，但其他人担心遭到进一步报复而没有同意。附件二载有关于 Armel Niyongere 先生、Dieudonné Bashirahishize 先生、Vital Nshimirimana 先生和 Lambert Nigarura 先生持续遭受报复的指控。

44. 2018 年 10 月 5 日，人权理事会敦促布隆迪政府停止对与人权理事会等国际人权机制合作的人权维护者的任何报复。<sup>40</sup> 2019 年 3 月 5 日，高级专员非常遗憾地宣布，人权高专办驻布隆迪办事处在该国政府的坚持下已经关闭，自 2016 年 10 月中止合作以来，其工作人员“对侵犯人权行为的指控进行调查的能力受到严重阻碍”。<sup>41</sup>

## 中国

45. 数位活动人士、人权维护者和律师向人权高专办报告称，他们因为参加培训课(包括与联合国工作人员一起的培训)或与联合国人权机制接触而成为攻击对象。据报告，报复行为包括拘留和监禁服刑、拘留期间被虐待、扣押财产和监视。受影响的包括李小玲女士、李昱函女士、刘正清先生、许艳女士和甄江华先生。

46. 人权高专办收到报告，中国人权维护者这个非政府组织的工作人员因与联合国分享信息以及为在中国的人权维护者举办人权培训课而遭到恐吓和骚扰。以下人士的未结案件出现了新动态，相关信息载于附件二：陈建芳女士、王宇女士、秦永敏先生、赵素利女士、糜崇标先生、李克珍女士、李文足女士、王峭岭女

<sup>40</sup> 人权理事会第 39/14 号决议，第 15 段。

<sup>41</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24254&LangID=E>。

士、李和平先生、江天勇先生和多力坤·艾沙先生。2019年7月1日，该国政府作出了回应。

### 哥伦比亚

47. 据报告，国家检察官办公室刑事调查的一位关键受保护证人 Wilmer Orlando Anteliz Gonzalez 中尉，因在哥伦比亚与人权高专办合作而受到了纪律调查、降职和非自愿调动，另外对他和他的家人缺乏适当的保护措施，他们还遭到了死亡威胁。2018年11月15日，助理秘书长以书面形式表示关切。另据报道，伊坦戈(安蒂奥基亚省)的一名妇女人权维护者(姓名隐去)因与人权高专办和其他联合国机构会面而收到了非法武装团体的死亡威胁，因此被迫搬家和避免一切联络。附件二载有关于对 Germán Graciano Posso 先生的持续报复行为的指控。

### 古巴

48. 2018年8月，消除种族歧视委员会处理了对人权维护者的旅行限制，这些限制使人权维护者无法参加该委员会关于古巴的会议(见 CERD/C/CUB/CO/19-21, 第 13-14 段)。人权高专办收到报告称，非洲人后裔权利维护者 Norberto Mesa Carbonell 先生于 2018 年 7 月在编写提交委员会的文件时收到了对其近亲采取法律行动的威胁。2018 年 8 月，委员会以书面形式处理了该指控，该国政府于 2018 年 10 月 15 日作出了回应。附件二载有对 Juan Antonio Madrazo Luna 先生和 Dora L. Mesa 女士进行持续恐吓和报复行为的指控。2018 年 12 月，助理秘书长以书面形式处理了 Mesa 女士的情况，2019 年 1 月 16 日和 2019 年 6 月 21 日，该国政府作出了回应。

### 刚果民主共和国

49. 据报告，2019年2月，Kwilu Ngongo(刚果中央省)的一位民间社会成员因与联合国组织刚果民主共和国稳定特派团(联刚稳定团)联合国联合人权办公室分享了侵犯人权行为信息而遭到当地有关部门的公开诋毁并被撤职。

50. 2019年4月12日，特别程序任务负责人致函刚果民主共和国政府、中国政府、威海国际经济技术合作股份有限公司和世界银行，谈及需要帮助的妇女和儿童救助网络的人权维护者因与世界银行合作而遭遇死亡威胁和企图绑架行为(COD 1/2019、CHN 2/2019、OTH 15/2019 和 OTH 16/2019)。人权维护者谴责高优先级道路重新开放和维护(ProRoutes)项目中与布卡武一戈马道路建设有关的侵犯人权行为。中国政府于 2019 年 5 月 21 日作出了回应，<sup>42</sup> 世界银行于 2019 年 6 月 7 日作出了回应。<sup>43</sup>

### 埃及

51. 2018年11月2日，特别程序任务负责人处理了对强迫迁离和侵犯人身完整权、自由权和安全权的指控，指出这种侵犯似乎已成为针对与适当生活水准权所含适当住房及在此方面不受歧视权问题特别报告员在 2018 年访问埃及期间进行

<sup>42</sup> 可在以下链接查询该国政府的回应：  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34713>。

<sup>43</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34732>。

合作的个人施加恐吓和报复行为的“一种模式”。<sup>44</sup> 2019年1月1日，该国政府作出了回应。<sup>45</sup>

52. 据报告，2019年3月民间社会代表在人权理事会会议及其边会期间遭到骚扰和监视。附件二载有对 Ebrahim Abdelmonem Metwally Hegazy 先生、Ahmed Shawky Abdelsattar Mohamed Amasha 博士、开罗人权研究所的工作人员及其家人、Bahey El Din Hassan 先生和 Mohamed Zaree 先生进行持续报复行为的指控，同时述及了限制民间社会的法律。

### 厄立特里亚

53. 据厄立特里亚人权状况特别报告员报告，难以记录法外处决，原因是担心遭到报复行为(见 A/HRC/38/50, 第 61 段)，特别报告员还在向大会的发言中提到了报复行为。<sup>46</sup> 人权理事会鼓励各国保护并充分关注那些与厄立特里亚人权调查委员会和特别报告员合作的人员的安全，尤其是保护他们免遭报复。<sup>47</sup>

### 危地马拉

54. 特别程序任务负责人多次处理了宪法法院的法官们遭到司法弹劾(*antejuicios*)、公开污蔑和诽谤的事件，包括 Francisco de Mata Vela 先生、Bonerge Mejía 先生和 Gloria Porras 女士及他们的亲属，原因是他们与消除危地马拉国内有罪不罚现象国际委员会(CICIG)进行了合作。各任务负责人还对擅长处理腐败、有组织犯罪和非法资金流动等知名案件的法官们据报遭到报复表达了关切，法官包括：Erika Lorena Aifán Dávila 女士、Iris Yassmin Barrios 女士和 Miguel Angel Gálvez Aguilar 先生(GTM 7/2018, GTM 13/2018 和 GTM 1/2019)<sup>48</sup> 以及 Juan Pablo Xitumul de Paz 先生。

55. 2019年4月25日，助理秘书长以书面形式提出上述指控，还提及因与国际委员会合作而成为攻击对象并遭到指称报复行为的人士，有危地马拉人权维护者保护机构的 Claudia Samayoa 女士、现在正义的 José Manuel Martínez 先生、Mack 基金会的 Helen Mack 女士。附件二载有关于对国家人权机构及其监察员 Augusto Jordán Rodas Andrade 先生进行持续报复的指控。2019年6月24日，该国政府作出了回应。

### 洪都拉斯

56. 据报告，来自防止酷刑、残忍、不人道和有辱人格的待遇的国家预防机制的 Glenda Ayala 女士在她于 2018 年 5 月参加了强迫失踪问题委员会对洪都拉斯的审查后遭到了报复行为。附件二载有关于对 Hedme Castro 女士进行持续报复的指控，以及有关 Jerson Xitumul Morales 先生处境的积极结果。

<sup>44</sup> 见 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23671&LangID=E> ; EGY 16/2018; 以及 A/HRC/40/60/Add.1 及 A/HRC/40/60/Add.1/Corr.1, 第 585 和第 593 段。

<sup>45</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34459>。

<sup>46</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23774&LangID=E>。

<sup>47</sup> 人权理事会第 38/15 号决议，第 8 段。

<sup>48</sup> 可在以下链接查询该国政府的回应：  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34634>。

## 匈牙利

57. 2018年9月10日，特别程序任务负责人谈到了监管民间社会的法律和做法(HUN 7/2018)。<sup>49</sup> 各任务负责人提及《非政府组织透明法》(HUN 2/2017)，声称该法案会给外国资助的非政府组织蒙上污名。负责人注意到，《2018年第六号法令》是在《刑法》中将“支持和协助非法移民”确立为一项新的刑事犯罪，也是对《税法》进行修正，其中包括对“促进移民”的组织的供资征收25%的税款，据报这两项限制了与联合国难民事务高级专员公署等帮助移民和难民的联合国实体的合作。据报告，上述法律举措和相关的污蔑性公共言论威胁和阻止民间社会与联合国合作，导致自我审查并在某些情况下影响到研究、宣传和知情报告。附件二述及关于匈牙利出版物 Figyelő 列出200多人持续进行污蔑的指控。2019年6月18日，该国政府作出了回应。

## 印度

58. 据报告，泰米尔纳德邦的环境人权维护者 Thirumurugan Gandhi 先生在欧洲参加了人权理事会会议和相关活动后返回即被拘留近两个月。附件二载有与《外国捐款管理法》有关的持续报复行为的指控，包括对大赦国际印度办事处、绿色和平印度办事处、社会发展中心的 Nobokishore Urikhimbam 先生和其他人，及社会关切促进中心的 Henri Tiphagne 先生，还载有对 Khurram Parvez 先生的持续报复行为。

## 伊朗伊斯兰共和国

59. 人权高专办于2019年1月收到报告，英国广播公司(BBC)波斯语频道的记者被污蔑为“反伊朗”，一些记者因在人权理事会会议上的发言而遭到跟踪、讯问并收到对其家人的威胁，特别程序任务负责人此前已通报了这种针对性行为(另见 IRN 29/2017 和 A/HRC/37/68, 第34段)。2019年1月15日，大会呼吁伊朗伊斯兰共和国停止报复相关人士，包括与联合国人权机制合作或试图与这些机制合作的人士。<sup>50</sup> 附件二载有关于 Raheleh Rahemipor 女士遭受持续报复的指控。2019年6月24日，该国政府作出了回应。

## 伊拉克

60. 2018年10月2日，特别程序任务负责人对 Imad Al Tamimi 先生遭受非法逮捕、强迫失踪和酷刑以及对 Israa Al Dujaili 女士遭到恐吓和威胁的有关指控提出关切，他们都来自 Al Wissam 人道主义大会，其遭遇涉及有关强迫失踪的记录(IRQ 3/2018、A/HRC/40/60/Add.1 及 A/HRC/40/60/Add.1/Corr.1, 第597、第600和第601段)。另外还有关于 Riyadh Al Karawi 先生受到威胁和骚扰的报告。针对 Al Wissam 人道主义大会的工作人员和志愿者接触强迫失踪问题委员会<sup>51</sup> 和强迫或非自愿失踪问题工作组，似乎形成了一种报复模式，各任务负责人对此表示关切，附件二载有对 Imad Amara 先生的报复行为。

<sup>49</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23533&LangID=E>。

<sup>50</sup> 大会第73/181号决定，第13段。

<sup>51</sup> 见 A/71/56, 第55-58段，及 A/HRC/33/19, 第23段。

## 以色列

61. 2019年5月31日，三位特别程序任务负责人对该国国家出版物表示关切，称其似乎在污蔑与联合国接触的民间社会组织，负责人还注意到与人权机制接触的民间社会受到骚扰的报告(ISR 8/2019)。<sup>52</sup>

62. 附件二载有针对 Hagai El-Ad 先生的第二起事件，以及有关 Omar Shakir 先生的新的信息。

## 哈萨克斯坦

63. 据报告，为协调民间社会对哈萨克斯坦普遍定期审议的努力而成立的新一代人权维护者联盟因与联合国合作于2019年3月遭到监视并被传讯接受质询，该联盟的秘密通信渠道也遭到破坏。

## 马来西亚

64. 2019年5月10日，特别程序任务负责人指出，男女同性恋、双性恋、跨性别者和双性者团体的人权维护者 Numan Afifi 先生因参加日内瓦人权理事会而被传接受讯问(MYS 2/2019)。人权高专办收到进一步报告，Persatuan Kesedaran Komuniti Selangor(增强马来西亚权利组织)的 Afifi 先生和 Rizal Rozhan 先生在马来西亚普遍定期审议成果会议的审议期间作了发言，因此受到网络骚扰。

## 马耳他

65. 据报告，Sarah Clarke 女士在2018年12月联合国马拉喀什高级别活动期间遭到马耳他高级官员的恐吓，当时她与国际笔会进行了合作(见 MLT 1/2019)。后来进行了公开澄清和私下道歉。2019年6月24日，该国政府作出了回应。

## 毛里塔尼亚

66. 2018年7月，禁止酷刑委员会处理了在审查毛里塔尼亚期间想与该委员会合作的人权维护者据称被拘留一事(见 CAT/C/MRT/CO/2, 第26-27段)。2018年8月27日，特别程序任务负责人指出以下人士遭到没收护照和旅行禁令：寡妇协会的 Maimouna Alpha Sy 女士、Aissata Anne 女士和 Aissata Diallo 女士，孤儿协会的 Sy Yaya Ousmane 先生，幸存者协会的 Baba Traoré 先生，因此他们无法前往日内瓦参加该委员会的会议(MRT 2/2018、A/HRC/40/60/Add.1 及 A/HRC/40/60/Add.1/Corr.1, 第622和第627段)。

## 摩洛哥

67. 2019年6月4日，特别程序任务负责人处理了关于 Naziha El Khalidi 女士的指控，在任务负责人向该国政府转交了关于她据称被逮捕、虐待并被刑事起诉的来文(MAR 1/2019)之后，这位撒拉威的记者遭到了国家司法警察的审问(MAR

<sup>52</sup> 可在以下链接查询该国政府的回应://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34808, 另见 A/HRC/40/43, 第31段。



2/2019)。<sup>53</sup> 附件二载有 Rachid Ghribi Laroussi 先生、Ennaâma Asfari 先生和 Ali Aarras 先生遭到持续报复的指控。

## 缅甸

68. 人权理事会、缅甸问题国际独立实况调查团和缅甸人权状况特别报告员对与联合国合作的人员面临恐吓和威胁表示关切，大会也提请对此予以注意。<sup>54</sup> 附件二载有 Aung Ko Htwe 先生遭到持续报复的指控。

## 尼加拉瓜

69. 2018 年 6 月至 2019 年 5 月，人权高专办记录了 23 起关于经常分享侵犯人权行为信息的个人遭到骚扰和迫害的案件。Braulio Abarca 先生、Levis Artola Rugama 先生、Marcos Cardona 先生、Gonzalo Carrión 先生、Haydée Castillo Flores 女士、Lerner Fonseca 先生、Sara Henríquez 女士、Mayorit Guevara 女士、Jonathan Francisco López 先生、Monica López Baltodano 女士、Félix Alejandro Maradiaga 先生、Medardo Mayrena 先生、Pedro Mena 先生、Ana Quiroz 女士、Francisca Ramírez 女士、Amaru Ruiz Aleman 先生和 Henry Ruiz Condega 先生同意在报告中提及他们的名字，其他人则因担心遭到进一步报复而没有同意。2019 年 2 月 22 日，高级专员对“反对派领导人被捕入狱，在某些情况下可能是对与联合国合作的报复行为”表示关切。<sup>55</sup>

70. 2018 年 11 月 7 日，特别程序任务负责人对 Jonathan Francisco López 先生遭到任意拘留、Félix Alejandro Maradiaga 先生遭到袭击、恐吓和威胁(NIC 5/2018; A/HRC/40/60/Add.1 及 A/HRC/40/60/Add.1/Corr.1, 第 246 段, 及 A/HRC/40/52, 第 58 段)以及对其他更多人<sup>56</sup> 表示关切，因为他们与联合国进行了合作，2018 年 11 月 27 日，该国政府作出了回应。2018 年 10 月 8 日，助理秘书长以书面形式向该国政府通报了对 López 先生的指称报复行为。

71. 2019 年 2 月 8 日，高级专员的发言人表示关切，尼加拉瓜民主和地方发展网络联盟(地方网络联盟)的办公室遭到据称没有搜查证的突然查抄，<sup>57</sup> 这是一个由在该国各地办公的 22 个民间社会组织组成的联盟，查抄发生在地方网络联盟成员等尼加拉瓜民间社会代表与高级专员在日内瓦会面 6 天之后。2019 年 3 月 12 日，特别程序任务负责人处理了这些指控(NIC 1/2019)。

## 波兰

72. 2018 年 12 月 13 日，特别程序任务负责人表示关切，即有报告称去参加在卡托维兹举行的《联合国气候变化框架公约》第二十四次缔约方大会的人权维护

<sup>53</sup> 可在以下链接查询该国政府的回应：  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34811>。

<sup>54</sup> 见人权理事会第 40/29 号决议；A/HRC/39/64, 第 9 段；A/HRC/40/68, 第 46 段；及大会第 73/264 号决议，第 8(e)段。

<sup>55</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24193&LangID=E>。

<sup>56</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E>。

<sup>57</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24148&LangID=E>。

者于 2018 年 12 月初被禁止进入该国。<sup>58</sup> 2019 年 1 月 25 日，助理秘书长进一步以书面形式谈及这些关切。人权高专办收到报告称，波兰国家人权机构和人权事务专员 Adam Bodnar 先生遭到了恐吓和报复。

### 沙特阿拉伯

73. 2019 年 2 月 8 日，特别程序任务负责人再次对与消除对妇女歧视委员会合作的妇女权利维护者 Samar Badawi 女士(见附件二)和 Loujain Al-Hathloul 女士受到任意拘留和有辱人格的待遇表示关注(SAU 1/2019)。该委员会的主席及其报复问题协调人于 2018 年 5 月 25 日、2018 年 7 月 20 日、2018 年 8 月 7 日、2018 年 11 月 13 日和 2018 年 11 月 20 日发出信函。2018 年 10 月 9 日和 2018 年 12 月 3 日，该国政府作出回应并提供了有关 Al-Hathloul 女士的信息。<sup>59</sup> 2019 年 4 月 9 日，助理秘书长以书面形式向该国政府通报了有关报复行为的指控。

74. 2018 年 6 月 25 日，特别程序任务负责人处理了对姆瓦塔纳人权组织的 Abdulrasheed Al-Faqih 先生和 Radhia Al-Mutawake 女士的指称报复行为，这种行为据报是根据来自在也门的沙特领导的联盟下达的命令。(SAU 8/2018；见下文也门部分)。人权高专办收到报告称，2019 年 3 月，ALQST 组织的 Yahya Al-Assiri 先生因参与对沙特阿拉伯的普遍定期审议而在社交媒体上受到威胁。附件二载有对 Mohammad Fahad Al Qahtani 先生、Essa Al Nukheifi 先生、Fawzan Mohsen Awad Al Harbi 先生、Amal Al Harbi 女士和 Samar Badawi 女士的持续报复行为的指控。

### 斯里兰卡

75. 人权高专办报告称，对人权维护者和侵犯人权行为受害人进行骚扰或监视的情况依然存在，包括当事人在前往参加人权理事会会议后受到当局的询问并遭到恐吓(A/HRC/40/23, 第 55 段)。另据报告，还有各种团体在理事会会议和边会期间发出死亡威胁。2018 年 8 月 2 日，特别程序任务负责人处理了对骚扰行为的指控，包括对 Sandya Ekneligoda 女士的网络攻击，以报复她试图寻求她丈夫生死和下落的真相(LKA 2/2018)，她丈夫 Prageeth Ekneligoda 先生是一名失踪的记者，强迫或非自愿失踪问题工作组于 2010 年记录了该失踪案件。

### 突尼斯

76. 人权高专办收到报告称，2019 年 1 月，突尼斯全国记者联盟因推广采用联合国特别程序来监测对记者的袭击而遭到网络攻击。根据修订后的《新闻法》，提交了对据称对此负责的安全部队代表的举报。

### 土库曼斯坦

77. 2018 年 11 月 27 日，特别程序任务负责人处理了针对 Daria Atdaeva 女士的指称报复行为，因为她于 2017 年在她的丈夫 Annamurad Nurmukhammedovich Atdaev 先生失踪一事上与强迫或非自愿失踪问题工作组进行了合作(TKM 2/2018)。2019 年 6 月 25 日，该国政府作出了回应。

<sup>58</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24017&LangID=E>。

<sup>59</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34611>。

## 阿拉伯联合酋长国

78. 据报告，黎巴嫩公民 Ahmad Ali Mekkaoui 先生被单独监禁，家人探访受到限制，针对他和他的亲属还采取了另外的法律行动，而在此之前任意拘留问题工作组于 2017 年 8 月认定他被任意拘留(见 A/HRC/WGAD/2017/47)，2018 年 12 月，Al Araby 电视频道播出了他的案子及相关意见。

79. 人权高专办收到的报告称，在与联合国分享信息后，三位妇女 — Alya Abdulnoor 女士、Maryam Soulayman Al-Ballushi 女士和 Amina Alabduli 女士的状况有所恶化。2019 年 2 月 12 日，特别程序任务负责人鉴于这三位女士的拘留条件以及缺乏适当治疗的情况提出了酷刑和虐待的指控(ARE 2/2019)。尽管联合国请求援助，Abdulnoor 女士还是在 2019 年 5 月 4 日被拘留期间死亡。<sup>60</sup> 附件二载有关于对 Ahmed Mansoor 先生、Osama Al-Najjar 先生和 Mohamad Ismat Mohamad Shaker Az 先生进行持续报复的指控。

## 乌兹别克斯坦

80. 据报告，人权维护者 Tatyana Dovlatova 女士和其他数名女性活动人士被阻止参加 2018 年 11 月由国家人权中心主办、人权高专办中亚地区办事处和联合国国家工作队协办的撒马尔罕亚洲人权论坛。

## 委内瑞拉玻利瓦尔共和国

81. 据报道，在人权高专办于 2019 年 3 月首次访问委内瑞拉期间与其合作的医务人员、人权维护者和学生运动成员在 2019 年 3 月和 4 月遭到了身体攻击、骚扰和公开污蔑。受影响的包括 Ronnie Villasmil 博士、Marlon Jesús Díaz Golindano 先生、María Auxiliadora Castillo 博士、Amarante Anza Maldonado 博士、委内瑞拉社会冲突观察所、1989 年 2 月至 3 月事件受害者家庭委员会(COFAVIC)的 Liliana Ortega 女士、委内瑞拉人权教育和行动计划(PROVEA)的 Rafael Uzcátegui 先生。人权高专办向该国政府通报了指控。

82. 2018 年 10 月 8 日，Fernando Albán 先生在加拉加斯被监禁时死亡。在此之前，他在纽约参加了与大会有关的一些会议，涉及现有的和可能发起的由联合国(特别是安理会)领导的倡议，以应对委内瑞拉玻利瓦尔共和国的局势，Fernando Albán 先生从纽约返回在机场即被逮捕。2018 年 11 月 23 日，助理秘书长以书面形式处理了这些指控。附件二载有对 María Lourdes Afiuni 女士持续报复行为的指控。

## 越南

83. 据报告，2019 年 2 月，Nguyen Thi Kim Thanh 女士在返回越南后即遭到警察讯问并被没收了护照，返回前她参加了 2019 年 1 月在日内瓦举行的普遍定期审议，呼吁释放她的丈夫 Truong Minh Duc 先生。另据报道，2019 年 3 月，Bui Thi Kim Phuong 女士被禁止旅行，当时她正计划拜访日内瓦并提请人权事务委员会注意她丈夫 Nguyen Bac Truyen 先生的案件。Nguyen Bac Truyen 先生是人权维护

<sup>60</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24214&LangID=E> 及 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24570&LangID=E>。

者，在宗教或信仰自由问题特别报告员于 2014 年访问之后遭到了报复。2019 年 3 月 25 日，人权事务委员会对越南人权维护者遭到报复表示关切(见 CCPR/C/VNM/CO/3, 第 43 和第 51-52 段)。

84. 2018 年 9 月 26 日，Ke Gai 教区的一名天主教徒 Nguyen Van An 先生由于参与记录和证明指称侵犯人权行为并向联合国报告了这些行为，被告知发出了逮捕令。Nguyen Van An 先生和家人离开了越南。附件二载有关于 Nguyen Bac Truyen 先生遭到持续报复的指控，还载有参加地区活动(包括与宗教或信仰自由问题特别报告员接触)的民间社会行为者遭到持续报复的指控。2019 年 6 月 26 日，该国政府作出了回应。

## 也门

85. 2018 年 6 月 25 日，特别程序任务负责人指出，据报姆瓦塔纳人权组织的 Abdulrasheed Al-Faqih 先生和 Radhia Al-Mutawake 女士试图从 Say'un 机场乘飞机时被任意拘留，显然这是对他们与联合国人权机制进行合作而施加的报复行为(YEM 4/2018)。这种行为据称是根据来自在也门的沙特领导的联盟下达的命令(另见沙特阿拉伯 SAU 8/2018)。

## 巴勒斯坦国

86. 在记录巴勒斯坦拘留中心残忍、不人道或有辱人格的待遇方面，被占领巴勒斯坦领土人权高专办收到了以下信息，即 2018 年 7 月至 10 月，西岸的几名被拘留者在接受人权高专办工作人员和其他人权机构访谈后遭遇了报复行为，当局已经对此进行了处理。

## 六. 结论和建议

87. 在本报告期内，我收到了许多报告，指称个人或组织因寻求或曾经与联合国人权领域的机构合作而遭到恐吓和报复的事件。长期来看，所报告的指控表明，恐吓和报复行为不仅仅是孤立的事件，还可以表现出各种模式。

88. 尤为显而易见的是滥用网络空间，通过发布仇恨言论、网络凌霸和诽谤来攻击那些在联合国工作中发挥关键作用的个人和组织，其中包括民间社会和国家人权机构的代表、公职人员和政党成员，以及有联合国授权的独立专家。这些个人和组织不应由于参与联合国的工作、维护联合国的原则而遭到威胁。

89. 我尤为关切的是，有证据表明，受害者和民间社会行为者自我审查的情况越来越多，他们因为担心自身安全或在人权工作被定罪或被公开污蔑的情况下，决定不接触联合国实地办事处和总部。与过去一样，鉴于所涉个人或组织面临的安全风险，许多案件或姓名都未纳入，另外少报仍然是一项关切。

90. 一个仍在持续的趋势令我关切，即各国以国家安全为由，借助反恐战略，阻碍人们接触联合国。所报告的案件包括，个人或组织被官方指控犯有恐怖主义罪，被指责与外国实体合作，或被控破坏国家声誉或安全。这些理由也成为限制外国资助的原因。关于强迫失踪或拘留的案件，有特别多一部分以国家安全为理由，而联合国专家认为其中有许多案件具有任意性。我公开指出过这一令人担忧的趋势，包括在我的前一次报告中，然而遗憾的是，这一趋势仍在持续。

91. 我以前曾指出，妇女以及女同性恋、男同性恋、双性恋、变性人和双性人在接触联合国时面临基于性别和性取向的障碍、威胁和暴力。关于遭到强奸威胁、网络诽谤、拘留期间被性侵、侮辱性和有辱人格的待遇的案件已有报告。令人无法接受的是，妇女权利以及女同性恋、男同性恋、双性恋、变性人和双性人权利，包括性权利和生殖权利的人权维护者，似乎尤其会被当成攻击对象。在我们努力完善报告工作和更加敏感地应对对报复行为的指控及其后果时，我们必须以促进性别平等的方式审视、调查和记录恐吓和报复行为。

92. 会员国问询联合国它们可以如何处理这个问题。联合国会员国要承担义务和责任，各国应履行它们的承诺。我对明确表示拒绝接受恐吓和报复行为的国家承诺表示欢迎。各国可以利用人权理事会的普遍定期审议机制，将其承诺付诸实践，可以更好地利用这一机制，发挥其全部潜力。我鼓励各国进一步利用这一机制来处理恐吓和报复行为。除了普遍定期审议之外，我支持继续进行多边接触、双边对话和对受害者的援助。本报告突出强调了国内和国际上的一些良好做法。

93. 联合国继续加强全系统的应对措施，包括改进有关指控的报告以及更彻底地分析现有的政策应对措施。这个问题比以往任何时候都应成为本组织的优先事项和核心责任。我再次呼吁所有联合国实体对此问题保持警惕并参与工作，协助跟进大量此类案件并寻求解决方案，进一步与各国和合作伙伴接触以鼓励审查和问责。

94. 正如我在前一次报告中指出的那样，这些事件是绝不可接受的。我们的合作伙伴不可或缺，我们大家都必须做得更多来保护和促进其与联合国接触的基本权利。



## 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 Annex II).

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-Alsaegh 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 Annex II).

#### **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.<sup>61</sup> 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.<sup>62</sup>

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

<sup>61</sup> OHCHR, “UN Human Rights Office in Burundi closes,” (5 March 2019).

<sup>62</sup> 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).<sup>63</sup> 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 Detention<sup>64</sup> and the subject of a special procedures communication (CHN 5/2018).<sup>65</sup> 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).<sup>66</sup>

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.

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

<sup>64</sup> 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.

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

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

21. Concerning the situation of Ms. Li Yuhan, 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.<sup>67</sup> 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).

<sup>67</sup> 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,<sup>68</sup> 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 responded<sup>69</sup> 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.<sup>70</sup> Already at the conclusion of her visit, the Special Rapporteur on the right to adequate housing expressed

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

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

<sup>70</sup> 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.”<sup>71</sup>

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.<sup>72</sup> 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,<sup>73</sup> 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,<sup>74</sup> 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

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

<sup>72</sup> 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).

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

<sup>74</sup> 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).<sup>75</sup>

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.<sup>76</sup>

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 CICIG<sup>77</sup> 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

<sup>75</sup> 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.

<sup>76</sup> OHCHR “Guatemala must ensure independent justice system in fight against corruption, say UN rights experts,” (11 February 2019).

<sup>77</sup> 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).<sup>78</sup> 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.”<sup>79</sup>

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

<sup>78</sup> OHCHR, “UN experts decry Hungary’s tough new measures against migrants and civil society,” (11 September 2018).

<sup>79</sup> *Ibid.*



special 25 percent tax on funding of organizations which carry out any activities that “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 false news and provoking disruption and destruction.”<sup>80</sup> 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)<sup>81</sup> 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).

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

<sup>81</sup> OHCHR, “UN experts call on Iran to stop intimidation of BBC staff,” (27 October 2017).

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 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 Disappearances<sup>82</sup> 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 report<sup>83</sup> published

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

<sup>83</sup> [http://eipa.eu.com/publicaffairs/wp-content/uploads/The-Money-Trail\\_English.pdf](http://eipa.eu.com/publicaffairs/wp-content/uploads/The-Money-Trail_English.pdf).

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 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 report<sup>84</sup> 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,<sup>85</sup> 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

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

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

Nations for consideration. Another member of the Coalition reported an incident of surveillance the following week.

## **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).<sup>86</sup> 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)).

<sup>86</sup> 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”.<sup>87</sup>

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.”<sup>88</sup>

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)<sup>89</sup> 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

<sup>87</sup> OHCHR, “Bachelet concerned about criminalization of dissent in Nicaragua,” (22 February 2019).

<sup>88</sup> *Ibid.*

<sup>89</sup> 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 Rights<sup>90</sup> 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.<sup>91</sup> 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

<sup>90</sup> OHCHR, “Comment on a raid of key Nicaraguan civil society organization by UN Human Rights Spokesperson Rupert Colville,” (8 February 2019).

<sup>91</sup> 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.<sup>92</sup>

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,<sup>93</sup> 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.<sup>94</sup>

## 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).<sup>95</sup> 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

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

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

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

<sup>95</sup> 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).<sup>96</sup>

93. The CEDAW Chair and Committee Focal Point on Reprisals wrote confidential letters to the Government<sup>97</sup> 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.<sup>98</sup> 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.<sup>99</sup>

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 2018<sup>100</sup> 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

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

<sup>97</sup> 25 May 2018, 20 July 2018, 7 August 2018, 13 November 2018, and 20 November 2018.

<sup>98</sup> 9 October 2018 and 3 December 2018.

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

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

worker was visited by armed men who questioned him about his activities in support of 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.<sup>101</sup>

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

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

them. Ms. Abdulnoor died in custody on 4 May 2019, despite pleas from the United Nations for assistance.<sup>102</sup>

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,

<sup>102</sup> 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).



or sought to meet, them.<sup>103</sup> According to reports received in March and April 2019, medical personnel, human rights defenders, and members of students' movements who cooperated 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. Maria 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,<sup>104</sup> disparaging statements were made on the pro-government news portal *Aporrea* 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.

<sup>103</sup> 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).

<sup>104</sup> *Ibid.*

### 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 (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.<sup>105</sup>

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,

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

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.

### **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-Mutawakel 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-Mutawakel 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-Mutawakel 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. Ebtesam 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).<sup>106</sup> 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;<sup>107</sup> BHR 8/2017;<sup>108</sup> BHR 4/2016<sup>109</sup>).

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

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

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

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

<sup>109</sup> 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-Alsaegh 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.<sup>110</sup>

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.<sup>111</sup> 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.<sup>112</sup>

9. The Government in its reply of 19 June 2019 refers to the cases of Ms. Ali-Alsaegh, Ms. Hassan, and Mr. Rajab. In the case of Ms. Ali-Alsaegh, 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

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

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

<sup>112</sup> 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 tarnishing 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.<sup>113</sup>

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

<sup>113</sup> 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 statement<sup>114</sup> 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.<sup>115</sup> They called for an investigation in 2014<sup>116</sup> 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.<sup>117</sup> 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).<sup>118</sup>

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

<sup>114</sup> OHCHR, “China: UN experts renew calls for probe into death of Cao Shunli,” (14 March 2019).

<sup>115</sup> OHCHR, “UN experts alarmed by reprisals against activists linked to China’s international human rights review,” (16 October 2013).

<sup>116</sup> 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).

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

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

in 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.<sup>119</sup> 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, 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).<sup>120</sup> 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

<sup>119</sup> 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.

<sup>120</sup> 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).

“subversion of state power” (CHN 3/2017).<sup>121</sup> Mr. Li received a three-year prison sentence, 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).<sup>122</sup> 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).<sup>123</sup> 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.<sup>124</sup> 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.<sup>125</sup>

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).<sup>126</sup> 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).<sup>127</sup>

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.

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

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

<sup>123</sup> OHCHR, “UN experts urge China to investigate disappearance of human rights lawyer Jiang Tianyong,” (6 December 2016).

<sup>124</sup> 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.

<sup>125</sup> *Ibid.*

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

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

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 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.<sup>128</sup> 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.

<sup>128</sup> 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).

Until the Constitutional Court rules on the matter, no legal action can be taken against the Peace Community or its legal representative.

## 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.<sup>129</sup>

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).<sup>130</sup> 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 2017<sup>131</sup> 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.<sup>132</sup>

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

<sup>130</sup> 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).

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

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



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 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."<sup>133</sup>

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 funding<sup>134</sup> (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.

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

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

## 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, 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 responded<sup>135</sup> 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

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

defenders.”<sup>136</sup> 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.<sup>137</sup>

## 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 defrosted 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,

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

<sup>137</sup> OHCHR, “Honduras: Masterminds of Berta Cáceres killing still at large, say UN experts,” (7 December 2018).

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 Kashmir<sup>138</sup> 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.<sup>139</sup> 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

<sup>138</sup> 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).

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

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 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.”<sup>140</sup>

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.”<sup>141</sup> 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.<sup>142</sup> 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

<sup>140</sup> 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=>.

<sup>141</sup> OHCHR, “UN experts call on Israel not to overturn deportation Human Rights Watch director” (25 April 2019).

<sup>142</sup> 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](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&CountryID=93&TreatyID=7&DocTypeID=130).



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 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.<sup>143</sup>

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

<sup>143</sup> CAT/C/63/3, paras. 7–8 and CAT/C/65/3, paras. 10–11.



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 with the Committee on 3 December 2018.<sup>144</sup> 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

<sup>144</sup> CAT/C/65/3, paras. 8–9.

Ko Htwe (see GB.332/INS/8, para. 16),<sup>145</sup> 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.”<sup>146</sup> However, on 28 March 2018, the Dagon Seikkan Township Court sentenced him to two years in prison with hard labor.

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.<sup>147</sup> 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 opinion<sup>148</sup> 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.

<sup>145</sup> 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).

<sup>146</sup> ILO, Supplementary Understanding between the Government of Myanmar and ILO, 2007.

<sup>147</sup> Response from Government:  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34553>.  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34576>.

<sup>148</sup> 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.

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 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.<sup>149</sup> 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."<sup>150</sup>

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

<sup>149</sup> [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/PHL/INT\\_CERD\\_ALE\\_PHL\\_8761\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/PHL/INT_CERD_ALE_PHL_8761_E.pdf).

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

11/2018;<sup>151</sup> 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.

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).<sup>152</sup> 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.

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

<sup>152</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130).

## 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 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).<sup>153</sup> 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.<sup>154</sup> The Government responded,<sup>155</sup> 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.

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

<sup>154</sup> OHCHR “Saudi Arabia must immediately release all women's rights defenders, say UN experts,” (12 October 2018).

<sup>155</sup> 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>.



## 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).<sup>156</sup> During the reporting period, UNMISS received 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.<sup>157</sup>

## 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.<sup>158</sup> 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

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

<sup>157</sup> 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.

<sup>158</sup> Response from Government:  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33567>.  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34373>.



concerns (THA 2/2017) to which the Government responded.<sup>159</sup> 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 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)

<sup>159</sup> Response from Government:  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33464>.  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33629>.

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.”<sup>160</sup> 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 grave concern over Mr. Mansoor’s physical well-being and the poor conditions of his detention.<sup>161</sup>

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).<sup>162</sup> 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).<sup>163</sup> 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.

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

<sup>161</sup> OHCHR, “UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor,” (7 May 2019).

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

<sup>163</sup> 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.

## 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 statement<sup>164</sup> on the ruling of the court in Caracas sentencing Judge Afiuni to five years imprisonment for corruption, which he 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.<sup>165</sup> 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,<sup>166</sup> 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

<sup>164</sup> OHCHR, “Venezuela: UN expert condemns further sentence against Judge Afiuni, says clearly act of reprisal,” (23 March 2019).

<sup>165</sup> 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>.

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

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 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.

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