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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the situation of human rights defenders

Addendum

Observations on communications transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.



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Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Michel Forst, to the Human Rights Council, pursuant to resolution 25/18 of the Human Rights Council. The report provides observations on the communications on specific cases addressed by the Special Rapporteur to States, as well as observations on the replies received from States.
2. The cases and situations raised by the Special Rapporteur in this addendum include urgent appeals, allegation letters and other letters, issued between 1 December 2017 and 30 November 2018. The press releases included in this report are the ones issued between 1 December 2017 and 31 January 2019.
3. The report contains responses received from States before 31 January 2019. A small number of replies received before 31 January 2018 could not be included because translation of these documents was not available at the time of finalising the report. Most of the responses by States refer to cases raised by the Special Rapporteur during the period December 2017 to November 2018.
4. For ease of reference, cases have been grouped by region, with countries within each region listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date the communication was issued, as well as the case number and the date of the State's reply. The communications included in this report and the replies received from the concerned States, respectively, can be consulted on the following webpage: <https://spcommreports.ohchr.org>. In bold, is a short reference to the allegations contained in the communication in the language of submission. Press releases published during the reporting period are referenced below the communications, with a hyperlink to the statement as uploaded on the OHCHR website. In bold, is the title of the press release in the language of the statement.
5. The Special Rapporteur is grateful to all States, which have transmitted substantive responses to his communications. He considers response to his communications as an important part of cooperation by States with his mandate. He trusts that States who have not provided substantive responses to his communications will do so shortly.
6. The annex of the report contains information on the communications procedure and guidelines on the submission of complaints to the Special Rapporteur.

Summary

7. Between 1 December 2017 and 30 November 2018, the Special Rapporteur sent 253 communications individually or jointly with other mandate holders of the Human Rights Council, to 79 States and 20 other actors. Of these communications, 84 were urgent appeals and 148 were allegation letters.
8. The Special Rapporteur drew attention to the situation of over 698 people, of whom 172 were registered as women. The report also includes 96 cases consisting of follow-ups on persons, organisations and normative frameworks, which were previously the subject of communications, including press releases.
9. Examined by region, the figures show that 68 communications were addressed to 16 countries in the Asia-Pacific region (27 %); 52 were addressed to 14 countries in the Americas region (20 %); 44 to 18 countries in Europe and Central Asia (17 %); 37 to 13 countries in the Middle East and North Africa (15 %); 32 were addressed to 18 countries in Africa (13 %) and 20 to other actors (8 %).
10. The Special Rapporteur sent 15 communications concerning reprisals taken against groups or persons as a result of their cooperation with the United Nations, its mechanisms or representatives in the sphere of human rights, or international human rights organisations.

11. The Special Rapporteur sent 19 communications concerning draft legislation at the national level that could have a negative impact on the environment in which human rights defenders perform their activities.

12. As of 31 January 2019, 229 replies have been received to 126 communications, (50 % response rate). The response rate had been 56 % in the previous reporting period. Responses to communications, which were received after 31 January 2019 will be reflected in a later communication report.

AFRICA REGION

13. During the present reporting period, the Special Rapporteur sent 32 communications to 18 countries in the African region. While the response rate was low, 31%, it represents an improvement compared to the very low number of responses received in the previous years. Nonetheless, the response rate of the region is still very unbalanced. In this regard, Cameroon and Togo provided a response to all the communications they received and their replies constitute 50% of the replies to the communications in the region. The Special Rapporteur therefore urges States fully engage with the mandate and ensure that the issues raised in the communications are thoroughly addressed.

14. The Special Rapporteur is particularly concerned by the deteriorating civic space in the region. Human rights defenders and other civil society actors are victims of killings, enforced disappearances, physical attacks, torture and other ill-treatment, arbitrary detentions, death threats, criminal prosecutions for legitimate human rights related activities and harassment and intimidation, which are directly related to their activities in the promotion and protection of human rights.

15. The situation is further worsened by the development and implementation of policies and restrictive legislative frameworks that threaten the work of civil society organisations and establish restrictions in the legitimate activities of human rights defenders. In this regard, the Rapporteur raised his concern about the new version of the 2009 NGO Policy Regulations in Sierra Leone and the draft NGO bill in the Democratic Republic of Congo.

16. Freedom of assembly has been particularly restricted in the reporting period in several countries across the region. Allegations brought to the attention of the Special Rapporteur report arbitrary detentions, threats and intimidation, use of anti-terrorism legislation to impede demonstrations, and more worryingly, the loss of lives of demonstrators due to the excessive use of force by security forces. The Special Rapporteur is particularly concerned at allegations of a very high number of casualties in the repressions of demonstrations in Togo and at restrictions on freedom of expression, including the impeding of the work of journalists and media outlets, which may have led to self-censorship and therefore hindering the access to information of the population. Restrictions to freedom of expression in the region also affected new technologies, like the blocking of internet services and social media communications by media operators, under the instruction of authorities, such as in Chad. Several countries including Cameroun, Democratic Republic of Congo, Niger, Sudan, Tanzania and Togo have restricted or hindered both freedom of assembly and freedom of expression.

17. Journalists across the region have been the target and victims of arbitrary arrests, prosecution and physical attacks by their coverage of corruption cases or for expressing dissenting opinions towards the work of the authorities. Environmental and indigenous people's human rights defenders, like in Kenia, women human rights defenders, LGBTI defenders and political activists have also been threatened and seen their human rights violated and restricted.

18. Allegations received show that attacks against defenders are mostly linked to their legitimate human rights work. The Special Rapporteur is extremely concerned that these attacks are often overlooked by States. Perpetrators of attacks are neither investigated nor brought to justice. In most cases they go unpunished in a context of impunity, what helps perpetuates the cycle of violence against human rights defenders. Human rights defenders are not granted protection measures and are often forced to scale down or stop their work due to fear for their own safety and that of their loved ones, in detriment of the whole society.

19. The Special Rapporteur urges States to comply with their international human rights law obligations and reminds them of their responsibility to ensure a safe and enabling environment, without fear of threats, prosecution or acts of intimidation and harassment of any sort. The Special Rapporteur regrets to note that, during the reporting period, he received a report on reprisals against a human rights defender for his cooperation with international human rights mechanisms, the UN, concerning Djibouti (DJI 1/2018).

Angola

20. JAL 24/05/2018 Case no: AGO 2/2018 State reply: 09/08/2018

Alegaciones de acoso judicial y cargos contra el Sr. Rafael Marques de Morais, defensor de los derechos humanos, periodista de investigación y responsable de la organización anti-corrupción Maka Angola.

21. El Relator Especial mostró su preocupación por el enjuiciamiento criminal del Sr. Marques de Morais, después de haber publicado un artículo sobre alegaciones de corrupción relativas al Fiscal General. Estos hechos supondrían la criminalización de la libertad de expresión.

22. El Relator Especial agradece al Gobierno su respuesta en la carta enviada el pasado 9 de agosto de 2018, sin embargo, señala que sólo aborda parcialmente las preocupaciones planteadas. El Relator acoge con satisfacción la absolució del Sr. Rafael Marques de Morais, en julio de 2018, por el Tribunal Provincial de Luanda Sección 6a de la Sala de los Crímenes Comunes, que decidió que el Sr. Rafael Marques de Morais no había incurrido en daño al honor y que había formulado críticas objetivas sin rebasar los límites establecidos por el derecho penal.

Burundi

23. JUA 19/12/2017 Case no: BDI 4/2017 State reply: none to date

Allégations relatives à la perquisition, aux saisies, à l'arrestation arbitraire présumée de M. Nestor Nibitanga, défenseur des droits de l'homme, effectué par la police burundaise, sous le commandement du commissaire de police de la province de Gitega en coopération avec le Service national de renseignement (SNR), ainsi qu'à sa disparition forcée.

24. JAL 04/05/2018 Case no: BDI 1/2018 State reply: none to date

Allégations relatives à la condamnation de M. Germain Rukuki, défenseur des droits de l'homme burundais, à 32 années de prison par le Tribunal de Grande Instance de Ntahangwa.

25. PR [09/05/2018](#)

Des experts de l'ONU exhortent le Burundi à libérer un militant pacifique des droits de l'homme condamné à 32 ans de prison

26. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse substantielle n'ait été reçue concernant les communications envoyées pendant la période couverte par le présent rapport. Cela étant dit, il prend note de l'accusé de réception faisant suite à la communication BDI 4/2017 et espère recevoir une réponse substantielle de la part du Gouvernement. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre substantiellement aux communications envoyées, élément majeur de la coopération entre les Etats membres.

27. Le Rapporteur spécial reste gravement préoccupé par les allégations exprimées dans BDI 4/2017, relatives à la perquisition, aux saisies et à la détention arbitraire présumée de M. Nibitanga, liés à ses activités de défenseur des droits de l'homme. Il reste aussi préoccupé par les risques de mauvais traitement et de torture à son endroit.

28. De même, le Rapporteur spécial reste très préoccupé par les allégations exprimées dans BDI 1/2018, relatives à la détention arbitraire et la condamnation du défenseur des droits de l'homme M. Germain Rukuki. Il est extrêmement concerné par les raisons ayant justifié sa condamnation à une peine de prison de 32 années, et par les allégations de multiples et graves vices de procédure au cours du procès.

29. Le Rapporteur spécial exprime sa profonde inquiétude quant au contexte d'insécurité dans lequel les défenseurs des droits de l'homme doivent exercer leurs activités au Burundi, la situation étant marquée par des actes d'intimidation, de menaces, de représailles et de

criminalisation de leurs activités. Ces actes témoigneraient d'un climat qui contribuerait à museler les droits à la liberté d'expression et d'association de la société civile dans le pays.

Cameroun

30. JAL 28/05/2018 Case no: CMR 2/2018 State reply: 04/09/2018

Allégations de détention arbitraire et des poursuites judiciaires menées à l'encontre de M. Mancho Bibixy Tse, journaliste, et M. Penn Terence Khan, professeur, pour avoir exercé leur droit à la liberté d'expression.

31. JAL 15/11/2018 Case no: CMR 5/2018 State reply: 03/01/2019

Allégations de restrictions des libertés publiques, notamment la liberté d'expression et de réunion pacifique durant la récente période électorale et post-électorale. Allégations faisant état de situations d'intimidation par les autorités publiques de ceux qui expriment pacifiquement leur dissension.

32. PR [11/12/2018](#)

Cameroun: Des experts de l'ONU préoccupés par la répression des protestations après les élections

33. Le Rapporteur spécial remercie le Gouvernement pour la réponse reçue à sa lettre du 28 Mai 2018 concernant les allégations de détention arbitraire et des poursuites judiciaires menées à l'encontre de M. Mancho Bibixy Tse, journaliste, et M. Penn Terence Khan, professeur, pour avoir exercé leur droit à la liberté d'expression. Il a examiné avec attention les explications fournies par le Gouvernement au sujet des allégations présentées. Il regrette néanmoins que cette réponse ne réponde pas substantiellement au sujet de la communication. Le Rapporteur spécial remercie le Gouvernement pour l'explication donnée quant au contexte entourant les événements ayant eu lieu au cours du mois de Septembre 2018 et faisant l'objet de la communication CMR 2/2018. Toutefois, il exprime sa profonde inquiétude quant aux allégations de poursuites judiciaires à l'encontre de M. Tse et M. Khan, au manque d'informations sur les fondements juridiques ayant conduit à l'adoption du mandat d'arrêt et de la détention, ainsi que sur la compatibilité de ces mesures avec les normes pertinentes et applications du droit international des droits de l'homme..

34. En Octobre et début Novembre 2018 auraient eu lieu plusieurs restrictions de libertés publiques, notamment la liberté d'expression et de réunion pacifique durant la récente période électorale et post-électorale, ainsi que des actes d'intimidations par les autorités publiques contre ceux qui auraient exprimés pacifiquement leur dissension, événement qui font l'objet de la communication CMR 5/2018. Le Rapporteur spécial remercie le Gouvernement pour la réponse à sa lettre. Il a examiné avec attention les informations fournies par rapport aux périodes électorale et post-électorale au Cameroun. Néanmoins, il regrette de ne pas avoir reçu d'informations plus détaillées.

35. Le Rapporteur spécial souhaite réitérer ses vives préoccupations sur les restrictions au droit à la liberté d'expression dans l'application du Code Pénal, en ses articles 113 et 154 et leurs conséquences quant à la possibilité d'accusations envers les journalistes, lesquels ne sont pas conformes aux motifs légaux de restriction de la liberté d'expression. Le Rapporteur spécial exprime ses préoccupations concernant les restrictions sur le droit à la liberté de réunion pacifique imposées en vertu de la loi No 2014/028. Les interdictions des manifestations imposées par les autorités, ainsi que l'usage de textes législatifs et réglementaires relatifs à la lutte contre le terrorisme utilisés de manière à restreindre le droit de manifestation pacifique sont une source de préoccupation majeure. Ces restrictions des droits de réunion pacifique et d'expression ne semblent pas respecter les critères de nécessité et de proportionnalité prévus par les instruments internationaux. Ces allégations semblent indiquer la mise en place d'un climat répressif et d'une censure envers la société civile, les parties et personnages politiques et les personnes critiques à l'égard du déroulement des élections et des résultats.

36. Le Rapporteur spécial prie instamment le Gouvernement de veiller à ce que les défenseurs des droits de l'homme puissent travailler dans des conditions et dans un

environnement sûrs, sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de quelque nature que ce soit.

Chad

37. JAL 27/07/2018 Case no: TCD 1/2018 State reply: none to date

Allégations de restrictions des libertés publiques, notamment la liberté d'expression, de réunion pacifique et d'association. En particulier, allégations d'interdictions de manifestations pacifiques à N'Djamena et de l'usage excessif de la force par les policiers, gendarmes et militaires contre des manifestants. Finalement, allégations de restrictions de l'accès à l'information par le biais de coupures d'Internet, d'accès aux réseaux sociaux et de suspensions réalisées par les opérateurs téléphoniques qui auraient été effectuées sur instruction des autorités.

38. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant la communication envoyée pendant la période couverte. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre à la communication envoyée, élément majeur de la coopération entre les Etats membres

39. Le Rapporteur spécial observe avec préoccupation une détérioration en matière de restriction de libertés publiques depuis 2016. Entre 2016 et 2018, plus de 65 décisions administratives auraient été prises interdisant l'organisation de marches pacifiques. L'arrêté n°005 du 6 février 2018 aurait suspendu pendant deux mois les activités de dix partis politiques qui auraient participé à une manifestation le 6 février 2018. Certaines plateformes de réseaux sociaux et certaines applications de messageries auraient été bloquées par ordre du Gouvernement depuis mars 2018 jusqu'au moins juillet 2018, date à laquelle la communication a été envoyée. Ces restrictions ne semblent pas respecter les critères de nécessité et de proportionnalité prévus par les instruments internationaux des droits de l'homme dont le Tchad fait partie. Le Rapporteur spécial reste aussi gravement préoccupé par les arrestations de défenseurs de droits de l'homme pour avoir voulu exercer leur droit de réunion pacifique et leur droit à la liberté d'expression lors des manifestations et l'usage excessif de la force par les forces de l'ordre pour disperser les manifestations, par exemple celles de 25 Janvier et le 6 Février.

40. Ces allégations semblent indiquer la mise en place d'un climat répressif et d'une censure envers la société civile, les personnes, partis et personnages politiques critiques à l'égard du gouvernement. Si ces allégations sont avérées, elles témoignent une claire restriction de l'espace civique. Au vu de la gravité des allégations susmentionnées, le Rapporteur spécial prie le Gouvernement d'indiquer les mesures prises pour veiller à ce que la société civile et les défenseurs des droits de l'homme puissent travailler dans un environnement favorable, mener leurs activités légitimes sans craintes d'actes ou de menaces de harcèlement, stigmatisation, criminalisation ou représailles de toute nature que ce soit.

Congo

41. JUA 07/03/2018 Case no: COG 1/2018 State reply: none to date

Allégations de détention arbitraire de M. Noël Mienanzambi-Boyi. Il aurait été détenu plus d'une année, prétendument sans avoir eu accès à un avocat, et pour des raisons liées à la dénonciation des violations des droits de l'homme commises dans le département du Pool.

42. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant la communication envoyée pendant la période couverte. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre à la communication envoyée, élément majeur de la coopération entre les Etats membres

43. Le Rapporteur souhaite exprimer ses graves préoccupations quant à ces allégations et prie instamment le Gouvernement de lui fournir toute information sur les raisons justifiant la détention préventive de M. Mienanzambi-Boyi, la base juridique des poursuites judiciaires engagées à son encontre, ainsi que toute information sur les raisons justifiant le refus de laisser M. Nienanzambi-Boyi accéder à un avocat. Le Rapporteur spécial souhaiterait aussi que le Gouvernement fournisse des informations concernant les mesures prises par les autorités pour assurer que la procédure judiciaire initiée respecte toutes les garanties d'un procès équitable.

Democratic Republic of the Congo

44. JUA 27/02/2018 Case no: COD 3/2018 State reply: none to date

Allégations d'usage excessif de la force qui aurait engendré la mort de plusieurs manifestants, mais aussi des actes de torture contre des défenseurs des droits de l'homme; allégations de poursuites judiciaires menées dans le cadre du « procès des ADF » contre un groupe d'individus, notamment M. Esaie Musayi Kathavu et M. Jean Paul Paluku Ngahangondi, pour avoir exercé leurs droits à la liberté d'expression et d'association; et allégations de l'existence d'une campagne de harcèlement et de diffamation à l'encontre de huit membres du Comité Laïc de Coordination (CLC), pour avoir exercé leurs droits à la liberté d'expression et de manifestation : M. Thierry Nlandu, M. Isidore Ndawel, M. Justin Okana, Mme Gerturde Ekombe, Mme Leonnie Kandolo, M. Jonas Tshiombela, M. Franklin Mbokolo et M. Julien Lukengu).

45. PR [04/06/2018](#)

République Démocratique du Congo: Les experts des Nations Unies demandent la révision du projet de loi sur les ONG

46. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant la communication envoyée pendant la période couverte. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre à la communication envoyée, élément majeur de la coopération entre les Etats membres.

47. Le Rapporteur spécial réitère ses graves préoccupations concernant les allégations de climat général répressif instauré par les autorités de la République Démocratique du Congo vis-à-vis de la société civile et concernant particulièrement les droits civils et politiques, spécifiquement les droits à la liberté d'expression, de manifestation pacifique et d'association. Cela inclut des blocages de l'accès à Internet et aux réseaux sociaux, la fermeture des communications par SMS, et les interdictions de manifester. Il exprime aussi sa forte inquiétude concernant l'usage excessif de la force, ayant pour résultat la mort de plusieurs manifestants (au moins douze morts entre décembre 2017 et février 2018), des actes de torture, d'intimidations et d'harcèlements envers les défenseurs des droits de l'homme, ainsi que des détentions sans garanties procédurales fondamentales. Le Rapporteur spécial réitère aussi ses graves préoccupations quant aux allégations de poursuites judiciaires à l'encontre de défenseurs des droits de l'homme liées à leur droit à la liberté d'opinion et d'expression

48. Finalement, au vu de l'extrême gravité des allégations susmentionnées, le Rapporteur spécial prie vivement recevoir des informations détaillées concernant les mesures immédiates et efficaces prises par le Gouvernement pour permettre aux défenseurs des droits de l'homme, d'exercer leurs droits à la liberté d'opinion et d'expression, de réunion pacifique et d'association dans l'Etat, en incluant l'expression pacifique d'opinions critiques ou divergente envers la situation politique, et la conduite du gouvernement ou des agents gouvernementaux; sans craintes d'actes ou de menaces de harcèlement, stigmatisation, criminalisation ou représailles de toute nature que ce soit.

Djibouti

49. JAL 24/07/2018 Case no: DJI 1/2018 State reply: 24/09/2018

Allégations de représailles à l'encontre de M. Kadar Abdi Ibrahim, qui se manifestent par une interdiction de voyager.

50. Le Rapporteur spécial remercie le Gouvernement du Djibouti pour la réponse à sa communication du 24 Juillet 2018. Il a examiné avec attention les informations fournies concernant les raisons qui ont conduit à la confiscation du passeport du M. Kadar Abdi Ibrahim et les recours nationaux à sa disposition, et en a pris bon note. Néanmoins, le Rapporteur spécial demeure gravement préoccupé par les mesures prises envers M. Kadar Abdi Ibrahim, qui pourraient constituer un acte de représailles à son encontre, dont la cause serait sa coopération avec les mécanismes de protection des droits de l'homme de l'ONU. Le Rapporteur spécial demande au Gouvernement de fournir toute information sur la situation actuelle de M. Abdi Karim .

Kenya

51. JUA 10/01/2018 Case no: KEN 1/2018 State reply: none to date

Alleged attacks against the indigenous Sengwer peoples living in the Embobut forest. The attacks allegedly started on 25 December 2017, when about 100 armed Kenya Forest Service guards burnt at least 15 homes with the aim of forcibly evicting the community. They have also threatened and fired shots against community members and leaders, destroyed property and shot dead a number of animals belonging to the community.

52. JAL 26/03/2018 Case no: KEN 4/2018 State reply: none to date

Alleged killing of Mr. Evans Njoroge, a student human rights defender, after a demonstration for students' rights outside Meru University.

53. JUA 25/05/2018 Case no: KEN 6/2018 State reply: none to date

Alleged threats, intimidation and assaults against environmental human rights defenders in relation to their involvement in the Owino Uhuru class action litigation challenging the government and a local battery smelter under Article 42 of the Kenyan Constitution which guarantees the right to a clean and healthy environment. They have been defending the rights of community members and recently have been called to the court as witnesses.

54. PR [15/01/2018](#)

Indigenous rights must be respected during Kenya climate change project, say UN experts

55. PR [30/05/2018](#)

UN experts urge Kenya to protect environmental rights defenders

56. The Special Rapporteur regrets that no reply has been received from the Government of Kenya to any of the letters addressed to the Government in the reporting period especially given the serious and highly preoccupying nature of allegations contained in these letters. He urges the Government to provide him with replies substantially addressing the issues raised.

57. The Special Rapporteur expresses utmost concern on the continuous deterioration of the situation of human rights defenders in Kenya, especially environmental activists and those defending the rights of indigenous peoples. Sengwer peoples continue to be victims of attacks, threats and forced evictions in a climate of impunity. Of particular concern is the excessive use of force by security forces, including the use of indiscriminate firing to dispel peaceful protests. The Special Rapporteur strongly condemns all acts of violence, targeting and intimidation of human rights defenders as a consequence of their efforts to advocate for and protect human rights. He also calls upon the Government to take concrete steps to empower and protect indigenous human rights defenders and environmental defenders for the sake of our common environment and sustainable development.

58. The Special Rapporteur reiterates his concern about allegations of attacks against the indigenous Sengwer peoples living in the Embobut forest, with the aim of forcibly evicting

them from their ancestral lands, and the role of Kenya Forest service guards (KEN 1/2018). Additionally, he expresses his concern regarding the Water Towers Protection and Climate Change Mitigation and Adaptation (WaTER) project, which appears to be proceeding without a human rights impact assessment being undertaken nor consultations with the Sengwer people in order to seek their free, prior and informed consent.

59. The Special Rapporteur reiterates his grave concern at the alleged extrajudicial execution of Mr. Evans Njoroge who appears to have been intentionally targeted and killed by members of the Police Force in relation to his participation in a student protest and his activities as student rights defenders (KEN 4/2018). Additional concern is expressed about the use of indiscriminate firing to dispel a peaceful protest and in relation to the apparent profiling and targeting of student leaders.

60. The Special Rapporteur reiterates his utmost concern about allegations of assaults, threats and intimidation against environmental human rights defenders, Mr. Alfred Ogola, Ms. Anastacia Nambo, Mr Wilfred Kamencu and Ms. Kavumi Munga (KEN 6/2018), especially as they seem to be directly related to their involvement on behalf of the Owino Uhuru community in the Owino Uhuru class action litigation challenging the government and a local battery smelter under Article 42 of the Kenyan Constitution which guarantees the right to a clean and healthy environment.

61. The Special Rapporteur urges the Government of Kenya to provide him with the measures that have been taken to ensure human rights defenders to be able to carry out their legitimate work in a safe and enabling environment without fear of threats, acts of persecution, reprisals and harassment of any sort.

Madagascar

62. JAL 11/04/2018 Case no: MDG 1/2018 State reply: none to date

Allégations concernant la condamnation de M. Clovis Razafimalala et de M. Rajoany Raleva, à Madagascar, pour leurs activités légitimes de protection des droits de l'homme, dont le droit à l'environnement.

63. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant la communication envoyée pendant la période couverte. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre à la communication envoyée, élément majeur de la coopération entre les Etats membres.

64. Le Rapporteur spécial exprime ses inquiétudes quant aux allégations de condamnation de M. Clovis Razafimalala et M. Rajoany Raleva suite à leurs activités légitime de protection des droits de l'homme, particulièrement les droits environnementaux. Le rapporteur est extrêmement préoccupé que M. Razafimalala ait fait l'objet d'un procès et qu'il se soit vu condamné à cinq ans de prison avec et sursis et à une amende de 50 millions d'Ariary.

65. Le Rapporteur spécial souhaite souligner qu'il est dans l'intérêt public que des membres de communautés locales puissent exercer une activité de suivi des activités pouvant constituer des menaces pour la santé publique et pour l'environnement. Il reste toujours préoccupé que ces allégations de poursuites interviennent lors de dénonciation d'exploitation de ressources naturelles et qu'elles ne soient pas des actes isolés, mais bien plutôt qu'elles fassent partie d'un système d'harcèlement desdits défenseurs.

Mozambique

66. JAL 24/04/2018 Case no: MOZ 1/2018 State reply: none to date

Allegations of threats, abduction and beating of Mr. Ericino de Salema, a journalist, human rights lawyer and human rights defender in Mozambique and, before that in 2016, of Mr. Jose Jaime Macuane, journalist allegedly kidnapped and shot in both legs in the same area.

67. The Special Rapporteur regrets that he has not received any reply from the Government of Mozambique to the letter addressed to the Government by the Special Rapporteur in the reporting period especially given the serious and highly preoccupying nature of allegations contained in this letter. He urges the Government to provide him with replies substantially addressing the issues raised.

68. The Special Rapporteur expresses his concern regarding the allegations of threats, abduction and beating of journalist and human rights lawyer Mr. De Salema, reportedly for his denunciations of abuse of power, corruption and impunity in the country. He remains concerned about the alleged kidnapping and shooting in the leg of Mr. Jose Jaime Machuane for his comments on political matters.

69. The Special Rapporteur would like to underline that such events have a broader chilling effect on the exercise of the right to freedom of expression in Mozambique, particularly when exercised by the media, civil society organisations, human rights defenders and in general those voicing dissent. He is also concerned that the absence of thorough investigations and accountability for the alleged perpetrators, as well as prevailing impunity contribute to the recurrence of these crimes. The Special Rapporteur urges the Government to provide detailed information concerning measures taken to effectively protect individuals engaging in public debate over political issues and human rights defenders carrying out their legitimate work.

Niger

70. JAL 03/07/2018 Case no: NER 1/2018 State reply: 07/09/2018

Allégations d'arrestations et de détentions de plusieurs défenseurs des droits de l'homme pour avoir exercé leurs droits à la liberté d'expression y de réunion pacifique et d'association ; ainsi que des allégations d'interdiction de manifestations et d'atteintes à la liberté d'expression des journalistes.

71. Le Rapporteur spécial remercie le Gouvernement du Niger pour la réponse à sa communication du 03 Juillet 2018 et prend bonne note des explications fournies par le Gouvernement concernant les points soulevés dans sa communication.

72. Toutefois, le Rapporteur spécial regrette que le Gouvernement n'ait pas répondu à l'entièreté des points soulevés dans la communication. Le Rapporteur exprime sa préoccupation quant aux allégations reçues qui semblent indiquer la mise en place d'un climat répressif et d'une censure envers la société civile, ainsi que une restriction de l'espace de la société civile au Niger.

73. Finalement, le Rapporteur demande à recevoir des informations sur les mesures prises par le Gouvernement pour veiller à ce que les défenseurs des droits de l'homme, les journalistes et les autres acteurs de la société civile puissent travailler dans un environnement favorable et mener leurs activités légitimes, sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de quelque nature que ce soit.

Nigeria

74. JUA 22/01/2018 Case no: NGA 1/2018 State reply: none to date

Allegation concerning the arrest and alleged arbitrary detention of Mr. Timothy Elombah, journalist and editor of an online website, and his brother Mr. Daniel Elombah, publisher and lawyer based in the United Kingdom, at their home in the city of Nnewi, Anambra state, on 1 January 2018.

75. JUA 22/02/2018 Case no: NGA 2/2018 State reply: none to date

Allegations concerning charges of threat to life, non-registration of an organisation and defamation of character, brought against Mr. Ibrahim Garba Wala, allegedly in relation to his work as anti-corruption human rights defender. He is a Nigerian human rights defender, currently national coordinator for the human rights,

anti-corruption and pro-democracy platform Citizens Action to Take Back Nigeria (CATBAN).

76. The Special Rapporteur regrets that he received no replies from the Government of Nigeria to the letters addressed to the Government dated 22 January 2018 and 22 February 2018, especially given the serious and highly preoccupying nature of allegations contained in these letters. He urges the Government to provide him with replies substantially addressing the issues raised.

77. The Special Rapporteur raises concerns at the allegations of arrest and arbitrary detention of Mr. Timothy Elombah and his brother Mr. Daniel Elombah linked to the legitimate exercise of freedom of expression in Nigeria (NGA 1/2018). It appears to represent a form of retaliation for a journalist work and a criminalisation of the right to freedom of expression. The Special Rapporteur also raises his concerns on the charges against Mr. Ibrahim Garba Wala, allegedly in relation to his work as an anti-corruption human rights defender (NGA 2/2018).

78. The Special Rapporteur wishes to underline the crucial role played by human rights defenders in Nigeria and stresses the urgent need for the Government to take all necessary measures which will allow them to carry out their legitimate work in a safe and enabling environment without fears of threats, prosecution or acts of intimidation and harassment of any sort.

Sierra Leone

79. JOL 22/02/2018 Case No: SLE 1/2018 State reply: none to date

Allegations concerning a new policy on NGOs adopted in December 2017 and entered into force in January 2018, and which may have a detrimental impact on civil society organisations in Sierra Leone.

80. JAL 19/10/2018 Case No: SLE 2/2018 State reply: 06/01/2019

Allegations of the dissolution of the Human Rights Commission of Sierra Leone (HRCSL), which has resulted in the removal of all three human rights commissioners from their appointments prematurely and unofficially.

81. PR [23/10/2018](#)

Sierra Leone must respect human rights law, says UN expert

82. The Special Rapporteur thanks the Government of Sierra Leone for its reply to the communication dated 19 October 2018 and its answer to the allegations addressed in it. Nonetheless, he regrets that he received no reply from the Government to the letter dated 22 February 2018. He urges the Government to respond to the issues raised.

83. The Special Rapporteur reiterates his utmost concerns about the new version of the 2009 NGO Policy Regulations (SLE 1/2018). The new Policy would impose severe restrictions on civil society organisations (CSOs) and impinge on the exercise of the rights to freedom of expression and freedom of association, guaranteed under international human rights law, particularly by articles 19 and 22 of the ICCPR.

84. The Special Rapporteur thanks the Government for the information on the allegations and on the factual and legal bases for the dismissal of the human rights commissioners Mr. Usman Jesse Fornah, Ms. Grace Coleridge-Taylor and Mr. Rashid Dumbuya (SLE 2/2018). Nonetheless, he regrets that the answer provided by the Government lacks relevant information to explain the bases for dismissing them. The Government in his reply states that the Commissioners have a duty to ensure that the Commission has its full composition and a plural make-up; however, the response does not explain how they should have ensured the full composition and plural make-up of the Commission considering that the appointment of Commissioners seems not to be a prerogative of the Commissioners. The Government furthermore argues that the Commissioners contravened Section 4(3)(d)&(e) (“the member wilfully fails or refused to participate in the work of the Commission without due course” and “the member becomes a member of a political party”) of the Human Rights Commission

of Sierra Leone Act 2004, referred to in the reply. Nonetheless, the reply does not provide information on how each individual Commissioner wilfully failed or refused to participate in the work of the Commission and which investigations they discontinued or which human rights violations they failed to investigate. The reply does not indicate either if they became members of a political party or not.

South Africa

85. JAL 03/01/2018 Case No: ZAF 2/2017 State reply: none to date

Allegations concerning the killing of human rights defender, Mr. Sibonelo Patrick Mpeku, who worked to defend the rights of shack dwellers to basic services and political participation in Sisonke Village.

86. JAL 28/09/2018 Case No: ZAF 1/2018 State reply: none to date (a letter was sent on 10/01/2019 to state that the Government is attending the issue)

Allegations concerning the intimidation of and threats against Mr. Thabiso Zulu, human rights defender and former African National Council (ANC) youth leader who has been speaking out against government corruption in South Africa.

87. The Special Rapporteur regrets that he received no substantive replies from the Government of South Africa to his letters from 3 January 2018 and 28 September 2018, especially given the serious and highly preoccupying nature of allegations contained in these letters.

88. The Special Rapporteur reiterates serious concern on the allegation of the killing of Mr. Patrick Mpeku appearing to be an act of retaliation against his legitimate and peaceful work as a human rights defender (ZAF 2/2017). It is of particular concern that Mr. Mpeku had repeatedly been subjected to death threats and intimidation by local politicians since 2014. Grave concerns are also expressed by the Special Rapporteur with regards to other alleged linked killings of people affiliated to the Abahlali baseMjondolo organisation. The Special Rapporteur also urges the Government to indicate the measures put in place to ensure that individuals and groups, especially human rights defenders, in danger of extra-judicial, arbitrary or summary executions, including those receiving death threats are provided with effective protection through judicial or other means.

89. The Special Rapporteur reiterates his deep concern concerning the allegations of intimidations, surveillance and threats faced by Mr. Thabiso Zulu, related to his peaceful and legitimate work as a human rights defender promoting transparency and denouncing corruption (ZAF 1/2018). State's failure to provide him protection.

90. Finally, the Special Rapporteur urges the Government of South Africa to prevent and put an end to the attacks, threats and intimidation against human rights defenders; to conduct effective and impartial investigations into these violations and to initiate disciplinary, civil or criminal proceedings against the perpetrators to prevent impunity. The Special Rapporteur also urges the Government to indicate the measures put in place to ensure that individuals and groups, especially human rights defenders, in danger of extra-judicial, arbitrary or summary executions, including those receiving death threats are provided with effective protection.

Sudan

91. JAL 13/02/2018 Case No: SDN 1/2018 State reply: none to date

Allegation of excessive use of force by security forces leading to arrests, deaths and injuries, including of human rights defenders, during a number of demonstrations that took place in different cities of Sudan from 6 January to 31 January 2018.

92. JUA 26/03/2018 Case No: SDN 2/2018 State reply: none to date

Allegation concerning the disappearance of four human rights defenders, after taking part in a demonstration on 16 January 2018 in Khartoum. Although some of them had contacts with their relatives, their place of detention was unknown.

93. JAL 14/09/2018 Case No: SDN 4/2018 State reply: none to date

Allegation concerning criminal proceedings and harassment against Ms. Wini Omer.

94. The Special Rapporteur regrets that he received no replies from the Government of Sudan to the letters of 13 February, 26 March and 14 September 2018, in the reporting period. Given the serious and highly preoccupying nature of allegations contained in these letters, he urges the Government to provide him with replies substantially addressing the issues raised.

95. The Special Rapporteur would like to raise his concern regarding the excessive use of force by security forces leading to arrests, death and injuries, including of human rights defenders, in different cities in Sudan during demonstrations that took place from 6 to 31 January 2018 (SDN 1/2018).

96. The Special Rapporteur would also like to express his concerns on the alleged disappearances and the detention of Mr. Yousif El Koda, Mr. Amjed El Tayeb, Mr. Omer Ushari Ahmed Mahmoud and Mr. Abdul Latif Abdul Latif Ali after taking part in a demonstration on 16 January 2018 in Khartoum (SDN 2/2018). He is concerned about the fact that they seem to have been detained for what would be legitimate political activities, including exercising their right to freedom of expression and assembly while participating in peaceful protests.

97. The Special Rapporteur expresses his concern regarding the apparent targeting and harassment of Ms. Omer by law enforcement agents and the judiciary, which appears to be due to her work as a human rights defender (SDN 4/2018). He expresses additional concern at the accusations she is facing, since they carry charges that might result in a death sentence. He urges the Government to inform on the measures envisaged to ensure that the Sudanese legislation complies with international human rights norms, in particular regarding the abolition of the penalty of flogging; and repealing article 152 of the Criminal Act, on “indecent dressing”.

98. The Special Rapporteur continues to be alarmed by the hostile environment in which human rights defenders have to operate in the Sudan. The Special Rapporteur renews his call upon the Government of Sudan to take immediate and effective steps to prevent and put an end to the excessive use of force by security forces, arbitrary arrests, enforced disappearances, intimidation and criminalisation of human rights defenders, and interference with physical integrity, privacy and gender-based discrimination.

Tanzania

99. JAL 25/04/2018 Case No: TZA 2/2018 State reply: none to date

Allegations on the arrest, detention, and prosecution of human rights defender Sophia Donald, as well as the arrest and detention of Ms. Donald’s mother.

100. JAL 09/07/2018 Case No: TZA 3/2018 State reply: none to date

Allegations of infringements on the right to life, the right to freedom of expression, as well as the rights to freedom of peaceful assembly and of association in Tanzania, indicating a pattern of restrictions to civic space in Tanzania.

101. The Special Rapporteur regrets that he received no replies from the Government of Tanzania to the letters dated 25 April 2018 and 09 July 2018 in the reporting period especially given the serious nature of allegations contained in these letters. He urges the Government to provide him with replies substantially addressing the issues raised.

102. The Special Rapporteur remains deeply concerned about the allegations of the arrest and detention of Ms. Donald and her mother as well as the alleged criminal proceedings against Ms. Donald (TZA 2/2018). These acts seem to be related to her legitimate work as a

human rights defender and her right to freedom of expression. He is also concerned that Ms. Donald's mother might have been arrested and arbitrarily detained as a coercive measure to ensure Ms. Donald's return to Tanzania.

103. The Special Rapporteur reiterates his concern regarding the growing restrictions placed on the exercise of the rights to freedom of expression, association and peaceful assembly and the deteriorating environment for civil society (TZA 3/2018). These restrictions are created by the adoption and implementation of a restrictive legislation. The Special Rapporteur is worried that, these laws adopted without consultation with civil society, provide the executive branch with broad discretionary powers to restrict the right to freedom of expression. He is additionally worried about the killings of political opponents and also by the harassment of human rights defenders, and the increase of negative public statements from high-ranking officials against them. The Rapporteur is concerned by the attacks against journalists and media outlets, which may lead to self-censorship in media, hinder the work of investigate journalists, and restrict access to information. He is also worried by the restrictions imposed on demonstrations and the arrest and intimidation of protestors, as well as the excessive use of force during peaceful protests. The Special Rapporteur is especially worried that this pattern underscores a policy of the authorities to curtail fundamental freedoms, suppress dissenting voices and close civic space.

104. In this regard, the Rapporteur is extremely concerned by the abduction of human rights defender and journalist Mr. Azory Gwanda; the sanctions against media outlets and individual journalists, including the judicial proceedings against Mr. Micke William and Mr. Maxence Melo Mubyazi; and the killings of Mr. Daniel John and Mr. Godfrey Luena

105. Finally, the Special Rapporteur urges the Government to take immediate measures to ensure that human rights defenders in Tanzania are able to carry out their legitimate work in a safe environment without fear of acts of retaliation, harassment, intimidate or threats of any sort against them or their families.

Togo

106. JAL 19/02/2018 Case No: TGO 1/2018 State replies: 20/02/2018; 09/04/2018

Allégations d'usage excessif de la force et de torture, au cours de manifestations, ayant pour conséquence la mort de plusieurs manifestants, mais aussi les arrestations arbitraires et les violations aux droits à la liberté d'expression et de manifestation enregistrés au Togo depuis novembre 2015.

107. JAL 08/06/2018 Case No: TGO 2/2018 State reply: 03/08/2018

Allégations d'usage excessif de la force au cours de manifestations, de restrictions du droit à la liberté de manifester pacifiquement, mais aussi d'arrestations, de détentions et intimidations de manifestants et de défenseurs des droits de l'homme, enregistrées au Togo depuis avril 2018. Allégations concernant des cas de détentions et intimidations de manifestants et de défenseurs des droits de l'homme, dont M. Assiba Johnson, Président de REJADD-Togo.

108. JAL 24/10/2018 Case No: TGO 3/2018 State reply: 04/01/2019

Allégations reçues concernant l'arrestation et le maintien en détention de M. Foly Satchivi, leader et porte-parole d'En Aucun Cas, qui est accusé de « rébellion », de « provocation et apologie des crimes et délits » et de « troubles aggravés à l'ordre public » à la suite de l'organisation d'une conférence de presse.

109. Le Rapporteur spécial remercie le Gouvernement pour la réponse très détaillée reçue à ses lettres et pour toutes les explications fournies. Le Rapporteur spécial se félicite de la création et de la mise en place d'un mécanisme mixte de concertation et d'observation des manifestations publiques, ainsi que de l'organisation d'ateliers de sensibilisation des forces de l'ordre à la prévention des conflits et la préservation de la paix (GO 1/2018). Néanmoins, le Rapporteur spécial reste extrêmement préoccupé par le haut nombre de morts et blessés sur l'ensemble de ces manifestations et exhorte le Gouvernement à prendre tous les mesures nécessaires pour assurer que la protection de l'intégrité des manifestants soit toujours une

priorité et qu'elle soit efficacement protégée. Le Rapporteur spécial prie instamment le Gouvernement de fournir des informations par rapport aux raisons pour lesquelles les allégations d'actes de torture ont été déclarées « sans fondement », de fournir des informations sur les investigations qui 'ont été menés pour arriver à une telle conclusion, ainsi que des informations sur les investigations menées pour éclaircir les allégations d'usage excessif de la force.

110. Le Rapporteur spécial remercie aussi le Gouvernement d'avoir fourni des informations sur les accusations à l'encontre de M. Johnson (TGO 2/2018), sur son arrestation, sa détention et son accès à un médecin. Néanmoins, le Rapporteur spécial demeure inquiet que les charges et l'arrestation de M. Johnson soient liées à ses activités spécifiques de défenseur des droits de l'homme et que les bases juridiques fondant son arrestation et sa détention pourraient être non-conformes au droit international des droits de l'homme.

111. Le Rapporteur spécial remercie le Gouvernement du Togo pour sa réponse à sa communication du 24 Octobre 2018 (TGO 3/2018) concernant l'arrestation et la détention de M. Foly Satchivi, qui semblerait étroitement liée à ses activités dans la défense et la promotion des droits de l'homme; ainsi que concernant les qui sembleraient disproportionnés et criminaliseraient l'exercice légitime de la liberté d'expression.

112. Le Rapporteur Spéciale demeure préoccupé par le climat hostile envers les défenseurs des droits de l'homme depuis novembre 2015. Cette hostilité se manifeste par des restrictions de la liberté de réunion pacifique, la liberté d'expression et d'opinion ainsi que par l'usage disproportionné de la force à l'encontre de manifestants, ayant pour résultat la mort de plusieurs individus, des arrestations et détentions arbitraires, des actes d'intimidation et la criminalisation des défenseurs des droits de l'homme. Le Rapporteur souhaite souligner que les actions entreprises par les forces de l'ordre doivent être proportionnelles et strictement nécessaires au maintien de l'ordre public.

113. Finalement, le Rapporteur demande à recevoir des informations sur les mesures prises par le Gouvernement pour veiller à ce que les défenseurs des droits de l'homme, les journalistes et les autres acteurs de la société civile puissent travailler dans un environnement favorable et mener leurs activités légitimes sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de quelque nature que ce soit.

Uganda

114. JAL 22/12/2017 Case No: UGA 3/2017 State reply: none to date

Allegations concerning the arrest of feminist academic and human rights defender, Stella Nyanzi, for statements made on social media criticising government officials and policies.

115. JAL 28/03/2018 Case No: UGA 1/2018 State reply: none to date

Allegations concerning the arrest and the different threats against Mr. Kulihooshi Musikami Pecos, a Congolese refugee, human rights defender and Executive Director of an organisation led by refugees and working for the promotion of human rights in the Great Lakes Region of Africa.

116. JAL 19/07/2018 Case No: UGA 2/2018 State reply: 22/10/2018

Allegations of threats, intimidation, judicial harassment, use of force against and ill-treatment of Ms. Betty Namboozee, Member of Parliament (MP), for the peaceful exercise of her right to freedom of expression.

117. The Special Rapporteur thanks the Government of Uganda for the response provided to the Communication sent the 19 July 2018, and takes notes of the information provided by the Government. However, he regrets that he received no replies from the Government of Uganda to the letters addressed to the Government by the Special Rapporteur on 22 December 2017 and 28 March 2018.

118. The Special Rapporteur raises his concerns with regards to the allegation of prosecution of Ms. Nyanzi and her suspension from her university position, allegedly related to her criticism of government officials and policies on social media (UGA 3/2017). Additional concern is expressed about the alleged surveillance and monitoring of Ms. Nyanzi and her children that could be considered as acts of intimidation.

119. The Special Rapporteur remains concerned about the allegations concerning Mr. Pecos' secret detention, confiscation of private devices and information and the investigation against him for "libel and defamation" (UGA 1/2018). These acts might be related to his work denouncing corruption in the Ugandan asylum system. Further concern is expressed regarding the existence of criminal defamation in the legal framework of Uganda, representing an illegitimate restriction to the exercise of freedom of expression.

120. The Special Rapporteur thanks the Government for its answer to the communication sent on 19 July 2018 regarding concerns in relation to the allegations of several acts against Ms. Betty Nambooze (UGA 2/2018). While he takes note of the arguments provided by the Government, he reiterates his grave concern at the alleged use of force by the President's Special Forces Command against Ms. Nambooze and other MPs. Further concern is expressed at the allegations of judicial harassment and at the charge of "offensive communication" under Section 20 of the Computer Misuse Act which might not be in compliance with international human rights law. The Special Rapporteur thanks the Government for the information on the background to the events of the debate of the Constitutional (Amendment) (No. 2) Bill 2017, the accusations against Ms. Betty Nambooze, the allegations of ill-treatment, the use of force by the Special Forces Command, and on the legal provisions concerning the provision on "offensive communication".

121. However, the Special Rapporteur regrets that the responses provided lack relevant information. The Rapporteur continues to be concerned about the allegations of use of force against Ms. Nambooze, since these actions could have had an impact in the condition of her spinal cord. In this regard, the Constitutional Court in Constitutional Petitions Nos. 49 of 2017, 3 of 2018, 5 of 2018, 10 of 2018, and 13 of 2018, of 26 July 2018, under the section "Court's Resolution of the Issues. Violence during the amendment process" (page 751 and 753), states that: "Although the intervention of security forces was warranted, the treatment of the MPs was inhuman and degrading contrary to Article 24 of the Constitution. I also find that their arrest and detention was uncalled for because the speaker's order was to have them evicted from the chamber, not detained" and "In the circumstance I find that the intervening forces used excessive force in stopping the scuffle in Parliament. The treatment of the Members of Parliament was inhuman and contravened Article 21 of the Constitution". The Special Rapporteur continues to be concerned about the lack of measures to consider the repeal of the provision on "Offensive Communication" of the Computer Misuse Act.

AMERICAS

122. During the reporting period, the Special Rapporteur sent 52 communications to 14 countries in the Americas region, with a response rate of 57%, slightly lower than last year. The Special Rapporteur commends some Governments, such as those of Argentina, Chile, Ecuador, Peru and Venezuela for their efforts in responding comprehensively to every communication sent and takes good note of the improved level of response and engagement by the Governments of Brazil, Colombia and Peru. The Special Rapporteur would like to encourage all governments to engage fully with the mandate and provide substantive replies to those communications left unanswered until now.

123. The Special Rapporteur would also like to commend the Governments of Honduras and Colombia for their invitation to visit their countries, and their cooperation during the visits. The Special Rapporteur remains committed to provide technical support to both countries and welcomes the commitment and will of both Governments to address the situation of human rights defenders and take measures to ensure a safe and enabling environment for them, in compliance with the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” or in its abbreviated form, the UN Declaration on Human Rights Defenders.

124. As stated in previous reports, the Americas region remains one of the most dangerous regions in the world for human rights defenders, although the level of risk varies from country to country. Human rights defenders in the Americas are attacked, killed and under risk in connection to their legitimate human rights agenda and work, which challenges powerful businesses interests, local politicians and elites, as well as armed and criminal groups, and corruption.

125. Lack of accountability and impunity for crimes committed against human rights defenders is pervasive in some countries in the region. As the Special Rapporteur has stressed in a number of occasions, this perpetuates further the cycle of violence against human rights defenders, including women. Unless access to effective justice for defenders and their families is guaranteed, and unless the intellectual and material authors of crimes and violations against them are brought to justice and sentenced, human rights defenders in the Americas will continue to be killed, attacked, threatened, and women human rights defenders will in addition continue to face gender-based violence and harassment.

126. Another important factor, which seriously undermines human rights defenders work in the Americas, relates to the shrinking civic space observed in many countries in the region. The Special Rapporteur is concerned about existing legal frameworks and new legislative initiatives that seriously restrict the ability of civil society, and human rights defenders in particular, to exercise their rights to protest peacefully, to participate in public affairs, to establish and run non-governmental organisations; and that restrict the right to freedom of expression, including of journalists. The Special Rapporteur is also concerned about new legislative initiatives and existing legislation in the areas of counter-terrorism and national security, access to private and public spaces, protests, and regulating libel, slander offences that are used to criminalise human rights defenders and their work. Communications sent to Guatemala and Mexico in relation to restrictive legislation illustrate the concerns of the Special Rapporteur. Under the said restrictive legal frameworks, cases are filed against defenders based on unfounded allegations or complaints, which result in lengthy and costly judicial procedures that seriously damage defenders’ reputation and limit their ability to carry out their human rights work, as reflected in communications sent to Brazil, Chile, Cuba, Ecuador, Guatemala, Honduras, Mexico and Peru.

127. The Special Rapporteur reiterates his concern at the situation of indigenous and afro-descendent human rights defenders, as well as land and environmental rights defenders. As illustrated in the communications sent to Brazil, Colombia and Ecuador, the violations they face, are often related to the promotion of the right to free, prior and informed consent, or linked to their work challenging the negative impact of business practices and large-scale extractive projects on their human rights and the environment. In many cases, private companies actively threaten human rights defenders.

128. Women human rights defenders, including those defending the human rights of women to sexual and reproductive health remain under attack in many countries in the region, as illustrated by the communications sent to Brazil, Colombia, Ecuador Honduras, Mexico, and Guatemala. The Special Rapporteur is also concerned about the situation of defenders of the human rights of migrants and of persons of the LGBTI community, as illustrated in communications sent to the United States, and to Guatemala, Mexico and Honduras.

129. As in the previous reporting period, in the course of 2018 the Special Rapporteur received two reports on cases of reprisals and intimidation against defenders for cooperation with international human rights mechanisms, including the UN concerning Cuba (CUB 4/2018) and United States of America (USA 2/2018).

Argentina

130. JUA 11/12/2017 Case no: ARG 4/2017 State reply: 11/01/2018

Alegaciones respecto a la denegación de visas de entrada y acreditación a representantes de organizaciones de la sociedad civil para participar en la undécima Conferencia Ministerial de la Organización Mundial del Comercio (OMC) programada del 10 al 13 de diciembre de 2017 en Buenos Aires (Argentina).

131. JUA 17/09/2018 Case no: ARG 4/2018 State reply: 15/11/2018

Alegaciones en relación con la detención arbitraria y de violencia contra el Sr. Iván Bordón, abogado y defensor de los derechos humanos. Al Relator Especial le consta que los cargos contra el Sr. Iván Bordón le fueron desestimados y que fue liberado.

132. El Relator Especial agradece al Gobierno las respuestas detalladas a las dos comunicaciones enviadas el 11 de diciembre de 2017 y el 17 de septiembre de 2018. Asimismo, el Relator saluda la firma del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe y exhorta a su pronta ratificación.

133. El Relator Especial toma nota de la respuesta del Gobierno de 11 de enero con información detallada acerca de los motivos y procedimientos seguidos en las denegaciones de visas de entrada y acreditación a representantes de organizaciones de la sociedad civil a la undécima Conferencia Ministerial de la OMC y señala que toda restricción del derecho a la libertad de expresión y de reunión pacífica debe cumplir los criterios estrictos previstos en el derecho internacional de los derechos humanos. El Relator Especial agradece la respuesta del Gobierno de 15 de noviembre y los respectivos anexos con información exhaustiva sobre el proceso de acusación contra el defensor de derechos humanos el Sr. Iván Bordón; así como la información confirmando, lamentablemente, que el defensor fue golpeado por efectivos policiales durante el registro de la propiedad de sus clientes. La información recibida corrobora asimismo, su puesta en libertad por la jueza encargada del caso, tras cuatro días de detención.

Brazil

134. JAL 22/03/2018 Case no: BRA 3/2018 State replies: 23/03/2018, 27/03/2018, 12/09/2018

Allegations related to the killing of Ms. Marielle Franco and her driver, Mr. Anderson Pedro Gomes, as a consequence of Ms. Franco's legitimate exercise of her right to freedom of expression, her participation in political and public life, and her human rights work.

135. JUA 19/06/2018 Case no: BRA 7/2018 State reply: 10/08/2018

Allegations of intimidation and death threats made against environmental human rights defenders, Messrs. Ageu Lobo Pereira, Pedro Braga da Silva and

Francisco Firmino da Silva (known as Chico Caititu), in relation to their human rights activities on behalf of Montanha and Mangabal communities.

136. JAL 31/08/2018 Case no: BRA 9/2018 State reply: 14/11/2018

Allegations of the denial of pastoral agents, members of Pastoral Carceraria and human rights defenders, to officially register, and enter into detention centres. They participate in religious services with persons deprived of liberty and have a prominent role informing allegations of torture. Moreover, they have received threats from prison officials and attacks in the media reportedly because of their work in defending the rights of the persons deprived of their liberty and in reporting on alleged cases of torture in prisons.

137. JAL 14/09/2018 Case no: BRA 12/2018 State reply: none to date

Allegations of the conviction on 16 July 2018 of 23 human rights defenders for belonging to a political organisation called “Frente Independente Popular” and for exercising their rights to freedom of peaceful assembly and of association during protests which happened in Brazil in 2013 and 2014, among others the “Ocupaba Cabral” demonstration and the “Ocupa Camara.”

138. PR [26/3/2018](#)

Brazil: UN experts alarmed by killing of Rio human rights defender who decried military intervention

139. The Special Rapporteur thanks the government for the replies received to three of the four communications sent during the current reporting period and appreciates this development towards a full-fledged cooperation with the mandate. He regrets that, at the time of finalising the report, no reply has been received to communication BRA 12/2018 and hopes to receive a response to this communication soon.

140. The Special Rapporteur is gravely concerned by the killing of Ms. Marielle Franco and her driver, Mr. Anderson Pedro Gomes. Ms. Franco, a member of Rio de Janeiro’s city council and a prominent human rights defender advocating for the human rights of women, people of African descent, the LGBT community and excluded communities and denouncing police abuse and the role of the military police role in public security. She is alleged to have been killed in retaliation for her human rights work. The Special Rapporteur thanks the Government for the three replies of 23, 27 March and 12 September 2018, which provide information on the institutions and departments responsible for the investigation of the case, and on the ammunition used in the killings, which according the State reply belonged to a lot stolen from the Federal Police of Brasilia. The Special Rapporteur takes note of the confidential status of the investigation highlighted in the latest reply of 12 September 2018, and regrets that the replies to BRA 3/2018 only partially address the questions and concerns raised in the communication and hopes to receive soon updated information on the status of the investigation.

141. The Special Rapporteur is following the recent information available in public media about the recent arrests of a number of suspects that are reportedly linked to the killing of the human rights defender Ms. Marielle Franco and her driver. The Special Rapporteur remains gravely concerned for the insufficient progress made in holding those responsible for this crime accountable for their actions and for the public allegation of the former - Minister of Public Security on the existence of a plot to try to impede the investigations.-The Special Rapporteur notes with concern that the killing of Ms. Franco reflects a climate of discrimination and intolerance in Brazil and aims to intimidate all those fighting for human rights and the rule of law.

142. The Special Rapporteur thanks the Government for the reply of 14 November 2018 with information on the legal framework, which foresees access of pastoral agents to all areas of detention, but regrets the lack of information on the reported denial of access of Father José de Ramos and Mr. Malvezzi to detention centres. The Special Rapporteur remains concerned about the alleged lack of access, which in the case of Mr. Malvezzi, appears to relate to his public denounce of violations against detainees. The Special Rapporteur regrets

that the alleged lack of access would hinder the ability of the human rights defender to document violations against detainees, including torture.

143. The Special Rapporteur thanks the Government for the reply of 10 August 2018 with information on the measures adopted to protect three environmental human rights defenders, Mr. Ageu Lobo Pereira, Mr. Pedro Braga da Silva and Mr. Francisco Firmino da Silva, including the monitoring of the situation, periodic surveillance actions and economic temporary support to the leaders. The Special Rapporteur requests an update on the final decision regarding the possible inclusion of Mr. Ageu Lobo as a beneficiary of the Human Rights Defenders Protection Programme, like the other two defenders. The Special Rapporteur remains concerned about the safety of the defenders and the members of the Montanha and Mangabal communities, in particular due to lack of progress on the investigations of the death threats and intimidation suffered.

144. The Special Rapporteur is seriously concerned about the current grave context of violence, threats and killings in which human rights defenders carry out their work in Brazil and the shrinking civil space. UN human rights mechanisms have repeatedly expressed their concern on the aggravated risks faced by people, who defend human rights in the country and have recommended that the State of Brazil take urgent measures to guarantee their effective protection. The Special Rapporteur is also alarmed by the persistent pattern of impunity for killings, harassment, threats and intimidation and other serious human rights abuses committed against human rights defenders in Brazil, particularly indigenous, environmental, land and women human rights defenders and those defending the human rights of the LGBTI community. The Special Rapporteur is also concerned about the criminalisation of the right to protest and of the defenders exercising this right, as well as the media depiction of protestors as violent individuals responsible for public disorder since it prevents the full enjoyment of the rights to freedom of peaceful assembly and of association.

145. The Special Rapporteur remains at the disposal of the Government of Brazil to provide technical assistance and support to ensure a safe and enabling environment for human rights defenders.

146. The Rapporteur also welcomes the signing of Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and calls for its speedy ratification.

Colombia

147. JUA 1/02/2018 Case no: COL 1/2018 State reply: none to date

Alegaciones de amenazas de muerte, intento de asesinato y agresiones por parte de grupos paramilitares contra el Sr. Germán Graciano Posso, integrante de la Comunidad de Paz de San José de Apartadó, y familiares de este.

148. JUA 15/02/2018 Case no: COL 2/2018 State replies: 06/04/2018; 07/05/2018; 09/07/2018

Alegaciones sobre el asesinato del defensor de derechos humanos Temístocles Machado, que presuntamente se vincula con su trabajo por la defensa del territorio y de la comunidad de Isla de la Paz, por parte de grupos armados que operan en la ciudad.

149. JAL 23/10/ 2018 Case no: COL 6/2018 State reply: 02/01/2019

Allegations of individual cases of attacks against Afro-Colombian and indigenous communities, including human rights defenders, sexual gender-based and other violence committed against Afro-Colombian indigenous women and lack of consultation with Afro-Colombian and indigenous peoples and non-compliance with the Peace Accord as it relates to these population groups and a context of excessively violent disputes over land and territory.

150. PR [16/11/2018](#)

Colombia: Experto de la ONU evaluará la situación de los defensores de los derechos humanos

151. PR [03/12/2018](#)

Colombia debe actuar para detener los asesinatos y ataques contra defensores y defensoras de los derechos humanos – Relator de la ONU

152. PR [05/12/2018](#)

Declaración de Fin de Misión del Relator Especial de las Naciones Unidas sobre la Situación de los Defensores y las Defensoras de Derechos Humanos, Michel Forst visita a Colombia, 20 de noviembre al 3 de diciembre de 2018*

153. El Relator Especial agradece al Gobierno las respuestas detalladas y exhaustivas recibidas a dos de las tres comunicaciones enviadas durante el periodo del presente informe y lamenta la falta de respuesta a la comunicación COL 1/2018 sobre el ataque al defensor Graciano Posso de la comunidad de paz de San José de Apartadó. El Relator Especial toma buena nota de la información recibida sobre las medidas en marcha y el compromiso de una nueva política del Gobierno para la protección y garantía de los derechos de las personas defensoras en Colombia con un enfoque étnico y de género diferenciado, así como sobre las líneas de acción adoptadas por la Fiscalía General de la Nación, las medidas de la Unidad Nacional de Protección y las acciones para salvaguardar los derechos de los pueblos indígenas y las comunidades afrodescendientes.

154. El Relator Especial toma nota de la información recibida sobre el estado de las investigaciones relacionadas con 8 asesinatos de personas defensoras de las 29 alegaciones referidas por el relator en sus comunicaciones, y sobre los tres defensores desaparecidos y lamenta que no se aporte información sobre la base fáctica y jurídica para el arresto y la detención de las defensoras Sara Liliana Quiñónez Valencia y Tulia Maris Valencia. El Relator Especial saluda las tres capturas de las 6 ordenadas en el caso del asesinato del defensor Temístocés Machado, y lamenta que la solicitud de evaluación del riesgo global para la comunidad que el defensor solicitó tras rechazar un análisis de riesgo sólo de su situación, no fuera atendida por las autoridades colombianas. También le preocupa que medidas de protección colectiva como cámaras de seguridad, o eventos de reconocimiento del rol de las personas defensoras se presenten en la respuesta del Gobierno como fuera del ámbito de acción de la Unidad Nacional de Protección.

155. El Relator Especial está profundamente preocupado por los asesinatos, amenazas de muerte, desapariciones y otros ataques contra las personas defensoras en Colombia, sobre todo desde la firma los acuerdos de paz en 2016, afectando a personas defensoras de las minorías afrocolombianas y pueblos indígenas, mujeres defensoras, líderes y lideresas sociales. Los defensores de los derechos humanos afrocolombianos e indígenas están desproporcionadamente representados entre las víctimas. Al Relator Especial también le preocupa que las personas defensoras de los derechos humanos en Colombia son también objeto de campañas de difamación y estigmatización, incluso por parte de funcionarios públicos, y son seguidos y sus comunicaciones interceptadas. El Relator Especial toma nota de los esfuerzos de la fiscalía en materia de rendición de cuentas, y expresa preocupación por el todavía alto índice de impunidad y por la falta de acceso efectivo de las víctimas a la justicia, que se ve agravado por la discriminación por razón de género, raza o etnia o estado socio-económico imperante. El Relator Especial pide que se adopten medidas inmediatas y de carácter estructural para prevenir futuros asesinatos, amenazas de muerte y otros ataques contra personas defensoras y que se adopten medidas para investigar, enjuiciar y llevar ante la justicia a los autores materiales e intelectuales de los numerosos asesinatos y ataques contra las personas defensoras.

156. El Relator agradece al Gobierno la invitación de visitar el país y la cooperación extendida antes y durante la visita, la cual tuvo lugar del 20 de noviembre al 3 de diciembre de 2018. Las observaciones y recomendaciones preliminares del Relator tras la conclusión de su visita se encuentran disponibles en la página web del Relator Especial en este enlace. El Relator Especial reitera su disponibilidad para prestar asistencia técnica y apoyo y dar seguimiento a las recomendaciones tras su visita a fin de contribuir a crear un entorno seguro y propicio para los defensores de los derechos humanos.

Chile

157. JAL 13/08/2018 Case no: CHL 2/2018 State replies: 17/08/2018; 21/11/2018

Alegaciones del supuesto incumplimiento de las obligaciones estatales de proteger, respetar y garantizar la independencia judicial en su país, así como asegurar la labor de jueces y magistrados, en particular respecto a la jueza Sra. Ximena Saldivia, responsable del juicio contra machi Francisca Linconao y otros diez comuneros mapuches, por delitos contemplados en la Ley Antiterrorista de Chile.

158. El Relator Especial agradece al Gobierno de Chile las respuestas e información proporcionada sobre el caso de la jueza Sra. Ximena Saldivia y lamenta que según la última información recibida a finales de noviembre no se había finalizado las investigaciones para esclarecer las alegaciones de presión indebida y acoso laboral a la jueza en el juicio contra la machi Francisca Linconao y otros diez comuneros mapuches, en el denominado caso Luchsinger Mackay. El Relator toma buena nota de la absolución de la machi Francisca Linconao y otros 8 comuneros, así como del fallo del Tribunal Supremo, que condenó a dos comuneros mapuches por delito consumado de incendio con resultado de muerte, y eliminó la calidad de terrorista del delito.

159. El Relator Especial toma en buena consideración que el gobierno de Chile tome en cuenta el marco del derecho internacional de los derechos humanos. Asimismo, el Relator quisiera instar al Gobierno de su Excelencia a que adopte todas las medidas necesarias para proteger los derechos y las libertades de los defensores de derechos humanos.

Cuba

160. JAL 9/02/2018 Case no: CUB 1/2018 State reply: 06/04/2018

Alegaciones de interrogatorios y amenazas contra abogados y defensores de derechos humanos, a raíz de su cooperación con las Naciones Unidas en materia de derechos humanos.

161. AL 21/03/2018 Case no: CUB 2/2018 State reply: none to date

Alegaciones de restricciones de viaje, confiscaciones de pertenencias, y la apertura de un proceso penal por enriquecimiento ilícito en contra del abogado Wilfredo Vallín Almeida, que se relacionarían con su trabajo en defensa de los derechos humanos en Cuba.

162. JAL 26/03/2018 Case no: CUB 3/2018 State reply: none to date

Alegaciones de interrogatorios, amenazas y las restricciones de viaje en contra del Sr. Alejandro Sánchez Zaldívar y su familia, que parecen encontrarse vinculadas con sus actividades de defensa de los derechos laborales.

163. JAL 13/07/2018 Case no: CUB 4/2018 State reply: 03/08/2018

Alegaciones acerca de la condena del defensor de los derechos humanos ambientales, el Sr. Ariel Ruiz Urquiola, sobre las acusaciones de desacato a la autoridad presuntamente en represalia por su trabajo medioambiental.

164. El Relator Especial agradece las dos respuestas recibidas a las cinco comunicaciones enviadas durante el periodo del presente informe, y queda a la espera de recibir una respuesta sustantiva lo antes posible sobre las comunicaciones CUB 2/2018, CUB 3/2018 y CUB 6/2018. El Relator Especial lamenta que la respuesta a la comunicación CUB/1/2018 no aporte información relevante sobre los hechos en relación con las alegaciones presentadas, así como que las autoridades cubanas no reconozcan la labor y papel de los defensores de derechos humanos afectados y nieguen categóricamente las alegaciones incluidas en la comunicación.

165. El Relator Especial expresa grave preocupación por las alegaciones de interrogatorios y amenazas de restricciones de viaje contra los Sres. González Vigoa y Morales Estrada tras su cooperación con las Naciones Unidas en materia de derechos humanos. Al Relator también

le preocupa la condena del defensor de los derechos humanos ambientales, el Sr. Ariel Ruiz Urquiola, la acusación penal contra del Sr. Wilfredo Vallín y la respectiva incautación de bienes y documentos confidenciales de la Asociación Jurídica Cubana que él preside, así como las amenazas, acoso y restricciones de viaje en contra del Sr. Sánchez Zaldívar (y su familia) presuntamente relacionadas con su labor de defensor de derechos humanos como sindicalista.

166. El Relator Especial hace un llamamiento al Gobierno a reconocer la importante labor y contribución de las defensoras y los defensores de derechos humanos en Cuba, y a asegurar su protección y el ejercicio de su labor en un entorno seguro y propicio. El Relator Especial está gravemente preocupado por la constatación de un aumento en el número de casos de personas defensoras de derechos humanos cubanas que son objeto de represalia por cooperar con órganos de Naciones Unidas o participar en foros internacionales o regionales, en materia de derechos humanos. El Relator Especial subraya la preocupación por las medidas del Gobierno de Cuba que parecen buscar la obstrucción de la provisión de asesoría legal a opositores políticos y personas que de otra forma no tendrían acceso a estos servicios dada la vinculación de los bufetes colectivos al gobierno cubano.

Ecuador

167. JAL 05/06/2018 Case no: ECU 3/2018 State replies: 14/06/2018, 06/08/2018

Alegaciones sobre las presuntas investigaciones ilegales, faltas al debido proceso judicial, amenazas, intimidaciones y agresiones contra tres líderes indígenas y defensores de los derechos humanos medioambientales: Sr. Agustín Wachapá, Sr. José "Pepe" Acacho, Sra. Patricia Gualinga.

168. JAL 26/06/2018 Case no: ECU 4/2018 State reply: 7/09/2018

Alegaciones del secuestro y las amenazas contra los defensores de derechos humanos, los Sres. Yaku Pérez Guartambel, Mario Gonzalo, Fárez Ramon, Víctor Hernández Siavichay y Manuel Gayllas, en el contexto de las actividades mineras en la región de Cuenca.

169. El Relator Especial agradece al Gobierno de Ecuador las respuestas recibidas a las comunicaciones enviadas durante el periodo abarcado por el presente informe con información detallada sobre la legislación nacional y sobre las medidas generales de protección de los defensores medioambientales. El Relator Especial toma nota del carácter reservado de la información sobre los distintos procesos penales o pre-procesales y las investigaciones abiertas sobre los casos de los defensores y a las defensoras de las dos comunicaciones enviadas, por encontrarse en la fase de investigación previa.

170. Si bien el Relator Especial toma nota del carácter reservado de la citada información, espera recibir información sobre el estado de la investigación sobre la amenaza de muerte contra la Sra. Gualinga y la base jurídica para prolongar la investigación sobre su persona durante cuatro años pese a no haber sido acusada formalmente de ningún delito. El Relator Especial espera también recibir información sobre las pruebas presentadas contra el Sr. Wachapá y la posible reparación por su detención preventiva, así como sobre la base jurídica para condenar al Sr. Acacho habiéndose alegado que no se le proporcionó una oportunidad para defenderse.

171. El Relator Especial se mantiene preocupado por los presuntos actos violentos cometidos contra los Sres. Yaku Pérez Guartambel, Mario Gonzalo, Fárez Ramon, Víctor Hernández Siavichay y Manuel Gayllas. El Relator Especial agradece la información del contexto de las comunidades en las que los hechos sucedieron, y espera recibir información sobre los resultados de la investigación acerca de los actos de violencia contra los defensores supuestamente llevados a cabo por personas vinculadas a la empresa Ecuagoldmining South America S.A, una vez finalizada la fase de investigación previa.

172. El Relator Especial expresa preocupación por las detenciones y hostigamientos contra los defensores indígenas y medioambientales en Ecuador, así como por la criminalización del ejercicio de sus derechos, incluido el derecho a la libertad de reunión pacífica y a libertad

de expresión. El Relator Especial subraya que la labor y defensa del derecho a un medioambiente sano y seguro está garantizado en el artículo 14 de la Constitución ecuatoriana, y el marco establecido en el PIDCP en los artículos 6, 9, 19 y 22 que establecen los derechos a la vida, a la libertad y la seguridad personales, a la libertad de opinión y expresión y el derecho a la libertad de asociación. Asimismo, el Relator saluda la firma del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe y exhorta a su pronta ratificación.

Guatemala

173. JAL 13/12/2017 Case no: GTM 7/2017 State reply: 15/02/2018

Presunto asesinato del Sr. Tomás Francisco Ochoa Salazar, sindicalista guatemalteco, así como el intento de asesinato en contra de uno de sus colegas en el mismo ataque.

174. JAL 01/02/2018 Case no: GTM 1/2018 State reply: 9/04/2018

Presunto asesinato del Sr. Ronal David Barillas Díaz, defensor de los derechos indígenas del Pueblo Xinka e integrante de la Coordinadora de comunidades afectadas por la actividad de la agroindustria cañera en los departamentos de Escuintla, Santa Rosa y Jutiapa.

175. JAL 14/02/2018 Case no: GTM 2/2018 State reply: 09/07/2018

Alegaciones sobre la detención y procesamiento de la líder indígena María Magdalena Cuc Choc, en relación con su activismo en el caso del desalojo de 56 familias de la comunidad indígena de Chabilchoch de un predio disputado con la empresa Lisbal S.A., en el Departamento de Izabal.

176. JOL 22/03/2018 Case no: GTM 3/2018 State reply: none to date

Alegaciones sobre información de la Iniciativa de Ley 5266 para reformar el Código Penal de Guatemala, así como la Iniciativa de Ley 5239 contra actos terroristas que son incompatibles con las obligaciones de las normas y estándares internacionales de derechos humanos.

177. JAL 12/04/2018 Case no: GTM 6/2018 State reply: 25/06/2018

Alegaciones sobre la agresión sufrida por el Sr. Jorge Alberto Santos, Coordinador General de la Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala (UDEFEHUA) y las amenazas recibidas por la Sra. Lenina García, presidenta de la Asociación de Estudiantes Universitarios (AEU) de la Universidad San Carlos de Guatemala (USAC).

178. JOL 27/04/2018 Case no: GTM 8/2018 State reply: 20/07/2018

Alegaciones sobre la Iniciativa de Ley 5257 para reformar el Decreto 02-2003 del Congreso de la República, y la Ley de Organizaciones No Gubernamentales para el Desarrollo, que son incompatibles con las obligaciones y estándares internacionales de derechos humanos contraídas por Guatemala.

179. JAL 24/07/2018 Case no: GTM 10/2018 State reply: none to date

Alegaciones sobre asesinatos, ataques y actos de intimidación contra defensores de derechos humanos en un contexto político y legislativo cada vez más restringido para los defensores y defensoras de los derechos humanos.

180. JAL 20/11/2018 Case no: GTM 14/2018 State reply: none to date

Alegaciones sobre la situación de las personas migrantes en caravana, en dirección a México y a los Estados Unidos de América.

181. PR [09/08/2018](#)

Guatemala: El incremento de ataques contra defensores de los derechos humanos es profundamente preocupante – dicen expertos de la ONU

182. PR [28/11/2018](#)

Caravana de migrantes: Los Estados tienen el deber de proteger los derechos humanos

183. PR [19/12/2018](#)

Guatemala: UN experts concerned indigenous leader convicted in retaliation for opposition to Oxec hydro project

184. El Relator Especial agradece al Gobierno de Guatemala sus respuestas a cuatro comunicaciones GTM 1/2018, GTM 2/2018, GTM 6/2018, GTM 8/2018, pero lamenta no haber recibido respuesta a tres comunicaciones enviadas durante el periodo abarcado por el presente informe, en especial dada la delicada naturaleza de las alegaciones. Asimismo, el Relator saluda la firma del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe y exhorta a su pronta ratificación.

185. El Relator Especial muestra gran preocupación por el asesinato del Sr. Ochoa Salazar, que según la información disponible es el 87º sindicalista asesinado en Guatemala desde 2004. El Relator agradece la respuesta de 15 de febrero de 2018 con información recibida sobre su asesinato y el estado de la investigación, así como sobre la legislación vigente sobre el derecho a formar sindicatos y a participar en ellos y sobre las acciones adoptadas para proteger a los miembros de sindicatos.

186. El Relator Especial agradece también la respuesta del Gobierno de 9 de febrero de 2018 con información sobre el asesinato del Sr. Ronal David Barillas Díaz, presuntamente vinculado con su labor de defensa de los derechos humanos, y toma nota del marco legislativo nacional y el proceso de la formulación de una política pública de protección para las y los defensores de derechos humanos en Guatemala, y queda a la espera de recibir información adicional sobre el resultado de la investigación en curso. El Relator Especial expresa también su gran preocupación por los asesinatos de los Sres. Luis Arturo Marroquín Gómez, Alejandro Hernández García, Florencio Nájera, Francisco Munguía, José Can Xol, Mateo Chamán Pauu, Ramón Choc Sacrab y Luis Armando Maldonado, que parecerían estar vinculados con su labor de defensores y líderes campesinos en favor del derecho al desarrollo, el medio ambiente, el acceso a la tierra, y con sus intentos de participación política. El Relator Especial espera recibir pronto la respuesta del Gobierno a las preguntas incluidas en la comunicación.

187. El Relator Especial agradece al Gobierno la respuesta proporcionada el 25 de junio de 2018 sobre el caso de la agresión sufrida por el Sr. Jorge Alberto Santos y las amenazas recibidas por la Sra. Lenina García y expresa su preocupación ya que estos actos suponen un ataque contra la sociedad civil e impactan negativamente en el ejercicio de los derechos a la libertad de expresión, reunión pacífica y manifestación.

188. El Relator Especial toma nota de la información contenida en la respuesta de 9 de julio de 2018 sobre el estado de las investigaciones y procesos contra la Sra. Magdalena Cuc Choc expresa asimismo profunda preocupación por los cargos presentados en contra de la Sra. Magdalena presuntamente desproporcionados y vinculados con su activismo por la defensa del derecho a la tierra de la comunidad indígena Chabilchoch. El Relator Especial lamenta también la falta de información sobre la situación legal del predio disputado por la comunidad indígena Chabilchoch y la empresa Lisbal S.A.

189. El Relator Especial toma nota de la respuesta correspondiente del Gobierno con información detallada acerca del diseño de la Iniciativa de la Ley 5257, la cual dice garantizar los derechos a la libertad de asociación y expresión respetando el Pacto Internacional de Derechos Civiles y Políticos. Sin embargo, el Relator Especial remarca con preocupación las limitaciones que dicha ley conllevarían para la sociedad civil y para la labor de los defensores y de las defensoras de derechos humanos, ya que dicha ley impondría a las organizaciones gubernamentales nacionales e internacionales requisitos, y controles legales y administrativos que podrían dificultar el desempeño de sus labores.

190. El Relator Especial está profundamente preocupado por el deterioro de la situación de los defensores y las defensoras de derechos humanos, marcado por un incremento de los asesinatos, hostigamientos y ataques en su contra, por una gama amplia de actores. El Relator Especial señala con preocupación que dicho deterioro afecta fundamentalmente a los defensores y defensoras de la tierra, el medioambiente y derechos de los pueblos indígenas, así como a líderes y miembros de sindicatos. El Relator Especial urge a Guatemala a adoptar todas las medidas necesarias para proteger los derechos y las libertades de las personas mencionadas e investigar, procesar e imponer las sanciones adecuadas a cualquier persona responsable de las violaciones alegadas. Asimismo, insta a tomar las medidas efectivas para evitar que tales hechos, de haber ocurrido, se repitan. El Relator Especial lamenta también la prevalente estigmatización de las personas defensoras, incluyendo a través de las redes sociales, así como su criminalización por su defensa y promoción de los derechos humanos.

191. El Relator Especial observa que estas tendencias se ven además reforzadas por el impulso de una agenda legislativa regresiva en áreas clave que restringen el espacio de la sociedad civil y afectan la labor de promoción y defensa de los derechos humanos. El Relator Especial reitera su preocupación por la Iniciativa de Ley 5266 para reformar el Código Penal de Guatemala (Decreto 17-73 del Congreso de la República), así como de la Iniciativa de Ley 5239 que dispone aprobar la Ley Contra Actos Terroristas y la Iniciativa de la Ley 5257, que parecerían no ser compatibles con las normas internacionales de derechos humanos y según lo dispuesto en los tratados internacionales ratificados por Guatemala, en particular en relación con el derecho a la libertad reunión pacífica y el derecho a la libertad de expresión. El Relator Especial muestra además su preocupación por el aparente avance de la Iniciativa de Ley 5257, y el impacto negativo que su adopción tendría para el funcionamiento de las ONGs y la defensa de los derechos humanos en el país.

192. El Relator Especial pide la adopción de medidas estructurales al Gobierno de Guatemala para garantizar la protección de los defensores y las defensoras de los derechos humanos y sus familias, de forma integral, coordinada y consistente. Esto incluye un análisis de riesgo temprano, exhaustivo y objetivo; una investigación sobre las causas de las agresiones y la sanción y prevención de este tipo de ataques, así como la promoción y el apoyo público de la labor de las personas defensoras de derechos humanos.

193. Asimismo, el Relator Especial saluda la firma del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe y exhorta a su pronta ratificación.

Haiti

194. JUA 10/05/2018 Case no: HTI 1/2018 State reply: none to date

Allégations concernant de menaces à l'encontre de M. Pierre Espérance, défenseur des droits de l'homme, Directeur exécutif du Réseau national de défense des droits de l'homme (RNDDH) et à l'encontre du RNDDH.

195. JAL 20/09/2018 Case no: HTI 2/2018 State reply: none to date

Allégations de menaces de mort que M. Jean Nazaire Gentil aurait reçues de la part d'une autorité publique locale pour ses activités de journalisme, ainsi que l'échec de la part des autorités judiciaires pour mener une enquête appropriée sur ces allégations.

196. JAL 29/11/2018 Case no: HTI 4/2018 State reply: none to date

Allégations concernant la violation de l'intégrité physique et l'intimidation à l'encontre de M. Gérald Guillaume, défenseur des droits humains et coordonnateur de l'Initiative Départementale Contre la Traite et le Trafic des Enfants (IDETTE).

197. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant les communications envoyées pendant la période couverte. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre aux communications envoyées, élément majeur de la coopération entre les Etats membres.

198. Le Rapporteur spécial réitère ses graves préoccupations concernant les allégations d'agressions et d'intimidations à l'encontre de M. Gérald Guillaume qui semblent liées à ses activités de défenseur des droits de l'homme. Il est aussi préoccupé par l'inaction présumée des forces de l'ordre.

199. Le Rapporteur spécial est vivement préoccupé par les allégations concernant les menaces de mort formulées à l'encontre de M. Gentil, incluant des menaces proférées par des autorités locales, qui semblent être liées à ses activités légitimes et pacifiques de journaliste. L'absence d'ouverture d'une enquête de la part de l'autorité judiciaire concernant ces allégations constituerait aussi une autre source de préoccupation.

200. Le Rapporteur spécial réitère aussi sa profonde inquiétude quant aux graves menaces formulées à l'encontre de M. Espérance et de l'organisation dont il est le Directeur exécutif, le RNDDH, qui semblent liées à ses activités légitimes et pacifiques en faveur de la défense des droits de l'homme. Il est particulièrement préoccupé par le fait que ces allégations s'inscrivent dans la continuité des menaces reçues dans le passé. En effet, M. Espérance et le RNDDH ont fait l'objet des communications précédentes, tels que UA HTI 1/2017 (allégations de menaces contre M. Espérance et sa famille, ainsi qu'une campagne de dénigrement contre le RNDDH) et UA HTI 1/2014 (allégations de menaces de mort à l'encontre de M. Espérance). Le Rapporteur spécial regrette qu'aucune réponse n'ait été reçue à ces communications.

201. Le Rapporteur spécial est profondément préoccupé par la détérioration de la situation dans laquelle se trouve la société civile et les défenseurs des droits de l'homme quand ils poursuivent leur travail légitime, en particulier par l'existence d'actes de menaces, d'harcèlement et d'agressions, y compris par les autorités locales, dont ils sont victimes, et par l'apparente inaction des autorités policières et judiciaires face à de tels actes d'intimidation et de représailles.

202. Le Rapporteur spécial demande expressément au Gouvernement de transmettre toute information concernant ces allégations, incluant les informations et les résultats des enquêtes, des investigations judiciaires et toutes les autres mesures liées à ces allégations qui pourraient avoir été menées; ainsi que toute information sur les poursuites engagées, et si les auteurs des violations auraient été identifiés. Si aucune enquête ou autres mesures n'ont été menées ou n'ont été concluantes, merci d'indiquer quelles en sont les raisons.

203. Finalement, à la lumière des allégations, le Rapporteur spécial souhaite vivement recevoir des informations détaillées concernant les mesures prises par le Gouvernement pour permettre aux défenseurs des droits de l'homme, y compris les journalistes, d'exercer leur travail légitime, en incluant l'expression pacifique d'opinions critiques ou divergentes envers la situation politique, la conduite du Gouvernement et des agents gouvernementaux, dans un environnement sûr et leur permettant d'agir sans aucune crainte d'actes ou de menaces d'intimidations, d'harcèlement ou de poursuites de toute sorte.

204. Le Rapporteur se félicite de la signature de l'Accord Régional sur l'Accès à l'Information, la Participation Publique et l'Accès à la Justice à propos des questions Environnementales en Amérique Latine et dans les Caraïbes, et appelle à sa ratification rapide.

Honduras

205. JAL 15/12/2017 Case no: HND 8/2017 State reply: 16/02/2018

Alegaciones de restricciones ilegítimas de derechos humanos por parte de autoridades estatales, tras la celebración de elecciones presidenciales el 26 de noviembre de 2017.

206. JUA 23/02/2018 Case no: HND 2/2018 State reply: none to date

Alegaciones sobre la situación de desprotección en la que se encontrarían el Sr. Julio César Arbizu González, así como otros funcionarios de la Misión Contra la Corrupción y la Impunidad en Honduras (MACCIH) de la Organización de Estados Americanos (OEA).

207. JAL 12/10/2018 Case no: HND 6/2018 State reply: none to date

Alegaciones sobre recientes casos de intentos de asesinato; hostigamiento, agresiones y amenaza de muerte; robo de cámaras de seguridad; violación e intimidación y persecución de miembros y voluntarias del grupo de mujeres trans Las Muñecas de Arcoíris; y miembros del Centro para el Desarrollo y la cooperación LGBTI (Somos CDC).

208. JAL 20/11/2018 Case no: HND 8/2018 State reply: 21/01/2019

Alegaciones sobre la situación de las personas migrantes en caravana, en dirección a México y a los Estados Unidos de América.

209. PR [20/12/2017](#)

Honduras: Expertos condenan medidas contra manifestantes y prensa

210. PR [27/04/2018](#)

Honduras: El experto de la ONU anuncia su visita oficial para evaluar la situación de los defensores y las defensoras de derechos humanos

211. PR [11/05/2018](#)

Declaración de Fin de Misión Michel Forst, El Relator Especial de las Naciones Unidas sobre la Situación de los Defensores y Defensoras de Derechos Humanos, visita a Honduras, 29 de abril al 12 de mayo

212. PR [11/05/2018](#)

Honduras: A pesar de los esfuerzos del Estado, los defensores y defensoras de derechos humanos están en serio peligro

213. PR [28/11/2018](#)

Caravana de migrantes: Los Estados tienen el deber de proteger los derechos humanos

214. PR [07/12/2018](#)

Honduras: Expertos de la ONU lamentan que los autores intelectuales de la muerte de Berta Cáceres sigan en libertad

215. El Relator Especial agradece las dos respuestas del Gobierno de Honduras a las cuatro comunicaciones enviadas y espera recibir pronto una respuesta a las comunicaciones pendientes.

216. El Relator Especial reitera su grave preocupación por las restricciones ilegítimas a varios derechos fundamentales en el marco de las protestas sociales que siguieron a las elecciones presidenciales del 26 de noviembre. El Relator Especial toma nota de las observaciones del Estado en su respuesta de 16 de febrero de 2018 sobre los actos violentos acontecidos en alguna de las protestas por algunos manifestantes, así como del análisis sobre la decisión de decretar un estado de emergencia. El Relator Especial agradece la información sobre la normativa nacional sobre el uso de la fuerza en contextos de protestas sociales y la información detallada sobre las acciones de las autoridades migratorias en el rechazo de la entrada de tres ciudadanos cubanos, que, según la información recibida, no se identificaron como periodistas.

217. El Relator Especial quisiera hacer énfasis en la importancia del derecho de acceso a la información pública en contextos electorales, antes, durante y después de las elecciones, como garantía indispensable de los sistemas democráticos y del respeto del derecho de reunión pacífica, libertad de expresión, el derecho a la vida y a no ser privado de libertad arbitrariamente. El Relator Especial reitera su preocupación por el uso de la fuerza, incluyendo el uso de armas de fuego por agentes del estado, con el resultado de muertes y heridos, alguno de ellos graves; la práctica de detenciones masivas colectivas o indiscriminadas de manifestantes en las principales ciudades del país, y por las serias restricciones a la libertad de expresión, y reunión en el contexto postelectoral. El Relator Especial espera recibir información actualizada sobre el progreso en las investigaciones sobre

las denuncias de muertes y heridas vinculadas a los hechos postelectorales, que según la respuesta del Gobierno está siendo liderada por una mesa interinstitucional y con equipos especializados. El Relator Especial reitera su preocupación por las alegaciones de ataques y detenciones de periodistas durante la cobertura de las protestas y por el ataque sufrido por el medio comunitario Radio Progreso, un medio emblemático por su independencia, y defensa de los derechos humanos y democracia.

218. El Relator Especial agradece la respuesta detallada del Gobierno a su comunicación sobre la situación de las personas migrantes en caravana. Destaca su difícil situación y así como la de quienes trabajan en solidaridad con ellos y recomienda que los Estados adopten todas las medidas necesarias para proteger el derecho a la vida, a la libertad y a la seguridad personal de las personas en movimiento y de quienes defienden sus derechos, que permitan a las personas promover y proteger los derechos humanos independientemente de su situación migratoria y que velen por que los autores de delitos contra las personas en movimiento y contra quienes defienden sus derechos rindan cuentas de sus actos y sean llevados ante la justicia.

219. Sobre la alegada situación de desprotección en la que se encontraron el Sr. Julio César Arbizu González y otros funcionarios de la Misión Contra la Corrupción y la Impunidad en Honduras (MACCIH) de la Organización de Estados Americanos (OEA), el Relator Especial reitera la necesidad de que el Gobierno garantice la integridad y seguridad de sus miembros.

220. El Relator Especial acogió con beneplácito la decisión del tribunal de Tegucigalpa, de condenar a siete personas por el asesinato de la defensora de derechos humanos, la Sra. Berta Cáceres, pero reitera su preocupación por el hecho de que los autores intelectuales de su asesinato sigan en libertad. El Relator Especial exhorta al Gobierno a ofrecer una protección efectiva, en particular a los defensores y las defensoras de los derechos humanos de los pueblos indígenas y del medio ambiente y a los y las que trabajaban para proteger los derechos sobre la tierra.

221. El Relator agradece al Gobierno la invitación de visitar el país y la cooperación extendida antes y durante la visita, la cual tuvo lugar del 30 de abril al 13 de mayo de 2018, pocos meses después de las elecciones presidenciales. Las observaciones y recomendaciones preliminares del Relator tras la conclusión de su visita se encuentran disponibles en la página web del Relator Especial así como el informe final de misión en este [enlace](#).

222. El Relator Especial reitera su disponibilidad para prestar asistencia técnica y apoyo y para dar seguimiento a las recomendaciones tras su visita a fin de contribuir a crear un entorno seguro y propicio para los defensores de los derechos humanos.

México

223. JAL 11/12/2017 Case no: MEX 10/2017 State replies: 13/12/2017, 07/03/2018

Alegaciones sobre el proceso legislativo en curso para la eventual aprobación de una “Ley de Seguridad Interior”, dirigida, entre otras cuestiones, a regular la participación de las Fuerzas Armadas en tareas de seguridad. La ley fue adoptada por la Cámara de Diputados el 30 de noviembre y ha sido remitida al senado para su debate y adopción.

224. JAL 26/03/2018 Case no: MEX 3/2018 State reply: non to date

Alegaciones sobre la apertura de procesos penales y la emisión de órdenes de aprehensión por el delito de motín en contra de la Sra. María de Jesús Espinoza de los Santos y el Sr. Víctor Hugo Zavaleta Ruiz, ambos trabajadores del sector salud del Estado de Chiapas y defensores de los derechos laborales.

225. JAL 13/04/2018 Case no: MEX 4/2018 State reply: 17/09/2018

Alegaciones de hostigamiento, difamación y violencia contra defensora de derechos sexuales y reproductivos y contra el personal de la clínica de Servicios Humanitarios en Salud Sexual y Reproductiva.

226. JAL 4/07/2018 Case no: MEX 7/2018 State reply: 18/10/2018

Alegaciones relacionadas con las condenas de seis defensores del medio ambiente por el presunto homicidio de un empresario español en 2003, quienes habrían trabajado activamente por y en defensa del derecho al agua de la comunidad indígena de San Pedro Tianixco, Estado de México.

227. JAL 5/10/2018 Case no: MEX 9/2018 State reply: none to date

Alegaciones sobre los asesinatos de los Sres. Alejandro Antonia Díaz Cruz, Ignacio Basilio Ventura Martínez, Luis Martínez, y Abraham Hernández González, el intento de asesinato del Sr. Abraham Ramírez Vásquez, y la detención de los Sres. César Luis Díaz y Rosalino Luis Díaz.

228. JAL 31/10/2018 Case no: MEX 13/2018 State reply: 26/12/2018

Alegaciones sobre el asesinato del Sr. Julián Carrillo Martínez

229. JAL 12/11/2018 Case no: MEX 16/2018 State reply: none to date

Alegaciones sobre la información recibida en relación a la próxima discusión por el Pleno de la Suprema Corte de Justicia de la Nación de las acciones de inconstitucionalidad promovidas contra la Ley de Seguridad Interior.

230. JAL 20/11/2018 Case no: MEX 14/2018 State reply: 25/01/2019

Alegaciones sobre la situación de las personas migrantes en caravana, en dirección a México y a los Estados Unidos de América.

231. PR [06/11/2018](#)

México: El asesinato de un defensor de los derechos de los indígenas es "inaceptable", dicen expertos de la ONU

232. PR [28/11/2018](#)

México: Expertas y expertos de la ONU saludan decisión de la Suprema Corte contra la militarización de la seguridad pública

233. PR [28/11/2018](#)

Caravana de migrantes: Los Estados tienen el deber de proteger los derechos humanos

234. PR [14/12/2018](#)

México: Proyecto de Ley de Seguridad Interior supone riesgo para los derechos humanos y debe ser rechazado, advierten expertos y expertas de la ONU

235. El Relator Especial agradece las respuestas del Gobierno de México a cinco de las ocho comunicaciones enviadas y espera recibir pronto una respuesta a las comunicaciones pendientes.

236. El Relator Especial agradece la respuesta de 26 de diciembre de 2018 con información sobre los avances en la investigación del asesinato del Sr. Julián Carrillo. El Relator Especial toma buena nota de la orden de aprensión contra los supuestos autores materiales del asesinato, y de las medidas de protección para la familia y comunidad del defensor asesinado. No obstante, el Relator Especial destaca que el asesinato del Sr. Julián Carrillo pone de manifiesto la escasa utilidad de las medidas de protección otorgadas por las autoridades mexicanas a las comunidades indígenas que habitan en zonas aisladas. El Relator Especial subraya además su grave preocupación por la situación de las personas defensoras de derechos humanos en México, y en particular la de las personas defensoras de los derechos humanos de los pueblos indígenas, quienes representaron 9 de los 13 defensores y defensoras asesinados en 2018, según la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACNUDH) en México.

237. El Relator Especial agradece la respuesta de 17 de septiembre de 2018 con información sobre el inicio de las investigaciones de los actos de violencia física sufridos por una defensora de los derechos humanos, y espera recibir todavía información adicional sobre los avances de las misma. El Relator Especial toma nota de las medidas cautelares de vigilancia de las instalaciones de los Servicios Humanitarios en Salud Sexual y Reproductiva,

por petición de la víctima y de las medidas de protección y rondas de vigilancia ordenadas por la Fiscalía General del estado de Yucatán. El Relator Especial destaca la importante labor de las mujeres defensoras de los derechos humanos, y lamenta los actos de violencia, hostigamiento e intimidación contra quienes buscan atención sobre cuestiones relativas a los derechos sexuales y reproductivos o las personas defensoras que lo brindan. Asimismo, le preocupa que no reciban suficiente protección por parte de las autoridades concernidas.

238. El Relator Especial toma nota de la respuesta de 18 de octubre de 2018, no obstante lamenta la falta de información sustantiva sobre las preguntas realizadas, en particular sobre la evidencia y la base jurídica para los arrestos, las detenciones, y las condenas de los seis defensores y defensoras de derechos humanos en relación con el asesinato del empresario español, y reitera su preocupación inicial de que las mismas no parecerían estar basadas en pruebas imparciales, y sobre la falta de un debido proceso legal. El Relator Especial también lamenta las acusaciones penales y órdenes de detención en contra de los defensores del derecho a la salud, la Sra. Espinoza de los Santos y el Sr. Zavaleta Ruiz y espera recibir también información sobre el caso a la mayor brevedad posible.

239. El Relator Especial agradece las respuestas de marzo de 2018 con información sobre la Ley de Seguridad Interior, el análisis de su eventual compatibilidad con los estándares internacionales, la participación de la sociedad civil en el proceso de elaboración de la misma y sobre el proceso legislativo seguido, así como sobre su estado a fecha de marzo de 2018. El Relator Especial toma buena nota de que dicha ley, inicialmente aprobada el 21 de diciembre de 2017, fue declarada inconstitucional por la Suprema Corte. La Suprema Corte estableció que en tiempos de paz el papel de la autoridad militar se limita a la disciplina militar; que la Ley empleaba indebidamente los conceptos de seguridad nacional, pública e interior; y que la Ley infringía las obligaciones internacionales en materia de derechos humanos. Algunos Ministros de la Suprema Corte cuestionaron el proceso legislativo y denunciaron que la ley no fue consultada con los pueblos indígenas. El Relator Especial espera recibir pronto la respuesta a la comunicación MEX 16/2018.

240. El Relator Especial agradece la exhaustiva respuesta del Gobierno a su comunicación sobre la situación de las personas migrantes en caravana. Le preocupa en particular la situación de las personas migrantes en caravana, su difícil situación y la de quienes trabajan en solidaridad con ellos. Recomienda que los Estados adopten todas las medidas necesarias para proteger el derecho a la vida, a la libertad y a la seguridad personal de las personas en movimiento y de quienes defienden sus derechos. El Relator Especial hace un llamamiento a que se permita la promoción y protección de los derechos humanos independientemente de la situación migratoria y que se vele por que los autores de los delitos contra las personas en movimiento y contra quienes defienden sus derechos rindan cuentas de sus actos y sean llevados ante la justicia.

241. Asimismo, el Relator saluda la firma del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe y exhorta a su pronta ratificación.

Nicaragua

242. JUA 25/04/2018 Case no: NIC 1/2018 State reply: none to date

Alegaciones sobre el uso excesivo de la fuerza por parte de la Policía Nacional con el fin de dispersar manifestaciones pacíficas en relación a la reforma de la seguridad social, que habrían resultado en la muerte de al menos 30 personas y en decenas de personas heridas, detenidas y desaparecidas. Alegaciones de discurso estigmatizador de altos funcionarios del Estado en contra de manifestantes, estudiantes, periodistas y defensores/as de derechos humanos.

243. JAL 9/05/2018 Case no: NIC 2/2018 State reply: none to date

Alegaciones de violaciones de los derechos a la libertad de reunión pacífica y a la libertad de expresión por parte de la Policía Nacional nicaragüense en el marco de manifestaciones pacíficas en relación al incendio forestal de la reserva biológica Indio Maíz.

244. JUA 6/06/2018 Case no: NIC 3/2018 State reply: none to date

Alegaciones de uso excesivo de la fuerza por parte de cuerpos de seguridad del Estado y grupos armados pro-gubernamentales en contra de manifestantes, la cual ha causado al menos 120 muertos y aproximadamente 1200 personas heridas.

245. JAL 5/11/2018 Case no: NIC 4/2018 State reply: none to date

Alegaciones de campaña de desprestigio, hostigamiento, amenazas, ataques, detenciones y cargos criminales contra diez defensoras de derechos humanos y en relación a la detención de personas que caminaban hacia una manifestación.

246. JAL 7/11/2018 Case no: NIC 5/2018 State reply: 26/11/2018

Alegaciones de detención arbitraria, así como agresiones, intimidaciones y amenazas en contra de defensores de derechos humanos, incluyendo alegaciones de que ciertas de estas violaciones serían actos de represalias por comunicación y cooperación con organismos internacionales de derechos humanos.

247. PR [27/04/2018](#)

Nicaragua: Experts say appalled by Government's violent response to peaceful protests

248. PR: [14/06/2018](#)

Nicaragua: el gobierno debe poner fin a la violencia y restablecer el diálogo político, piden expertos de la ONU

249. PR: [09/08/2018](#)

Nicaragua debe poner fin a la "caza de brujas" contra las voces disidentes, dicen expertos de la ONU

250. PR [22/11/2018](#)

Nicaragua debe poner fin a la represión de los derechos humanos - Expertos de la ONU

251. El Relator Especial agradece al Gobierno de Nicaragua su respuesta a la comunicación NIC 5/2018, pero lamenta no haber recibido respuesta alguna a cuatro comunicaciones enviadas durante el periodo abarcado por el presente informe, en especial dada la delicada naturaleza de las alegaciones.

252. El Relator Especial toma nota de la respuesta del Gobierno de 26 de noviembre de 2018, tanto del detallado Informe del Estado respecto a la comunicación NIC 5/2018, como de los anexos relativos al Protocolo de actuación de la Policía Nacional, registro de visitas y documentos judiciales, entre otros. El Relator Especial toma nota también de las acusaciones formuladas respecto a Félix Alejandro Maradiaga, Jonathan Francisco López, William José Aragón, Fidel de Jesús Moreira y Oscar Danilo González; y lamenta que las autoridades no reconozcan la valiosa aportación de los defensores de derechos humanos afectados y criminalicen sus actividades.

253. El Relator Especial continúa extremadamente preocupado por las alegaciones de violaciones de los derechos humanos en Nicaragua, en particular de los derechos a la libertad de reunión pacífica y la libertad de expresión, así como el derecho a la vida, a la integridad personal y la libertad, entre otros. El Relator está consternado por el alto número de muertes y personas heridas, detenidas y desaparecidas, por el uso excesivo de la fuerza por parte de los cuerpos de seguridad del Estado en el marco de manifestaciones pacíficas y por la violencia ejercida por parte de elementos armados pro-gubernamentales en el contexto de la crisis que padece el país desde abril de 2018.

254. El Relator Especial continúa preocupado por la gravedad de la situación de los defensores y defensoras de los derechos humanos, en particular por la represión que padecen, tanto por medio de la criminalización de sus actividades, como de las diversas formas de hostigamiento, ataques, amenazas e intimidación de las que son víctimas, incluyendo alegaciones de violencia sexual contra defensoras de derechos humanos. La preocupación del

Relator se extiende a los colectivos de estudiantes, movimiento campesino, personal médico, docentes y periodistas, entre otros.

255. El Relator Especial urge al Gobierno de Nicaragua a adoptar todas las medidas necesarias para proteger los derechos y libertades fundamentales, así como para investigar, procesar e imponer las sanciones correspondientes a las personas responsables de las violaciones mencionadas. Asimismo, el Relator exhorta al Gobierno de Nicaragua a que garantice la protección de los defensores y de las defensoras de derechos humanos, así como de toda persona que manifieste una opinión discrepante con la de las autoridades.

256. PR [27/04/2018](#)

Nicaragua: Experts say appalled by Government's violent response to peaceful protests

257. PR: [14/06/2018](#)

Nicaragua: el gobierno debe poner fin a la violencia y restablecer el diálogo político, piden expertos de la ONU

258. PR: [09/08/2018](#)

Nicaragua debe poner fin a la "caza de brujas" contra las voces disidentes, dicen expertos de la ONU

259. PR [22/11/2018](#)

Nicaragua debe poner fin a la represión de los derechos humanos - Expertos de la ONU

Perú

260. JAL 07/12/2017 Case no: PER 9/2017 State reply: 23/02/2018

Alegaciones sobre la condena a siete años de prisión y dos millones de soles peruanos al Sr. Walter Aduviri, líder indígena aymara, emitida en el mes de julio de 2017 y bajo apelación, por el delito de disturbios en el contexto de protestas sociales en demanda de transparencia y participación en procesos de otorgamiento de concesiones mineras en la región de Puno en 2011.

261. El Relator Especial agradece las detalladas respuestas de 23 de febrero de 2018, que incluyeron las copias de las sentencias del Juzgado Penal de Puno de 18 de julio de 2016 y de la Sala Penal de Apelaciones de la Corte Superior de Justicia de Puno de 29 de diciembre de 2017. El Relator toma buena nota de la decisión del Juzgado Penal de la Corte Superior de Justicia de Puno de absolver al Sr. Walter Aduviri y las otra nueve personas del delito de extorsión agravada, amparándose, entre otras, en la observaciones del Relator Especial sobre la situación de derechos humanos y la Relatora Especial sobre la situación de los pueblos indígenas, así como de su decisión de desestimar la acusación del delito de entorpecimiento al funcionamiento de los servicios públicos y privados. Sin embargo, el Relator Especial lamenta que la sentencia judicial, luego ratificada por la Sala Penal de Apelaciones de la Corte Superior de Puno, condene al Sr. Walter Aduviri a siete años de cárcel como autor mediato de la comisión del delito de disturbios, sin aparente referencia a hechos que prueben su responsabilidad respecto a alegaciones de actos de naturaleza violenta llevados a cabo por parte de algunos manifestantes durante el periodo de huelga o paro indefinido de protesta anti-minera. El Relator Especial subraya que los actos de violencia esporádica u otros actos punibles cometidos por terceros no privan a las personas pacíficas de su derecho a la libertad de reunión pacífica y aclara que los organizadores de manifestaciones pacíficas nunca deben ser considerados responsables por el comportamiento ilegal de otros.

262. Asimismo, el Relator saluda la firma del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe y exhorta a su pronta ratificación.

United States of America

263. JUA 08/02/2018 Case no: USA 2/2018 State reply: 07/05/2018

Allegations concerning the initiation of deportation proceedings against Ms. Mora Villalpando, allegedly in retaliation for her domestic and international activism and alleged human rights abuses by the GEO group, a business enterprise which privately runs the Northwest Detention Centre.

264. JUA 25/05/2018 Case no: USA 6/2018 State reply: none to date

Allegations concerning the arrest and charges against Mr. Scott Warren.

265. JUA 07/08/2018 Case no: USA16/2018 State reply: none to date

Allegations of death threats, acts of violence and intimidation, harassment and discrimination against a human rights defender and transgender rights defender.

266. JUA 20/11/2018 Case no: USA 23/2018 State reply: none to date

Allegations concerning recent restrictions to proceedings regarding asylum as well as the racialised and xenophobic rhetoric by US authorities against migrants travelling in caravans towards the United States of America.

267. PR [14/2/2018](#)

US urged to protect rights defenders as activist Maru Mora Villalpando faces deportation case

268. PR [28/11/2018](#)

Migrant caravan: States have duty to protect human rights

269. The Special Rapporteur thanks the Government of the United States of America for its reply to one communication out of the four sent during the period covered by this report and hopes to receive soon information on the remaining ones.

270. The Special Rapporteur takes note of the explanations provided by the Government in its reply of 7 May 2018 in relation to the initiation of the deportation proceedings against Ms. Maru Mora Villalpando and on the type of oversight of the Northwest Detention Center. She is a human rights defender of people on the move, and a public voice on the human rights concerns regarding the Northwest Detention center for migrants, which she has shared with the Inter-American Commission of Human Rights and the Working Group on Arbitrary Detention. The Special Rapporteur regrets that the States reply provided no information on measures that might have been undertaken to ensure human right defenders, particularly those working on behalf of people on the move, are protected from retaliation and are able to carry out their work in a safe and enabling environment.

271. While the Special Rapporteur welcomes the news that Ms. Maru Mora Villalpando was able to begin the process of becoming a lawful permanent resident of the United States, the Special Rapporteur remains concerned about the situation of migrant human rights defenders in the United States. In his communication of 25 May 2018, the Special Rapporteur also raised concerns about the alleged arrest and charges against Mr. Scott Warren, a human rights defender working on behalf of people on the move, together with other eight volunteers, in connection to the provision of humanitarian aid to migrants in their capacity as migrant rights defenders. The Special Rapporteur emphasises that people working legitimately to protect migrants' rights must not be restricted or silenced. In this respect, the Special Rapporteur calls the Government's attention to articles 1, 2 and 12 of the UN Declaration on Human Rights Defenders which establish that everyone has the right to promote and strive for the protection of human rights and that each State has a prime responsibility to protect and promote human rights and protect human rights defenders from retaliation for their legitimate activities.

272. Moreover, in his latest communication of 20 November 2018, the Special Rapporteur reiterated his grave concerns regarding the situation of migrants that seek to or may access the United States and are deprived of their right to asylum by the "Presidential Proclamation

Addressing Mass migration Through the Southern Border of the United States.” The Special Rapporteur also regrets the xenophobic language allegedly used against migrants by high-level authorities leading to the escalation and normalisation of hate speech, incitement to hatred and discrimination in the political and public sphere.

273. The Special Rapporteur remains concerned about the death threats, acts of violence, intimidation, harassment and discrimination against a human rights defender for her legitimate and peaceful activities as a defender of the human rights of transgender persons. He reiterates his concerns about the alleged discriminatory attitudes and derogatory remarks made by State Officials and the alleged abusive requirements from officers at the Passport Office of the US Department that restricted the defenders’ ability to seek international protection.

Venezuela (Bolivarian Republic of)

274. JAL 04/07/2018 Case no: VEN 2/2018 State reply: 20/12/2018

Alegaciones en relación con el arresto y la detención preventiva del Sr. Jaime Criollo por la publicación de informaciones en Twitter, así como, en relación con alegaciones de tortura en su contra.

275. JAL 04/09/2018 Case no: VEN 5/2018 State reply: 05/11/2018

Alegaciones en relación con el ininterrumpido deterioro de instalaciones específicas de salud en Venezuela, al grado de provocar la propagación de infecciones intrahospitalarias, la muerte evitable de niños y niñas e impactar de manera desproporcionada sobre la integridad física y mental de personas mayores.

276. JAL 12/09/2018 Case no: VEN 4/2018 State reply: 03/01/2019

Alegaciones en relación a la detención y alegaciones de tortura del Sr. Jaime Criollo.

277. PR [01/10/2018](#)

Venezuela: Human rights experts say health system in crisis

278. El Relator Especial agradece al Gobierno de la República Bolivariana de Venezuela las respuestas recibidas a las tres comunicaciones enviadas durante el periodo del presente informe.

279. El Relator Especial toma nota de la respuesta a las comunicaciones enviada sobre el arresto y detención del Sr. Jaime Criollo por la publicación de informaciones en Twitter y sobre las alegaciones de tortura en su contra, así como de los obstáculos que estarían enfrentando sus abogados para ser reconocidos como sus defensores legales y ejercer su defensa de manera efectiva. El Relator Especial reitera el derecho del Sr. Jaime Criollo al ejercicio del derecho a la libertad de expresión, a la protección contra la detención arbitraria, a un proceso regular y la prohibición absoluta de la tortura y de tratos inhumanos y degradantes.

280. El Relator Especial lamenta el rechazo expresado por el Gobierno a la comunicación de 4 de septiembre de 2018 y toma nota sobre las alegaciones del impacto de las medidas coercitivas unilaterales impuestas por el gobierno de los Estados Unidos de América y las referencias al Informe del Experto Independiente de la ONU sobre la promoción de un orden Internacional Democrático y equitativo tras su visita a la República Bolivariana de Venezuela. El Relator Especial toma también nota sobre el reconocimiento del Gobierno de al menos cinco menores fallecidos por el brote de la bacteria *Serratia marcescens*, sobre el hecho de que las investigaciones sobre los casos siguen abiertas y pendientes de esclarecer si existieron o no hechos punibles y sobre las medidas descritas para contener y erradicar el brote de la bacteria *Serratia marcescens*. Sin embargo, el Relator Especial reitera su grave preocupación por el ininterrumpido deterioro de instalaciones específicas de salud en Venezuela, al grado de provocar la propagación de infecciones intrahospitalarias, la muerte prevenible de al menos dieciséis niños y niñas, y el impacto desproporcionado en la integridad física y mental de las personas mayores. Igualmente, al Relator Especial le

preocupa la falta de avances en las denuncias presentadas por algunos de los padres de niños y niñas fallecidos la falta de resultados sobre la investigación de las muertes y del caso de la bacteria en el Hospital Universitario de Pediatría Dr. Agustín Zubillaga de Barquisimeto así como por las alegaciones recibidas de que al menos dos madres de los menores fallecidos habrían sido seguidas y vigiladas por vehículos que portaban logotipos del Gobierno.

ASIA-PACIFIC REGION

281. During the present reporting period, the Special Rapporteur sent 65 communications to 16 countries in the Asia-Pacific region, which accounts for 26% of the total number of communications sent from his mandate. He takes note of the response rate of 35% for the region, which is a decrease of 11% in the response rate from the previous reporting period. He urges Governments in the region to fully cooperate with the mandate and looks forward to receiving the outstanding replies shortly.

282. The Special Rapporteur notes with concern a growing trend in the region of the use of counter-terrorism and national security legislation to criminalise the peaceful and legitimate work of human rights defenders. Such legislation is often vaguely worded and imprecise, making it susceptible to misuse. The Special Rapporteur reasserts that it is not illegal to provide criticisms on a government, rather it is an essential facet in the realisation of human rights and in the progressive development in a democratic state.

283. Criminal defamation and anti-state propaganda laws are frequently used in some countries of the Asia-Pacific region to criminalise freedom of opinion and expression, and often carry lengthy prison sentences. These laws create a chilling effect on civil society, who are often required to silent their dissenting voices due to fear of prosecution. Legitimate criticisms of state actions are often disregarded as false by states, which then use this footing to launch judicial proceedings against defenders in retaliation. Such prosecutions also undermine the defenders' credibility and serve to misinform the public on the state of human rights in the country in question.

284. Freedom of assembly and association similarly remains threatened, evidenced by the promulgation of a number of laws in the region imposing disproportionately burdensome obligations on non-governmental organisations, both national and international, with regards to funding, reporting, non-national human resources and registration. Furthermore, many human rights defenders have been targeted, either with physical violence or judicial harassment, by virtue of their participation in a given human rights organisation. Human rights defenders in protests are often subject to prosecution for their participation and excessive use of force in the dispersal of protests remains widespread in the region.

285. Human rights defenders continue to frequently suffer from attacks from both private and public individuals. Extrajudicial killings, death threats, torture and other ill-treatment and intimidation remain commonplace in some countries in the region and many attacks on defenders go unregistered or are not investigated. This contributes to a climate of impunity, which in turn emboldens attackers and those who breach the rights of defenders. Such attacks have even taken place in very public spaces, including outside courtrooms and at police stations. States have an obligation to create a safe and enabling environment for human rights defenders, including by adequately responding to complaints of violence or harassment and by investigating reported incidents. In some cases, requests for police protection have gone unanswered.

286. The Special Rapporteur regrets to note that, during the reporting period, he received four reports on cases of reprisals and intimidation against defenders for cooperation with international human rights mechanisms, including the UN, its representatives and mechanisms concerning China (CHN 13/2018), Iran (IRN 9/2018), the Philippines (PHL 5/2018) and Sri Lanka (LKA 2/2018).

Australia

287. JOA 15/02/2018 Case no: AUS 2/2018 State reply: none to date

Comments on the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017 (“the Bill”), in response to the call for submissions by the Parliamentary Joint Committee on Intelligence and Security.

288. The Special Rapporteur regrets that no response has been received to the communication sent on 15 February 2018.

289. The Special Rapporteur acknowledges that amendments were made to the Bill before it was passed into law on 28 June 2018, but remains concerned that the legislation is overly broad. The seemingly vague definition of what constitutes national security could mean that any person who publicly communicates or receives information deemed politically controversial could be convicted for espionage.

290. The Special Rapporteur stresses that although it may be in the public interest to keep certain details confidential, freedom of information is essential to the public interest – as well as being protected under international human rights law. Creating uncertainty about what human rights defenders are legally permitted to say could create a climate of self-censorship and engender a serious impact on human rights in Australia.

Bangladesh

291. JOA 14/06/2018 Case no. BGD 4/2018 State reply: none to date

Allegations concerning the draft Digital Security Act, which raised serious concerns for the exercise of freedom of expression and access to information in Bangladesh.

292. JUA 10/08/2018 Case no. BGD 7/2018 State reply: none to date

Allegations of the alleged arbitrary detention and torture of Mr. Shahidul Alam and the alleged arbitrary detention, torture, judicial prosecution and attack against Mr. Mahmudur Rahman.

293. PR [13/08/2018](#)

Bangladesh: UN human rights experts urge immediate release of photographer Shahidul Alam.

294. PR [20/12/2018](#)

Bangladesh: UN human rights experts alarmed by violence ahead of election

295. The Special Rapporteur regrets that no reply has been received to the concerns and questions raised in the joint communications sent on 14 June 2018 and 10 August 2018. He urges the Government to engage in full cooperation with the mandates of the Special Procedures of the Human Rights Council.

296. The Special Rapporteur acknowledges that the Digital Security Act was unanimously passed by parliament on 19 September 2018 and signed into law on 8 October 2018, but remains gravely concerned about the contents of the act. The vague and excessively broad provisions of the law could be used to silence human rights defenders and journalists who speak out about human rights violations in the country. The Special Rapporteur further notes that both of the communications sent during the reporting period related to freedom of expression or attacks on human rights defenders for exercising such freedom.

297. The Special Rapporteur wished to express his serious concern over the alleged arrest and torture of Mr. Shahidul Alam for reasons ostensibly linked to his participation in an interview with Al-Jazeera news station, released on 5 August 2018, where he spoke on student road safety protests. Hours after the release of the interview, Mr. Alam was allegedly arrested in his house in Dhaka by plainclothes police and brought before the Dhaka Court on 6 August 2018. He was reportedly tortured while in custody. On 7 August the Court ordered his medical examination and treatment.

298. The Special Rapporteur further wishes to condemn the violence allegedly visited upon human rights defender Mr. Mahmudur Rahman during his departure from a court hearing on 22 July 2018 in Kushtia. Mr. Rahman's court hearing related to alleged derogatory statements which he had made concerning the first President of Bangladesh, the Prime Minister, and his niece, a Member of the British Parliament. While trying to access his car from the courtroom, Mr. Rahman was allegedly surrounded by a group of some 100 men led by the District President of the Bangladesh Chhatra League, at which point he was attacked with brick fragments. The Special Rapporteur wishes to remind the Government of its obligation to

provide a safe and enabling environment for human rights defenders in Bangladesh. He would also like to note that allegations of torture against Mr. Rahman by the authorities of Bangladesh have previously arisen in relation to his former detention and expresses his grave concern.

299. While the Special Rapporteur welcomes the release on bail of Mr. Shahidul Alam on 20 November 2018, he remains concerned at the charges he still faces. He is also concerned that, at the time of finalising the report, no one has been brought to justice for the attack on Mr. Rahman.

Cambodia

300. JAL 06/12/2017 Case no. KHM 7/2017 State reply: none to date

Alleged initiation of legal proceedings against Mr. Moeun Tola, a human rights defender who is particularly active in defending workers' rights.

301. JUA 02/03/2018 Case no. KHM 2/2018 State reply: none to date

Alleged disproportionate and unnecessary restrictions on the right to freedom of expression, including the arrest, detention and conviction of about a dozen individuals.

302. JAL 27/09/2018 Case no. KHM 6/2018 State reply: none to date

Alleged deprivation and clearance of agricultural and forest land from at least 946 families in 25 villages of Preah Vihear Province and the alleged impact on the source of their drinking water due to concession of their lands to five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without prior consultation with the affected communities.

303. The Special Rapporteur regrets that no response was received to any of the concerns and questions raised in the three joint letters sent during the present reporting period. He urges the Government to engage in full cooperation with the mandates of the Special Procedures of the Human Rights Council, particularly given the serious nature of the allegations.

304. The Special Rapporteur is pleased to observe that all charges against Mr. Moeun Tola were dropped in July 2018. He welcomes the decision of Phnom Penh Municipal Court, which found Mr. Tola not guilty due to insufficient evidence of "Breach of Trust" under Article 391 and 392 of the Penal Code.

305. The Special Rapporteur welcomes Mr. Chhin and Mr. Sothearin's release on bail, but remains seriously concerned at the charges, which they still face. The Special Rapporteur is alarmed at reports that the human rights defenders were allegedly not informed of the charges they were facing or of their right to legal assistance. The Special Rapporteur appeals to the Government to take all necessary measures to guarantee that all human rights defenders are subject to fair proceedings before an independent and impartial tribunal. The Special Rapporteur reiterates his concern from those allegedly targeted by disproportionate restrictions on their rights to freedom of expression, and urges the Government to provide a safe and enabling environment for all human rights defenders, free from judicial harassment, intimidation, and threats of any kind.

China

306. JAL 24/01/2018 Case no. CHN 2/2018 State reply: 06/03/2018

Alleged arrest, residential surveillance, and raid on the house of human rights defender, Mr. Jianghua Zhen, and the pending investigation against him for "inciting subversion of the State".

307. JAL 08/02/2018 Case no. CHN 3/2018 State reply: 14/04/2018

Alleged torture and ill-treatment of Mr. Wu Gan who was sentenced to 8 years imprisonment for "subverting state power".

308. JUA 16/02/2018 Case no. CHN 4/2018 State reply: none to date
Alleged prolonged pre-trial detention (since 2016) and the subsequent trial of the linguistic rights defender and Tibetan minority-member, Mr. Tashi Wangchuk.
309. JUA 06/03/2018 Case no. CHN 5/2018 State reply: 15/03/2018
Allegations concerning the arrest, incommunicado detention and criminal charges against human rights defender Mr. Yu Wensheng in violation of his due process rights.
310. JAL 06/04/2018 Case no. CHN 7/2018 State reply: 23/05/2018
Allegations concerning the arrest, investigation and alleged arbitrary detention of Mr. Chen Wuquan who actively engaged with the “War to Protect the Sea” campaign, and the disbarment of Mr. Sui Muqing on grounds of professional ethics and discipline.
311. JAL 24/04/2018 Case no: CHN 8/2018 State reply: none to date
Allegations regarding an increasing trend of land grabbing, forced evictions, and house demolition for development purposes in Beijing.
312. JUA 14/06/2018 Case no: CHN 12/2018 State reply: none to date
Allegations concerning the deteriorating physical and mental health of human rights defender and poet, Mrs. Liu Xia, reportedly held or physically restrained in an unknown location. She is the wife of the deceased Nobel Peace Prize winner Mr. Liu Xiaobo.
313. JAL 26/06/2018 Case no: CHN 11/2018 State reply: 15/08/2018
Allegations concerning the kidnapping and threats against five Ecuadorian human rights defenders, who advocate for the rights of indigenous peoples, the rights to a healthy environment, and safe drinking water in the face of activities being carried out by the China-based mining company, Junefiled Mineral Resources Holding Limited.
314. JAL 11/07/2018 Case no: CHN 13/2018 State reply: 31/07/2018
Alleged reprisals against Uyghur human rights defender, Mr. Dolkun Isa, and the Society for Threatened Peoples, of which he is a member, for his engagement with the UN human rights bodies.
315. JOL 22/08/2018 Case no: CHN 15/2018 State reply: 23/11/2018
Allegations concerning the use of Residential Surveillance in a Designated Location (RSDL) as amended in the 2012 Criminal Procedure Law Article 73, in relation to persons suspected of endangering state security, of terrorist activities or of involvement in major bribery and where confinement in their own home may “impede the investigation”.
316. JAL 28/08/2018 Case no: CHN 17/2018 State reply: 23/11/2018
Alleged excessive use of police force against Tibetan environmental human rights defenders participating in a peaceful protest against mining operations in Kham Yushul, Yushul Tibetan Autonomous prefecture, Qinghai Province.
317. JAL 27/08/2018 Case no: CHN 18/2018 State reply: 10/12/2018
Alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear Province in Cambodia due to concession of their lands to the five Cambodian subsidiaries of China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with the affected communities, including indigenous peoples.
318. JUA 23/11/2018 Case no: CHN 22/2018 State reply: 22/12/2018

Alleged denial of requests made by Mrs. Lee Ching-yu to visit her husband Mr. Li Ming-Che who has been detained in Chi-Shan prison, where he is serving his 5-year term since December 2017.

319. PR [21/02/2018](#)

China: UN experts denounce the criminalisation of linguistic and cultural rights advocacy

320. PR: [23/03/2018](#)

China: UN experts concerned about health of jailed rights lawyer Jiang Tianyong

321. PR [06/06/2018](#)

China: UN human rights experts condemn 5-year jail term for Tibetan activist

322. PR [04/07/2018](#)

China: UN experts worried about Liu Xia's health

323. PR [20/12/2018](#)

China: UN human rights experts gravely concerned about Huang Qi's health

324. The Special Rapporteur thanks the Government of China for its responses to ten of the thirteen communications sent during the reporting period, noting that some translations were not available at the time of publishing the report. He urges the Government to continue to cooperate with the mandates of the Special Procedures of the Human Rights Council, and looks forward to receiving responses in the near future to the remaining communications sent.

325. The Special Rapporteur wishes to express his serious concern over the use of national security legislation to judicially harass defenders and criminalise their peaceful and legitimate work. The Special Rapporteur reminds the Government that the use of such legislation, when used to criminalise free expression and association and peaceful assembly, serves to undermine the work of defenders, stigmatise them and denigrate them in the eyes of the public, and has a chilling effect overall on civic space. The Special Rapporteur notes the repeated use of national security charges such as “subversion of state power”, “incitement to separatism” and “inciting subversion of the state” to judicially harass human rights defenders such as Mr. Jianghua Zhen, Mr. Wu Gan and Mr. Tashi Wangchuk, along with other broad and vague offences such as “picking quarrels and provoking troubles” and “obstructing state personnel from discharging their duties” which appear to be used to stifle independent, dissenting voices in China. The Special Rapporteur acknowledges the replies received in relation to the communications sent on Mr. Jianghua Zhen and Mr. Wu Gan, however he regrets that the Government's replies fell short of addressing all of the questions posed in these communications, including its compliance with international human rights law. In this regard, the Special Rapporteur reminds the Government of its responsibility to ensure the full enjoyment by human rights defenders of their human rights and of its due diligence to prevent violations of fundamental rights and freedoms of human rights defenders. Furthermore, he regrets that, in the case of Mr. Wu Gan, the reply received failed to address the extremely serious allegations of torture and questions concerning the independence and impartiality of the tribunal. The Special Rapporteur urges the Government to carry out an immediate, impartial and effective investigation into allegations of Mr. Wu Gan's torture with a view to publishing the results and bringing the perpetrators to justice.

326. The Special Rapporteur rests disturbed over the continued use of “residential surveillance in a designated location” (RSDL), which has been used systematically to detain human rights defenders, journalists and human rights lawyers in locations unknown to their families and lawyers. The Special Rapporteur stresses that, in certain circumstances, the use of RSDL may amount to enforced disappearance, and points out that extremely serious allegations report the use of torture, violations of fair trial guarantees including access to lawyers and the right to challenge the legality of one's detention, lack of access to medical care for pre-existing conditions and prescription of unnecessary medication leading to pain and discomfort. The Special Rapporteur points out that the secretive conditions of detention

for those under RSDL and lack of sufficient oversight increase the possibility that torture and other forms of ill-treatment may occur. While RSDL is a form of detention reserved for national security offences, terrorism and instances of major bribery, overbroad national security offences have been used to justify RSDL detention, as in the case of Mr. Yu Wensheng. While the Government's reply states that Mr. Yu Wensheng was arrested on suspicion of "obstructing state personnel from discharging their duties", the Special Rapporteur notes that the human rights defender was nevertheless placed in RSDL, a situation of detention seemingly incompatible with the stated use of the legislation. The Special Rapporteur acknowledges the Government's reply to the joint communication sent on 22 August 2018 regarding RSDL and looks forward to receiving the translation.

327. The Special Rapporteur wishes to further express his concern over allegations, which indicate a pattern of targeting human rights lawyers for their work. The Special Rapporteur in this regard highlights the cases of Mr. Yu Wensheng, Mr. Chen Wuquan and Mr. Sui Muqing. In 2017, judicial authorities refused to allow Mr. Yu Wensheng to pass his annual bar licence review, requiring him to leave his position in his law firm at the time. A subsequent attempt to set up his own law firm was similarly denied, and his licence to practice was eventually revoked on the basis that he had not been employed by a law firm for over six months. The human rights lawyer was later arrested and placed in RSDL. Mr. Sui Muqing similarly had his licence revoked and members of his family received travel bans, while Mr. Chen Wuquan was arrested following efforts to prevent illegal land appropriation allegedly perpetrated by the Donghai Investment Company. Further allegations suggest that human rights lawyers have been unable to access their clients in custody. The Special Rapporteur notes with alarm the dwindling numbers of human rights lawyers in China who are still able to practice their profession, and links this to the systematic targeting of human rights lawyers by Government authorities. The Special Rapporteur reminds the Government of the crucial role that human rights lawyers play in the protection of human rights and urges the Government to permit human rights lawyers to continue their work free from judicial harassment, physical attacks, threats or intimidation.

328. The Special Rapporteur notes with concern alleged human rights violations against minority and environmental rights defenders, in some instances perpetrated by companies incorporated in China. The Special Rapporteur draws the Government's attention to allegations of severe physical violence, kidnapping and threats against five Ecuadorian indigenous and environmental rights defenders, allegedly carried out by individuals affiliated with the China based mining company Junefiled Mineral Resources Holding Limited due to their work in defence of safe access to water. The Special Rapporteur further notes alleged patterns of judicial harassment against land rights defenders in Cambodia by five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group and reminds the Government that states have an extraterritorial obligation to protect human rights, which requires them to take steps to prevent and redress infringements of rights that occur outside their territories due to the activities of business entities over which they can exercise control.

329. The Special Rapporteur finally welcomes the release of Mrs. Liu Xia, though he regrets that she was ever detained in the first place.

India

330. AL 03/01/2018 Case no. IND 15/2017 State reply: none to date

Allegations of issuance of a Look Out Circular, arbitrary detention, imposition of entry ban, and subsequent deportation of human rights defender, Mr. Mukunda Raj Kattel at Tiruchirapalli International Airport in Tamil Nadu, India.

331. JAL 30/01/2018 Case no. IND 1/2018 State reply: none to date

Allegations regarding the construction of a boundary wall around the lands of 22,000 Adivasi communities, living in Jagatsinghpur District, Odisha, after the South Koran company PSCO withdrew its plan to establish an integrated steel plant and a captive port in the area. Because of the wall, people's access to their traditional land

has allegedly been blocked, which has resulted in forced evictions and the destruction of their livelihoods.

332. JAL 22/03/2018 Case no. IND 4/2018 State reply: none to date

Allegations that Mr. Parvez Imroz, Mr. Kartik Murukutla, Mr. Ghulam Nabi Khan, and Mr. Qazi Irfan were prevented from holding an event at the grave of Mr. Atta Mohammed Khan, a gravedigger who helped reveal mass graves and helped highlight the continued impunity and lack of investigation into the disappearance of 8000 persons in Jammu and Kashmir.

333. JAL 10/04/2018 Case no. IND 6/2018 State reply: none to date

Allegations concerning the re-trafficking of rescued victims and consequent threats and harassment suffered by Mr. Sunil Kumar and other human rights defenders advocating for the trafficked victims' protection in Uttar Pradesh State.

334. JAL 24/04/2018 Case no. IND 7/2018 State reply: none to date

Alleged unreasonable delay by the Central Bureau of Investigation to conduct prompt, effective and thorough investigations into extrajudicial killings that occurred in Manipur, despite being ordered by the Supreme Court to do so, and the alleged harassment by state security forces against four human rights defenders and the failure to investigate an attack against a fifth.

335. JUA 16/05/2018 Case no. IND 10/2018 State reply: none to date

Allegations concerning the imminent threat to life of journalist Ms. Rana Ayyub, stemming from the dissemination of false information online and pursuant death threats as well as the alleged failure by the authorities to provide effective protection.

336. JUA 29/05/2018 Case no. IND 12/2018 State reply: none to date

Alleged killing of 12 demonstrators following excessive use of force by police in the district of Turicorin, State of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting Plant and revocation of the proposed extension of its capacity.

337. JAL 31/05/2018 Case no: IND 14/2018 State reply: none to date

Alleged intimidation and reprisals against the Centre for Promotion of Social Concerns (CPSC) and the executive director of one of its sub-programmes (People's Watch), Mr. Henri Tiphange.

338. JAL 08/06/2018 Case no: IND 11/2018 State reply: none to date

Alleged attacks against human rights defender Mr. Lenin Raghuvanshi and his brother Mr. Kanad Ranghuvanshi.

339. JUA 27/06/2018 Case no: IND 15/2018 State reply: none to date

Allegations concerning the detention and conditions of detention of human rights defender, Mr. G.N. Saibaba, as well as his lack of access to healthcare.

340. JAL 31/07/2018 Case no: IND 16/2018 State reply: none to date

Allegations concerning the arrest and detention of Mr. Surendra Gadling, Mr. Rona Wilson, Ms. Shoma Sen, Mr. Sudhir Dhawale, and Mr. Mahesh Raut, and allegations concerning a smear campaign targeting Ms. Sudha Bhardwaj.

341. JAL 28/09/2018 Case no: IND 21/2018 State reply: none to date

Allegations concerning the arrest and arbitrary detentions of Ms. Sudha Bhardwaj, Mr. Gautam Navlakha, Mr. Vernon Gonsalves, Mr. Arun Ferreira and Mr. Varvara Rao, all of whom had been particularly active in defending the rights of the Dalit minority.

342. PR [24/05/2018](#)

UN experts call on India to protect journalist Rana Ayyub from online hate campaign.

343. PR [31/05/2018](#)

UN experts condemn deadly police response to protest against copper smelting plant in India, call for probe.

344. PR [28/06/2018](#)

UN experts urge India to release rights defender Dr. G.N. Saibaba on health grounds.

345. PR [04/07/2018](#)

India: UN experts call for urgent progress in investigation of hundreds of “fake encounter” killings.

346. PR [05/10/2018](#)

India: Terrorism charges are pretext to silence human rights defenders, say UN experts.

347. PR [11/01/2019](#)

India: UN experts alarmed by alleged police killings in Uttar Pradesh

348. The Special Rapporteur regrets that no replies were received from the Government of India to any of the 12 communications sent during the reporting period. Particularly given the serious nature of many of the allegations, the Special Rapporteur urges the Government to engage fully with the mandates of the Special Procedures of the Human Rights Council by responding substantively to the questions and concerns posed in the communications.

349. The Special Rapporteur remains concerned by the continued limitation placed on associations by the Foreign Contribution Regulation Act (FCRA), allegedly to prevent civil society from accessing foreign funding. The Special Rapporteur expresses his dismay at the lack of information provided by the Government in response to his letter regarding the Centre for Promotion of Social Concerns (CPSC)’s registration under FCRA.

350. The Special Rapporteur wishes to express his serious concerns over multiple allegations contained in the communications sent reporting violent attacks and intimidation carried out against human rights defenders by Indian authorities, especially local law enforcement. Between January and April 2018, the homes of two members of the Extrajudicial Execution Victims’ Families Association (EEVFAM) and the home of Ms. Ranjeeta Sadokpam, who works for Human Rights Alert, were raided by police and army personnel. The searches included interrogations of human rights defenders and family members, destruction of property and in one case, family members were forced to sign a document, the contents of which they were unable to view. In the case of Mr. Sagolsem Menjor Singh, police officers told persons associated with him that they intended to arrest him, despite their failure to produce a warrant. Furthermore, in a particularly grave incident, 12 protesters were allegedly killed and over 60 were injured during a protest outside the Sterlite Copper plant in Tuticorin when police officers charged the crowd with batons and opened fire on them. Reports allege that one police officer in plainclothes stood on top of a police van and fired on protesters without warning. The Special Rapporteur urges the Government to ensure that law enforcement officials are adequately trained in the dispersal of peaceful assemblies without resort to the use of force, and reminds the Government that the use of force in dispersing protests should be exceptional and must comply with the strict principles of necessity and proportionality.

351. The Special Rapporteur notes with concern further failures of law enforcement authorities to adequately register complaints made by human rights defenders who have been victims of attacks or harassment and to provide adequate protection measures for those at risk of violence as a result of their important work. On 26 April 2018, Mr. Lenin Raghuvanshi was violently assaulted and verbally abused by police while visiting a police station to enquire as to why no First Information Report (FIR) was filed after an attack on his brother. The police officers who assaulted him told him “you have created lots of trouble for police

by filing cases against us". When he tried to report this attack in a different police station, he was told simply to go home. Similarly, Mr. Okram Nutankumar experienced difficulties in registering an FIR after shots were fired at his house. In April 2018, human rights defender Ms. Rana Ayyub became the subject of a particularly serious smear campaign, as a result of which she received death threats. The allegations contained in the smear campaign were moreover repeated by at least one member of India's ruling party. Despite filing a criminal complaint on 26 April 2018, it took 10 days for authorities to begin their investigation, while authorities failed to provide her any protection during the interim. In another instance, Mr. Sunil Kumar received death threats outside Agra Court, after testifying in a case related to human trafficking. Despite providing police with information about the threats he received, including a description of the harassers, no complaint was filed. The Special Rapporteur urges the Government to ensure that human rights defenders are provided with adequate protection against the risks they face as a result of their peaceful and legitimate work and remind the State that it bears a responsibility to ensure the safety of human rights defenders as they continue their work.

352. The Special Rapporteur expresses his further serious concern over the use of national security legislation, including the Unlawful Activities Prevention Act (UAPA), to arrest, detain and charge a number of human rights defenders, notably used against human rights defenders who represent minority rights and marginalised communities, including *dalit* and *adivasi* minorities. The Special Rapporteur highlights allegations contained in two communications sent during the reporting period of coordinated operations resulting in the arrests of five human rights defenders on 6 June 2018 and five human rights defenders on 28 August 2018, all of whom face charges under the UAPA. The Special Rapporteur urges the Government to refrain from the use of national security legislation to arrest, detain and charge human rights defenders, as doing so risks conflation of national security risks with their peaceful and legitimate human rights work, and serves to cast aspersions on human rights defenders and their work.

353. The Special Rapporteur wishes to make final reference to the case of Mr. G. N. Saibaba, also imprisoned on charges under the UAPA. He is a wheelchair user with severe disabilities. Allegations report that Mr. Saibaba has not received adequate medical care for his physical condition and has not been provided with accessible facilities in his cell given his disability. Furthermore, allegations report that prison officers have not received adequate training to deal with his condition and as a result Mr. Saibaba has received a number of injuries from mishandling.

Indonesia

354. JUA 12/02/2018 Case no: IDN 1/2018 State reply: 27/02/2018

Alleged torture, ill-treatment and arbitrary arrest and detention of *waria* (transgender) LGBT human rights defenders in Indonesia's Aceh Province.

355. The Special Rapporteur thanks the Government of Indonesia's reply to his communication dated 12 February 2018.

356. The Special Rapporteur regrets that the Government's reply failed to address several of the questions posed in the communication sent, making no reference to the allegations of torture and discrimination, and referring instead only to the ill-treatment and arbitrary arrest and detention of the 12 *waria* in Aceh province. In response to queries about the investigation of these allegations, the Government noted that it has formed an investigative team, but did not provide any details on the procedures or progress in the investigation. Further, the Government failed to provide any legal grounds for the arrest of the *waria*.

357. The Special Rapporteur is gravely concerned that agents of Indonesia's police force are allegedly responsible for the torture, ill-treatment and attacks on the dignity of the twelve *waria* on the basis of their gender identity. The 12 *waria* were publicly humiliated. Arresting police ordered the women to remove their feminine clothing, perform degrading physical activities intended to "coach" them to behave like men, forced them to wear men's clothing, cut their hair in masculine styles and took photos and videos of many of these acts which were

later circulated publicly. As a party to the Convention against Torture, the Special Rapporteur recalls that the Government of Indonesia is duty bound to uphold the absolute prohibition on torture and to conduct a prompt, thorough and impartial investigation when credible allegations of torture are made. Based on the allegations, the *waria* were not presented with a warrant for their arrest, nor were they informed of charges against them or brought before a court so that they could contest their arrest. The Special Rapporteur, thus, calls upon the Government to investigate the various arrests made by the North Aceh police and ensure that international standards of arrest and due process were, and are, maintained.

Iran (Islamic Republic of)

358. JUA 31/01/2018 Case no: IRN 3/2018 State reply: none to date
Allegations concerning the treatment of Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi by the Iranian authorities.
359. JUA 21/02/2018 Case no: IRN 6/2018 State reply: none to date
Allegations concerning the arbitrary arrest and detention of seven environmental human rights defenders, as well as the suspicious death of Mr. Kavous Seyed Emami while in detention in Evin prison.
360. JUA 16/05/2018 Case no. IRN 9/2018 State reply: none to date
Allegations concerning the continuous judicial harassment of Ms. Raheleh Rahemipor, in reprisal for her legitimate right to exercise her right to freedom of expression, freedom of peaceful assembly, and for her efforts to uncover the fate of her brother and his infant daughter, whose disappearances have been registered with the Working Group on Enforced or Involuntary Disappearances since June 2016.
361. JAL 06/07/2018 Case no. IRN 10/2018 State reply: none to date
Allegations concerning the arrest and charges against human rights defender, Ms. Nasrin Sotoudeh, who was allegedly arrested at her home in Tehran on 13 June 2018.
362. JUA 26/09/2018 Case no. IRN 11/2018 State reply: none to date
Alleged arrest and arbitrary detention of human rights defenders, Ms. Hoda Amid, Ms. Najmed Vahedi, and Ms. Rezvaneh Mohammadi, by the Iranian authorities, as well as the continued detention and aggravated charges brought against human rights defender, Ms. Nasrin Sotoudeh, and the subsequent arrest of her husband Mr. Reza Khandan.
363. JUA 03/10/2018 Case no. IRN 12/2018 State reply: none to date
Alleged arrest and arbitrary detention of Mr. Farhad Meysami, a human rights defender who has advocated for the rights of women who want the hijab to be optional rather than compulsory.
364. JUA 19/10/2018 Case no. IRN 13/2018 State reply: 12/12/2018
Allegations concerning the deteriorating health situation of human rights defender Mr. Arash Sadeghi, currently serving a 15-year prison sentence for charges including “spreading propaganda against the system”, gathering and colluding against national security” and “insulting the founder of the Islamic Republic”.
365. JUA 20/11/2018 Case no. IRN 14/2018 State reply: 28/01/19
Allegations concerning Mr. Mohammed Ali Taheri, who is currently serving a five-year prison sentence for “spreading corruption on earth”.
366. PR [05/01/2018](#)
Iran: UN experts urge respect for protesters’ rights
367. PR [23/02/2018](#)

Iran: Spying charges against wildlife activists “hard to fathom”, say UN experts368. PR [19/03/2018](#)**UN experts alarmed by reports of human rights defenders beaten in Iran jail**369. PR [16/01/2019](#)**Iran: Prisoners Nazanin Zaghari-Ratcliffe and Narges Mohammadi need appropriate health care urgently – UN experts**

370. The Special Rapporteur thanks the Government for its replies to the joint communications sent on 19 October 2018 and 20 November 2018, but regrets that no replies were received from the Government of Iran to any of the remaining six joint communications sent during the present reporting period.

371. The Special Rapporteur wishes to express his serious concerns over the conditions of imprisonment for human rights defenders in Iran. Reports of torture, ill-treatment and denial of access to medical care continue to be prevalent, while overcrowding and poor sanitary conditions exacerbate the situation of prisoners. Of particular note is Evin prison in Tehran, the location of incarceration for many of the defenders listed in the communications sent during the reporting period, from which many of these reports stem. On 24 January 2018, Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi were summoned from their cell for interrogation by guards of Evin Prison, without being informed as to the reasons why. Both were subsequently severely beaten by male guards. Mr. Arash Sadeghi was also allegedly beaten during his transfer from Evin Prison to Raja’i Shahr Prison in Karaj. In May 2018, Mr. Sadeghi was submitted for medical tests, following persistent pain in his shoulders and elbow, however the results of these tests were withheld from him until he was formally diagnosed with cancer in August 2018. Following a surgery to remove bone tumours in September 2018, he was not permitted sufficient recovery time or follow up tests by prison guards, against medical advice. The defender was returned to prison three days after his surgery and developed an infection as a result of his not being provided sufficient post-operation care. Some subsequent appointments with medical professionals were then cancelled and missed by prison authorities and his weakened state has left him unable to undergo chemotherapy. In contradiction with medical advice, Mr. Sadeghi’s applications for release on medical grounds have been denied.

372. The Special Rapporteur thanks the Government for its response regarding Mr. Sadeghi’s health condition and family visitation, though he regrets that the Government’s response failed to provide information regarding the compliance of its actions with international human rights law. Allegations contained in the communications sent suggest that prisoners who have conducted hunger strikes in protest against their conditions of imprisonment have not received sufficient medical care to allay fears over their physical condition.

373. The Special Rapporteur wishes to further express his concern over a prevailing trend of the targeting of women human rights defenders, and human rights defenders advocating for women’s rights. On 13 June 2018, Ms. Nasrin Sotoudeh was arrested from her home in Tehran on the basis of a conviction made against her *in absentia* which sentenced her to five years in prison. Ms. Sotoudeh had been unaware that there were indeed charges against her. Ms. Sotoudeh had previously represented clients in her capacity as a human rights lawyer for charges against them stemming from protests against the mandatory veil. On 4 September 2018, Ms. Sotoudeh’s husband, Mr. Reza Khandan, was arrested and charged with crimes relating to national security, along with “promoting the practice of appearing in public without a veil”. Between 1 and 3 September 2018, three women’s rights defenders, Ms. Hoda Amid, Ms. Najmeh Vahedi and Ms. Rezvaneh Mohammadi, were also arrested and transported to Evin Prison, although no charges or warrants were presented to them. On 31 July 2018, Mr. Farhad Meysami was also arrested in connection with his advocacy against the mandatory veil. He was transported to Evin Prison and faces a number of charges.

374. The Special Rapporteur takes note that in many of the communications sent, human rights defenders have not had access to legal counsel, or have had their access severely limited. In certain circumstances, defenders have been unable to exercise their free choice over their legal representation. The Special Rapporteur urges Iranian authorities to provide

imprisoned human rights defenders fair trial guarantees, including adequate legal representation. The Special Rapporteur further laments the continued use of national security legislation to charge and imprison human rights defenders under the guise of “spreading propaganda” and “collusion to commit crimes against national security”. The Special Rapporteur reminds the Government that while national security legislation may be needed to accomplish legitimate goals in the protection of the State, it should not be used as a tool to prosecute and imprison human rights defenders for exercising their rights and undertaking their peaceful, legitimate and important work.

375. The Special Rapporteur wishes to finally express his grave concern over the death in custody of Mr. Kavous Seyed Emami in Evin Prison, along with the arrest of seven other members of the Persian Wildlife Heritage Foundation. The Special Rapporteur wishes to remind the Government that it is the duty of the State to respect the right of everyone to promote and protect a safe, clean, healthy and sustainable environment and urges the Government to carry out an immediate, independent and impartial investigation into Mr. Emami’s death, with a view to publishing the results and ensuring justice for Mr. Emami’s family.

Maldives

376. JUA 29/01/2018 Case no: MDV 1/2018 State reply: 23/07/2018

Allegations concerning threats and the criminal investigation initiated against Ms. Shahinda Ismail, a human rights defender promoting religious tolerance.

377. JAL 20/04/2018 Case no: MDV 3/2018 State reply: 23/07/2018

Allegations concerning the continuing harassment and intimidation of human rights defenders critical of religious extremism in the Maldives.

378. The Special Rapporteur expresses his gratitude to the Government of the Maldives for the response to his communications dated 20 April 2018 and 29 January 2018, but regrets that the replies did not fully respond to his questions nor engage with the international human rights standards referenced in his communication.

379. Since speaking out in favour of religious tolerance Ms. Ismail has been the subject of death threats and has been allegedly harassed by Governmental authorities and members of the public. She has been the subject of a criminal investigation “for actions that may lead to religious conflict” - a charge that would carry a prison sentence of two years if she were convicted.

380. The Government reports that its investigation of threats against Ms. Shahinda Ismail have been stymied by law enforcement’s inability to identify the social media accounts used to make these threats. The Special Rapporteur calls on the Government to end its investigation of Ms. Ismail, to refocus its efforts on the conduct of a prompt, thorough and impartial investigation into the threats and harassment against her, and to take a public stand in condemning such acts and recognising the valuable role that human rights defenders like Ms. Ismail play in preserving tolerance and civility in a pluralistic society.

381. The Special Rapporteur is concerned by the Government’s silence on the question of efforts it may have made to investigate other cases of killings and abductions of human rights defenders. The Government also failed to detail whether it has taken any steps to counter growing religious intolerance and vigilante violence in the country, and did not comment on measures to promote the fundamental rights of freedom of conscience and expression. The Special Rapporteur is very concerned about the trend of increased religious intolerance and related violence in the country, and the failure of the Government to hold the perpetrators of such acts accountable. Such violence, coupled with discriminatory attitudes, have led to the targeting of women in particular. The Special Rapporteur highlights his concern over the growing culture of harassment and intimidation of human rights defenders evident in the Maldives, particularly against those who hold liberal political and religious views, and the ineffective investigations being carried out against the inciters and perpetrators of such violence. The Special Rapporteur would again like to draw the Government’s attention to

article 20 of the ICCPR, which places the onus on the Government to prevent and punish the promotion of religious hatred and incitement to violence.

Myanmar

382. JOL 29/05/2018 Case no. MMR 1/2018 State reply: 06/08/2018

Information concerning a draft law on International Non-Governmental Organisations (INGOs) which, if adopted, may have serious implications for civil society, in particular for INGOs operating in Myanmar.

383. JUA 04/06/2018 Case no: MMR 2/2018 State reply: 18/07/2018

Alleged killing of Mr. Saw O Moo, an environmental activist and indigenous rights defender, near his home in the Ler Mu Plaw area of Kayin State by members of the Myanmar military.

384. The Special Rapporteur thanks the Government of Myanmar for its replies to communications sent on 29 May 2018 and 4 June 2018, however he regrets that the Government failed to provide sufficient response to the questions raised or detail the steps taken by the Government in response to the serious allegation of the extrajudicial killing of Mr. Saw O Moo.

385. The Special Rapporteur condemns in the strongest possible terms the killing of the environmental and indigenous human rights defender Mr. Saw O Moo, which the allegations suggest may have been carried out in retaliation for his human rights work. The Government does not dispute that its Tatmadaw soldiers opened fire on and killed Mr. Saw O Moo as he drove toward his home, though it claims the killing was justified. The Government's reply unfortunately fails to explain why the use of lethal force against Mr. Saw O Moo was necessary and proportionate, nor does it outline the measures taken to investigate his death with a view to prosecuting those responsible as is required in accordance with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The Special Rapporteur recalls that every human being enjoys the right to life to liberty and security of person in accordance with article 3 of the UDHR. The Special Rapporteur urges the Government to undertake a prompt, thorough and impartial investigation of the Mr. Saw O Moo's killing, to prosecute those responsible and to provide protection and redress to his family.

Nepal

386. JOA 11/07/2018 Case no: NPL 1/2018 State reply: none to date

Information concerning the National Integrity and Ethics Policy 2074, which could have a serious impact on the activities of civil society as it would impinge on the right to freedom of expression and freedom of association, which are guaranteed under international human rights law.

387. AL 25/07/2018 Case no: NPL 2/2018 State reply: none to date

Allegations concerning the Government's inaction to implement their written commitment to prosecute those who murdered a seventeen-year-old boy. His mother, human rights defender, Ms. Gangamaya Adhikari, has engaged in numerous hunger strikes to advocate for justice and her health has suffered as a result.

388. JAL 12/11/2018 Case no: NPL 5/2018 State reply: none to date

Allegations concerning the arrest of human rights defender, Mr. Ram Manohar Yadav, and his subsequent death in custody, and the travel ban against human rights defender, Mr. Lenin Bista.

389. The Special Rapporteur regrets that at the time of finalising the report no reply was received to the any of communications sent during the reporting period. He urges the

Government to reply to the communications and to engage in full cooperation with the mandates of the Special Procedures of the Human Rights Council.

390. The Special Rapporteur wishes to express his serious concern over the death in custody of human rights defender Mr. Ram Manohar Yadav allegedly due to the failure of law enforcement authorities to provide necessary medication for his health condition, along with their refusal to permit such necessary medication to be provided by his family. Mr. Yadav had been arrested one week previously and charged with sedition for waiving a black flag in protest against the Deputy Prime Minister and the Minister of Health and Population of Nepal. The Special Rapporteur further expresses concern over the health of Ms. Gangamaya Adhikari who undertook a 46 day hunger strike between May and July 2018. Ms. Adhikari is seeking an effective investigation into the killing of her son, along with an improvement in her access to basic health and livelihood support.

391. The Special Rapporteur further expresses his concern over the alleged travel ban imposed on Mr. Lenin Bista, which appears to have been solely a result of his attempted participation in a civil society workshop in Bangkok on youth in conflict areas. This workshop was deemed by authorities to be of a sensitive nature.

392. The Special Rapporteur finally wishes to commend the Government of Nepal for having put on hold its National Integrity and Ethics Policy 2074, which was due for final approval in July 2018, and which was the subject of concerns expressed by the Special Rapporteur during the reporting period. The Special Rapporteur wishes to remind the Government that the imposition of overly burdensome reporting, recruitment and funding requirements on non-governmental organisations (both national and international) may result in their inability to adequately fulfil their functions and may represent a violation of the right to freedom of association. The Special Rapporteur further notes that provisions of the policy had been written in overly broad and vague terminology, which could have resulted in the misuse of the legislation to target human rights defenders and organisations.

Pakistan

393. JAL 29/01/2018 Case no: PAK 10/2017 State reply: none to date

Allegations concerning the potential shut down of 29 international non-governmental organisations operating in Pakistan as well as the continuous crackdown imposed on civil society since 2015.

394. JAL 05/06/2018 Case no: PAK 2/2018 State reply: 30/08/2018

Allegations regarding the burglary and intimidation of human rights defender, Ms. Maryam Hasan.

395. JAL 16/07/2018 Case no: PAK 4/2018 State reply: 05/10/2018

Allegations concerning the intimidation of journalists and media outlets ahead of elections in Pakistan.

396. The Special Rapporteur thanks the Government of Pakistan for the replies to his letters sent on 5 June 2018 and 16 July 2018, but he regrets that no reply has been received to the questions and concerns outlined in the letter sent on 29 January 2018.

397. The Special Rapporteur wishes to express regret over the intimidation of journalist and human rights defender Ms. Gul Bukhari. On 5 June 2018, Ms. Bukhari was intercepted by a number of vehicles on her way to participate in a television show on Waqt News. Ms. Bukhari and her driver were surrounded by 15 to 20 men, and the human rights defender was overpowered and abducted. Her neck was throttled in order to silence her screams. She was later returned home some four hours later. While the Special Rapporteur acknowledges the response of the Government stating that all necessary steps have been taken to ensure Ms. Bukhari's safety, he notes that despite orders from the Chairman of the Standing Committee on Human Rights to police to provide security for the human rights defender, at the time the communication had been sent none had been provided.

398. The Special Rapporteur similarly wishes to draw the Government's attention to, and express regret over, the attack on human rights defender Ms. Maryam Hasan following her participation in the creation of a report written by the Human Rights Commission of Pakistan on the state of human rights in Pakistan. It is believed that the attack was connected to her human rights work as the men who had broken into her house questioned the defender on the nature of her work. While the Special Rapporteur acknowledges the steps that have been taken by the Government to ensure the safety of journalists and human rights defenders working on the dissemination of information pertaining to human rights detailed in both of the Government's responses to communications sent, he urges the Government to take further steps to ensure the safety of human rights defenders in Pakistan and to secure a safe and enabling environment for them to carry out their work. The Special Rapporteur would like to specifically note that, in his communication sent on 16 July 2018, acts of intimidation against the newspaper "Dawn", and by consequence its journalists were alleged to have emanated from the Pakistani military.

399. The Special Rapporteur finally expressed his concern over a number of letters sent to 29 international non-governmental organisations (INGOs) in Pakistan by the Ministry of Interior between mid-December 2017 and the end of January 2018, cancelling their application permits, which permit them to function in the country. Such cancellations were conducted under the Policy for Regulation of International Non-Governmental Organisations implemented on 1 October 2015, which placed new requirements on INGOs with regards to disclosure and funding and which had been worded vaguely, leaving little accountability for cancellations made under the policy. The Special Rapporteur wishes to remind the Government that INGOs in Pakistan provide valuable and important work with regards to the safeguarding of human rights and urges the Government to allow such organisations to operate freely and without undue restriction.

Philippines

400. JUA 22/01/2018 Case no: PHL 1/2018 State reply: none to date

Allegations concerning the Securities and Exchange Commission's ("SEC") revocation of the certificate of incorporation of the online multimedia news outlet, *Rappler*, which effectively rescinds their license to do business, and alleged threats including death threats against journalists working for *Rappler*.

401. JUA 26/02/2018 Case no: PHL 2/2018 State reply: 05/03/2018 (A)

Alleged extrajudicial or arbitrary killings of 28 individuals and the attempted killing of at least one other person, in the context of the intensifying counter-insurgency operations carried out by members of the Armed Forces, paramilitaries or individuals linked to them.

402. JAL 23/04/2018 Case no: PHL 4/2018 State reply: 25/04/18 (A)

Alleged vilifying public statements and threats made by President Rodrigo R. Duterte targeting the human rights organisation Karapatan.

403. JAL 08/06/2018 Case no: PHL 5/2018 State reply: none to date

Allegations concerning a petition filed by the Philippine Department of Justice proscribing the Communist Party of the Philippines and the New People's Army as "terrorist" organisations, along with the inclusion in the petition of the names of a number of human rights defenders, defining them de facto as "terrorists" in possible reprisal for their engagement with UN human rights mechanisms.

404. PR [25/01/2018](#)

UN experts express serious alarm at effort to shut down independent media outlet in the Philippines

405. PR [08/03/2018](#)

Accusations against UN expert a retaliation by Philippines, say fellow rapporteurs

406. The Special Rapporteur wishes to thank the Government for its acknowledgement of receipt of the communications sent on 26 February 2018 and 23 April 2018, however he deeply regrets that no substantial response was provided to either communication, despite grave allegations including the alleged extrajudicial or arbitrary killings of 28 human rights defenders and members of their families carried out by members of the armed forces of the Philippines and unidentified assailants. The Special Rapporteur further expresses regret that no responses were received in relation to the other two communications sent during the reporting period. The Special Rapporteur urges the Government to re-establish dialogue with his mandate and to provide substantial responses to the communications sent.

407. The Special Rapporteur expresses his serious concern over the current climate for human rights defenders in the Philippines, especially in the face of allegations received on the arbitrary and extrajudicial killings of human rights defenders and members of their families, along with the issuance of defamatory and vilifying public statements against human rights defenders, which serve to disparage their legitimate and important work and endanger their lives and physical safety, and that of their family members. The Special Rapporteur wishes to make specific reference to a number of public statements made by President Rodrigo R. Duterte between the dates of 17 October 2017 and 09 February 2018 targeting the human rights organisation Karapatan. During a series of speeches, President Duterte made a number of statements referring to Karapatan as a terrorist organisation and a front for the Communist Party, warning that members would be killed. The Special Rapporteur is alarmed by the use of such statements and calls upon the Government to ensure that human rights defenders are provided a safe and enabling environment in which to carry out their work. The Special Rapporteur further notes that such statements may serve to delegitimise the work of human rights organisations in the eyes of the public and conflate their legitimate work with threats to national security.

408. On this topic, the Special Rapporteur wishes to express his concern over the use of national security legislation to target human rights defenders, especially through the use of the Human Security Act of 2007. On 21 February 2018, the Philippine Department of Justice filed a petition proscribing the Communist Party of the Philippines and the New People's Army as "terrorist" organisations under the Act and naming at least 657 individuals, including Ms. Victoria Tauli Corpuz, the current United Nations Special Rapporteur on the Rights of Indigenous Peoples, and a number of other human rights defenders. The use of such a petition to label human rights defenders as *de facto* terrorists seriously disparages their peaceful and legitimate work and marks a course of judicial harassment against them. Further, the inclusion of a current United Nations Special Rapporteur on said list represents an unacceptable attack against her and her mandate. The Special Rapporteur notes that many of those arbitrarily or extrajudicially killed who were listed in his communication sent on 26 February 2018 were indigenous human rights defenders, along with land and farmers' rights defenders, and stresses that now, more than ever, Ms. Tauli Corpuz must be permitted to carry out her mandate without fear of prosecution.

409. The Special Rapporteur wishes to make final note of the Securities and Exchange Commission's ("SEC") revocation of Rappler's certificate of incorporation, along with death threats made against its journalists. The Special Rapporteur wishes to remind the Government that a free press is an essential element to any thriving democracy and is symptomatic of a functional and free civic space. The Special Rapporteur laments the shrinking civic space that has become evident in the Philippines and urges the Government to take steps to ensure the freedoms of opinion, expression, assembly and association which are so vital to the important work which human rights defenders undertake.

Singapore

410. JUA 22/12/2017 Case no: SGP 4/2017 State reply: 07/03/2018

Allegations concerning the criminal prosecution of Mr. Jolovan Wham for the peaceful exercise of the right to freedom of expression, and freedom of peaceful

assembly in Singapore and the increasingly hostile environment for civil society in the country.

411. PR [29/01/2019](#)

Singapore must ensure fundamental rights for all after conviction of Jolovan Wham, say UN experts

412. The Special Rapporteur wishes to thank the Government for its response to the communication sent on 22 December 2017, dated 7 March 2018.

413. On 29 November 2017, Mr. Jolovan Wham was charged in court under the Public Order Act, as a result of his participation in a number of peaceful public gatherings and protests in 2017. He was additionally charged under the Vandalism Act for affixing two sheets of A4 paper to a panel of a train. The sheets were left up for approximately 45 minutes and were later taken down by Mr. Wham, leaving no visible marks or damage. The Special Rapporteur regrets that the Government decided to pursue criminal charges against Mr. Wham as a consequence of the exercise of his right to participate in peaceful public gatherings and protests, and notes that such participation is protected under the right to freedom of assembly. The Special Rapporteur acknowledges that the Government, in its reply, determined that such assemblies were contrary to public order, and welcomes the Government's statement that 176 peaceful demonstrations were organised at Speaker's Corner in Singapore over the last five years, however he urges the Government to take greater steps to ensure freedom of assembly in Singapore and to revise its legislation on public gatherings to allow for a more participatory and open climate for peaceful protest.

Sri Lanka

414. JUA 02/08/2018 Case no: LKA 2/2018 State reply: none to date

Allegations of harassment of Ms. Sandya Ekneligoda in reprisal for her efforts to seek the truth about the fate and whereabouts of her husband, disappeared journalist Prageeth Ekneligoda, whose case was registered by the UN Working Group on Enforced or Involuntary Disappearances on 3 February 2010.

415. The Special Rapporteur regrets that the Government has not responded to the questions and concerns regarding the harassment of Ms. Sandya Ekneligoda, addressed to them in the communication.

416. The Special Rapporteur remains very concerned about the Government's approach to human rights defenders in Sri Lanka, particularly those who defend the right to freedom of opinion and expression. The Special Rapporteur calls on the Government, as a matter of urgency, to put an end to the pervasive climate of impunity that currently exists so human rights defenders, including journalists, can carry out their work in an environment free from harassment and threats.

417. On this occasion, the Special Rapporteur wishes to remind the Government of Sri Lanka of his request to extend an invitation to his mandate to effectuate an official visit to the country.

Thailand

418. JUA 22/12/2017 Case no: THA 7/2017 State reply: 12/01/2018

Allegations concerning the criminalisation of freedom of opinion and expression through the application of the *lèse-majesté* law and Computer Crime Act and violations of due process and fair trial standards in the cases of 21 human rights defenders.

419. JUA 20/02/2018 Case no: THA 2/2018 State reply: none to date

Alleged judicial harassment of peaceful demonstrators and activists, due to their participation in a series of peaceful protests.

420. JAL 10/05/2018 Case no: THA 3/2018 State reply: none to date

Allegations concerning a recent court decision and the subsequent arrest warrant issued against human rights defender Mr. Andy Hall, imposing 10 million Thai Baht in civil damages for having given an interview to Al-Jazeera English on the precarious working conditions of migrant workers in Natural Fruit Company's pineapple processing factories.

421. JAL 25/06/2018 Case no.: THA 4/2018 State reply: 04/07/2018 (A)

Alleged arrest, detention and charges against peaceful protestors, in relation to the legitimate exercise of their rights of peaceful assembly and association and freedom of expression during a protest taking place in Thammasat University (Bangkok), on 22 May 2018.

422. PR [17/05/2018](#)

Thailand: UN experts condemn use of defamation laws to silence human rights defender, Andy Hall

423. The Special Rapporteur thanks the Government of Thailand for its response to the communication dated 22 December 2017, but regrets that he has not received responses to any of the other three communications sent to the Government during the reporting period.

424. The Special Rapporteur notes that the allegations raised reportedly take place in a context of increased restrictions on multiple rights and fundamental guarantees, including on the right to freedom of opinion and expression and the right to freedom of peaceful assembly and of association.

425. It has come to the Special Rapporteur's attention that the Government has released Mr. Prawet Prapanukul and dropped the charges against Mr. Sulak Sivaraksa and he welcomes these positive developments. The Special Rapporteur also acknowledges the amendment of the Computer Crime Act in 2017, which remove defamation offences from this legislation. The Special Rapporteur nonetheless regrets that the Government's reply failed to provide more substantial explanation of the Government's continued application of *lèse-majesté* provisions under the Criminal Code, the necessity for closed-door proceedings before military courts, and the pre-trial detention in these proceedings and how these practices comply with international law.

426. It is with regret that the Special Rapporteur observes that the overall situation of human rights defenders in Thailand remains precarious. Criminal cases prosecuted under variety of domestic laws appear to be used by State authorities to undermine the legitimate rights and freedoms of communities and rights holders who are often from some of the most vulnerable groups in society. State authorities have brought criminal complaints against human rights defenders who document cases of human rights violations, voice opposition political views or who publicly voice criticism about measures adopted by the National Council for Peace and Order (NCPO). Civic space in Thailand is shrinking as a consequence of regulations curtailing the legitimate and peaceful activities of human rights defenders, civil society actors and political opponents. Defamation, *lèse-majesté* and sedition laws stifle the legitimate exercise of fundamental rights, such as freedom of expression.

427. In this reporting period, the Special Rapporteur remains concerned that *lèse-majesté* provisions and the Computer Crime Act suppress freedom of opinion and expression among human rights defenders in Thailand and threaten their rights to a fair trial and due process of law. The alleged denial of bail, use of military courts, closed hearings and procedural irregularities, such as the conduct of trials in which the defendant is not represented by legal counsel, raise additional concerns that the conduct of these cases does not comport with international standards of due process. Rather, they may function as a means to thwart the work of human rights defenders. The Special Rapporteur would also like to reaffirm that limitations on freedom of expression on the basis of public order, national security or public morals grounds can only be imposed when these restrictions are necessary for a legitimate purpose and conform to the principle of proportionality.

428. The Special Rapporteur expresses serious concern regarding the harsh and lengthy sentence rendered against Mr. Wichai Thep Wong, who was arrested for allegedly posting defamatory media on a fraudulent Facebook profile and was sentenced 70 years of

imprisonment by a military court. The Special Rapporteur is equally concerned by the arbitrary and trivial justification for the arrest of human rights defenders like Mr. Thanakorn Siriphaiboon, who was charged with defaming the Thai monarchy and threatening national security by clicking “like” on a picture on Facebook mocking the favourite dog of late King Bhumibol Adulyadej. He could face up to 27 years in prison, if convicted. The Special Rapporteur also wishes to draw attention to the case of Ms. Patnaree Charnkij who was indicted for failing to criticise a man who sent her Facebook messages allegedly containing comments that violate article 112 of the Criminal Code. Ms. Charnkij’s initial bail request was denied after which she was officially indicted by the military court and tried in a closed hearing. The Special Rapporteur further expresses serious concern regarding the seeming absence of legal grounds justifying the arrest, detention and three days of interrogation of Mr. Nguenkhun Udonkunakorn, who was later indicted by a military prosecutor, whose request for bail was rejected and, who later was convicted and sentenced to five years in prison.

Viet Nam

429. JUA 21/02/2018 Case no: VNM 2/2018 State reply: 25/04/2018

Allegations concerning the deteriorating human rights situation of environmental human rights defenders working on the Formosa Steel Plant environmental disaster, including restrictions on their rights of freedom of expression and peaceful assembly.

430. JUA 13/03/2018 Case no: VNM 3/2018 State reply: 10/07/2018

Allegations concerning the prison transfer, lack of access to adequate medication, and poor detention conditions of environmental human rights defender, Ms. Nguyen Hgoc Nhu Quynh, also known as “Mother Mushroom”.

431. JUA 04/04/2018 Case no: VNM 4/2018 State reply: 09/10/2018

Allegations concerning the arrest, detention, and charges against a group of six prominent human rights defenders, which appear to be in relation to their work in defence of human rights.

432. JUA 09/07/2018 Case no: VNM 7/2018 State reply: none to date

Allegations concerning acts of violence and intimidation against three human rights defenders, who were involved in defending labour rights.

433. JAL 17/07/2018 Case no: VNM 6/2018 State reply: none to date

Allegations concerning the deteriorating health condition of Mr. Nguyen Van Tuc, a human rights defender who was sentenced to 15 years in prison in 2017.

434. PR [23/02/2018](#)

Viet Nam: UN rights experts urge release of activists for protesting toxic spill

435. PR [12/04/2018](#)

Viet Nam: UN experts call for change after jailing of rights defenders

436. The Special Rapporteur thanks the Government of Viet Nam for its response to three of the five communications sent during the reporting period. He urges the Government to provide replies to the communications sent 9 July 2018 and 17 July 2018, particularly given the seriousness of the allegations.

437. The Special Rapporteur wishes to draw the Government’s attention to his serious concerns regarding the conviction of a number of human rights defenders in Viet Nam for activities linked to their human rights work, especially with regards to freedom of expression. The Special Rapporteur notes that certain articles in the 2015 Penal Code of Viet Nam, including those relating to “abuse of democratic freedoms” and “making, storing, spreading information, materials or items for the purpose of opposing” the State of Viet Nam, contain

vague and broad terminology which may be used to prosecute human rights defenders for their legitimate and peaceful work.

438. The Special Rapporteur highlights with concern the case of Mr. Hoang Duc Binh, a blogger and environmental human rights defender, who was convicted under article 331 of the Vietnamese Penal Code and handed down an extreme 14 year sentence for “abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organisations and/or citizens” and “resisting an official on public duty”. Another human rights defender, Mr. Nguyen Nam Phong, was sentenced to two years in prison in an associated case. While the Government, in its response to the joint communication sent on 21 February 2018, asserts that the human rights defenders were not arrested or convicted for their exercise of the rights to freedom of opinion and expression or freedom of peaceful assembly and association, and the Special Rapporteur acknowledges the role that the Government must play with regards to ensuring public order, he wishes to remind the Government that any restrictions on these rights must conform to the strict principles of necessity and proportionality.

439. The Special Rapporteur further wishes to express his concern over the apparent targeting by Vietnamese authorities of a number of human rights defenders and members of the organisation Brotherhood for Democracy, an organisation, created in 2013, which set up a new online group advocating for democratisation. In the communication sent on 4 April 2018, the Special Rapporteur drew the Government’s attention to the conviction and sentencing of six human rights defenders and members of Brotherhood for Democracy to between seven and fifteen years in prison for “conducting activities to overthrow the people’s administration”. The Special Rapporteur would also like to draw the Government’s attention to a separate communication sent on 17 July 2018, regarding the sentencing of another member of Brotherhood for Democracy, Mr. Nguyen Van Tuc, to 13 years in prison. The Special Rapporteur wishes to remind the Government, as noted above, that any restrictions on the rights to freedom of opinion and expression and freedom of assembly and association must conform to the strict principles of necessity and proportionality. The Special Rapporteur acknowledges and welcomes the release of Mr. Nguyen Van Dai and Ms. Le Thu Ha, however he laments that they were indeed convicted in the first place for reasons evidently linked to their human rights work. The Special Rapporteur further welcomes the release of human rights defender Ms. Nguyen Ngoc Nhu Quynh. The Special Rapporteur would, however, seek clarification on the status of the three aforementioned human rights defenders with regards to their ability to return to Viet Nam without fear of prosecution, punishment or any other form of harassment linked to their activities in defence of human rights.

440. The Special Rapporteur wishes to express final concern over attacks on human rights defenders Ms. Minh Hanh and Mr. Dinh Van Hai. The allegations in this case point to the deliberate targeting of the two human rights defenders as a direct result of their work, and underscore a continuous trend of harassment against Ms. Minh Hanh which includes smear campaigns, surveillance, threats and physical attacks. The Special Rapporteur wishes to remind the Government that it bears responsibility to ensure that human rights defenders are adequately protected from physical attacks and he is alarmed that allegations suggest that police protection was not provided when requested.

EUROPE AND CENTRAL ASIA REGION

441. During the present reporting period the Special Rapporteur sent 44 communications to 18 countries in the Europe and Central Asia region, which accounts for 17% of the total communications sent. He takes note of the response rate of 80% for the region, the same as last year. The Special Rapporteur commends the high response rate to the communications sent during this reporting period and looks forward to receiving the responses to the outstanding communications.

442. Despite the diversity of challenges that human rights defenders are facing across the region and varying degree of tensions, risks and violations of their rights, the concerns expressed in the communications sent by the Special Rapporteur in the reporting period point to a number of worrying trends and demonstrate a continuation and consolidation of tendencies of recent years. In the face of the global developments termed as the “shrinking space” of civil society, the Special Rapporteur vehemently calls on all governments in Europe and Central Asia to protect civic space and hence, to respect, protect and fulfil in particular, the freedom of opinion and expression, the freedom of association and peaceful assembly, the right to participate in public affairs as well as the principle of non-discrimination.

443. The Special Rapporteur remains concerned by reports of criminal and civil proceedings against human rights defenders. The criminalisation of their legitimate and peaceful work in defence of human rights often results in their arbitrary arrest and detention. This is often accompanied and fuelled by hostile public discourse towards human rights and defamation campaigns against those who seek to defend them. It should also be noted that intimidation attempts and physical attacks against human rights defenders were particularly frequent in countries where stigmatisation and de-legitimisation of their work through smear campaigns is particularly widespread.

444. As in previous years, communications sent to some countries in the region have addressed concerns in relation to the adoption and implementation of legislation that severely limits the scope of action of independent civil society actors or poses a significant restriction on the freedom of association and assembly. These legal frameworks seem target non-governmental organisations by imposing disproportionate reporting requirements and restricting their access to foreign funding. The misapplication of overly broad anti-terrorism legislation to human rights defenders, migrants, journalists, protesters and other groups equally continues to cause concern in several countries of the region.

445. The challenges faced by human rights defenders working on sexual orientation and gender identity issues are increasing in several countries within the region, particularly in Eastern Europe and Central Asia. The Special Rapporteur is troubled about prevailing homophobic attitudes in society, hate speech and legislation emphasising “traditional” family values, which are creating an increasingly discriminatory environment and put LGBTI people, and defenders promoting their human rights, at risk.

446. The Special Rapporteur continues to express grave concern regarding the failure of several governments in the region to meet their responsibilities towards migrants and refugees. Furthermore, the deteriorating situation of migrant rights defenders who seem to be increasingly under attack is a serious source of concern. In a number of countries, acts of solidarity with migrants were met with judicial harassment, intimidation and in some cases arrests. Civil society organisations operating search and rescue missions to save migrants’ lives in the Mediterranean Sea are facing stigmatisation and criminalisation of their activities, often based on false allegations of association with human traffickers.

447. Finally, the Special Rapporteur sent two communications on cases of reprisals and intimidation against human rights defenders in the region for cooperating with international human rights mechanisms, including the UN, its representatives and mechanisms, one in the Russian Federation (RUS 11/2018) and one in Turkmenistan (TKM 2/2018).

Armenia

448. JAL 13/11/2018 Case no: ARM 2/2018 State reply: none to date

Allegations concerning homophobic and transphobic hate speech and the violent attacks on nine people, amongst them lesbian, gay, bisexual, trans and intersex (LGBTI) rights defenders.

449. The Special Rapporteur urges the government of Armenia to respond to the communication letter concerning the allegations of violent homophobic and transphobic attacks against LGBTI human rights defenders. He remains seriously concerned about the spread of hate speech based on sexual orientation and gender identity on online platforms, and about the lack of anti-discriminatory provision and protection against hate crimes based on sexual orientation and gender identity in the national legislation.

450. With regards to these allegations, the Special Rapporteur would like to recall resolutions 17/19 and 27/32 of the Human Rights Council, expressing grave concern for acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity. The Special Rapporteur would like to stress that according to the UN Declaration on Human Rights Defenders, everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Azerbaijan

451. JUA 05/03/2018 Case no: AZE 2/2018 State replies: 07/03/2018, 13/04/2018

Alleged arbitrary detention, enforced disappearance, torture and criminal prosecution of Mr. Tahir Teymurov in retaliation for his stepbrother, Mr. Sahib Teymurov's posts to Facebook criticising the Government of Azerbaijan.

452. PR [05/12/2017](#)

UN experts urge Azerbaijan to end travel ban on award-winning investigative journalist Khadija Ismayilova

453. The Special Rapporteur takes note of the detailed replies provided to his communication dated 5 March 2018 and welcomes the continued engagement of the Government with the mandate.

454. The Special Rapporteur reiterates his concerns for the alleged arbitrary detention, enforced disappearance, torture and criminal prosecution of Mr. Tahir Teymurov in retaliation for the Facebook posts of his stepbrother, critical of the Government. The Special Rapporteur takes note of the State replies noting that on 8 December 2017, Mr. Tahir Teymurov was detained, then released from custody two months after on medical grounds, and that the preliminary investigation into the criminal case against him was underway at the time the response was received. The Special Rapporteur regrets that the responses received did not specify if and what measures were taken to guarantee the safety of Mr. Sahib Teymurov's family members.

Belarus

455. JAL 16/05/2018 Case no: BLR 1/2018 State reply: 19/07/2018

Allegations of the arbitrary arrest of seven human rights defenders, all observers from the Human Rights Centre Viasna and members of the Belarusian Helsinki Committee.

456. The Special Rapporteur acknowledges the response to his communication dated 19 July 2018 but regrets that no details were provided on how the arrest, detention and prosecution of the seven observers from the Human Rights Centre Viasna and members of the Belarusian Helsinki Committee is compatible with international human rights law.

457. The Special Rapporteur would like to stress that human rights observers of demonstrations occupy an important position in guaranteeing the right to freedom of assembly and expression and help prevent the use of excessive force in dispersing demonstrations as well as other violations. The Special Rapporteur remains concern about

the arrest and detention of the seven observers, which seems directly linked to their role of monitoring demonstrations and the exercise of the right to freedom of assembly, and that such arrests appear to be part of a larger campaign undertaken by the authorities to impede public demonstrations and silence political opposition.

France

458. JUA 29/03/2018 Case no: FRA 3/2018 State reply: 28/06/2018

Allégations de restriction d'accès à l'eau potable et aux services d'assainissement, ainsi que les abris d'urgence des migrants et des demandeurs d'asile dans la région des Hauts de France, en particulier dans les villes de Calais, Grande-Synthe, Tatinghem, Dieppe et Norrent-Fontes.

459. JOL 23/04/2018 Case no: FRA 4/2018 State reply: 03/07/2018

Préoccupations exprimées au sujet de l'adoption en procédure accélérée du projet de loi n° 714 «pour une immigration maîtrisée et un droit d'asile effectif». Certaines mesures rendraient l'accès à l'asile et à un recours efficace plus difficile, accroîtraient la durée maximale de rétention, et contiendraient des dispositions de suspension ou de refus des conditions matérielles d'accueil.

460. JAL 04/10/2018 Case no: FRA 9/2018 State reply: 19/12/2018

Allégations d'entraves aux activités des individus prêtant assistance aux migrants, mais aussi à la multiplication des mesures d'intimidation à leur rencontre par les forces de sécurité et les autorités locales.

461. Le Rapporteur spécial remercie le Gouvernement de son Excellence pour ses réponses substantielles et très détaillées aux lettres du Rapporteur spécial reçues respectivement le 18 juin 2018, le 3 juillet 2018 et le 19 décembre 2018.

462. Tout en reconnaissant et soulignant les efforts réalisés par le Gouvernement et présentés dans les réponses susmentionnées, le Rapporteur spécial reste préoccupé par les conditions de vie précaires, ainsi que par la situation d'accès limité aux services essentiels subie par les migrants et les demandeurs d'asile dans la région des Hauts-de-France. Il reste aussi préoccupé par les allégations d'intimidations et d'entraves aux actions des défenseurs des droits de migrants qui auraient été commises par la Police nationale et par la Gendarmerie.

463. Le Rapporteur spécial prend note des garanties établies dans le projet de Loi n°714 pour une immigration maîtrisée et un droit d'asile effectif, laquelle a été adoptée le 1^{er} aout 2018 et promulgué le 10 septembre 2018 (Loi n°2018-778). Toutefois, il continue d'exprimer ses inquiétudes concernant certaines dispositions, entre autres, celles relatives à l'augmentation de la durée maximale de rétention à 90 jours et la possibilité de détention des enfants.

464. Le Rapporteur spécial demande au Gouvernement d'assurer que les défenseurs de droits de migrants soient en mesure d'exercer leur travail légitime dans un environnement sûr et leur permettant d'agir sans aucune crainte d'actes et de menaces d'intimidation ou de harcèlement en France.

Hungary

465. JOL 08/03/2018 Case no: HUN 1/2018 State reply: none to date

Concerns regarding the package of draft legislation on organisations supporting migration that has been recently submitted to the Hungarian National Assembly, also known as the "Stop Soros Legislative Package".

466. JAL 10/09/2018 Case no: HUN 7/2018 State reply: none to date

Allegations concerning the recent adoption of a series of laws that introduce undue restrictions on the rights to freedom of association, peaceful assembly and

freedom of expression in Hungary and risk to further fuel the already existing xenophobic and discriminatory public discourse on migration and negative narrative about civil society, in particular when its activities are related to migration issues.

467. PR [11/09/2018](#)

UN experts decry Hungary's tough new measures against migrants and civil society

468. The Special Rapporteur regrets that at the time of finalising the report, no response has been received from the Government of Hungary. He urges the Government to engage with the mandates of the Special Procedures of the Human Rights Council and looks forward to receiving responses to the communications sent soon.

469. The Special Rapporteur reiterates his concerns about the recent adoption of a series of laws including the Higher Education Law, the NGO Law, the "Stop-Soros" legislation and the Law on Freedom of Assembly. The Special Rapporteur regrets in particular, that the Hungarian Parliament passed the "Stop Soros Legislative Package" despite the serious concerns expressed in his communication dated 8 March 2018. He underlines and reiterates with concern that these migration policies, practices and legislation have a negative impact on freedom of expression and association, criminalize the support provided by NGOs to migrants, regardless of their status and undermine the protection of human rights defenders in Hungary. He remains concern about allegations of xenophobic and anti-migrant public discourse.

470. The Special Rapporteur urges the Hungarian Government to take immediate measures to ensure that human rights defenders in Hungary, including migrant rights defenders, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation or retaliation directed against them or harassment of any sort.

Italy

471. JAL 12/11/2018 Case no: ITA 2/2018 State reply: none to date

Allegations concerning the criminalisation of activities of migrant rights defenders involved in search and rescue operations in the Mediterranean Sea including the refusal to allow disembarkation to NGO vessels, as well as vessels belonging to the Italian Coastguard, in Italian ports.

472. PR [21/11/2018](#)

Legal changes and climate of hatred threaten migrants' rights in Italy, say UN experts

473. The Special Rapporteur continues to express concern about the violations of the human rights of migrants traveling along the Central Mediterranean route, as well as about violations of the rights of human rights defenders protecting and defending the rights of migrants, including by rescuing them at sea. He regrets that at the time of finalising the present report, no response from the Italian Government has been received and urges the Government to engage with the mandates of the Special Procedures of the Human Rights Council.

474. The Special Rapporteur acknowledges the important and exemplary role which Italy has played in rescuing migrants at sea over the past years and recognises the country's challenges in the absence of a comprehensive European Union policy of solidarity with Member States at the European Union's external borders. However, he reiterates that these circumstances cannot be used as a justification to infringe on the human rights of migrants and migrant rights defenders and to disrespect international obligations.

475. According to information received by the Special Rapporteur, migrant rights defenders in Italy have been subjected to smear campaigns in the Italian media, intimidation incidents and verbal attacks on social media platforms, judicial harassment, defamation campaigns and bans from locations where they provided humanitarian support. These measures allegedly intend to circumscribe the activities and dissuade civil society, journalists

and individual human rights defenders from carrying out their legitimate and necessary activities to provide humanitarian aid to migrants. The Special Rapporteur remains concerned with the “chilling effect” these attacks and measures could have on migrant rights defenders and on civil society in general.

476. The Special Rapporteur would like to recall the recommendations made in his 2018 report (A/HRC/37/51), which underline, *inter alia*, that States should ensure that migrant rights defenders are not threatened with and subject to arrest, detention or deportation when reporting crimes, labour rights violations, and other forms of human rights violations and that States must ensure that domestic law and administrative provisions facilitate the work of all actors providing humanitarian assistance to, and defending the rights of, people on the move, including by avoiding criminalisation.

Kazakhstan

477. JAL 12/12/2017 Case no.: KAZ 3/2017 State reply: 13/12/2018

The conviction of Ms. Larisa Kharkova, and the lack of investigation regarding threats against her associate and her son, possibly in relation to her trade union activism and lack of an enabling environment for labour law activists.

478. JAL 15/08/2018 Case no.: KAZ 4/2018 State reply: 19/10/2018

Allegations regarding the arbitrary arrest and detention of Ms. Elena Semenova.

479. JOL 07/11/2018 Case no.: KAZ 5/2018 State reply: 13/12/2018

Allegations concerning draft by-laws which prohibit the distribution of information on lesbian, gay, bisexual, and transsexual (LGBT) people to children, and its potential implications on the right to access information and freedom of expression.

480. The Special Rapporteur thanks the Government of Kazakhstan for the detailed responses received to all his communications sent in the review period of this report.

481. The Special Rapporteur regrets that the reply to his communication sent on 12 December 2017 does not fully address the substance of the allegations contained therein. He remains concerned by the Government’s efforts to justify Ms. Kharkova’s conviction without providing further information on how the proceedings against her met international human rights standards. The Special Rapporteur laments that the Government does not acknowledge the importance of conducting a comprehensive investigation of the alleged attacks against Mr. Kharkova’s family members and associates in its reply.

482. The Special Rapporteur welcomes the information received about the decision to drop the charges brought against Ms. Semenova on 20 July 2018. However, he remains seriously concerned about the alleged arbitrary arrest, charges against her, her previous sentencing and travel bans that appear to be acts of retaliation against the defender for her legitimate human rights work and for cooperating with the European Parliament on human rights issues.

483. The Special Rapporteur urges the Government of Kazakhstan to take decisive steps to end the criminalisation of legitimate human rights advocacy and remove the restrictions placed on human rights defenders that preclude them from participation in public life and deprive them of their freedom of expression and assembly. The Special Rapporteur reiterates the Government’s duty to respect, protect and fulfil these rights pursuant to articles 19 and 22 of the International Covenant on Civil and Political Rights. Limitations on these rights are tightly constrained by the imperative to be based on grounds of national security, public order or public health or morals and must be necessary and proportionate.

484. For the particular concerns raised in the communication sent on 7 November 2018 regarding the restriction of the dissemination of information about LGBT people, the Special Rapporteur would like to remind the Government of article 7 of the UN Declaration on Human Rights Defenders, which includes the right to discuss and advocate for human rights ideas that are not necessarily new but that, in some contexts, may be perceived as new or unpopular because they address issues that might challenge tradition and culture. States are encouraged to ensure the protection of defenders who are at greater risk of facing certain

forms of violence and discrimination because they are perceived as questioning accepted sociocultural norms, traditions, perceptions and stereotypes, including about sexual orientation and gender identity.

Kyrgyzstan

485. JUA 13/06/2018 Case no: KGZ 1/2018 State reply: 11/10/2018

Alleged detention, threat of extradition and denial of adequate medical care to Mr. Muratbek Tungishbayev, a Kazakhstani blogger and human rights defender.

486. While the Special Rapporteur thanks the Government of Kyrgyzstan for the letter received on 11 October 2018, he notes that no translation has been received yet. The Special Rapporteur looks forward to reading the Government's response in the future and continuing his dialogue with the Government.

487. The Special Rapporteur, regrets that according to information publicly available in the media, Mr. Muratbek Tungishbayev was allegedly extradited to Kazakhstan on 26 June 2018, and lost the eyesight in his left eye in August, in connection to the denial of medical treatment.

488. In relation to these allegations, the Special Rapporteur would like to draw the attention of the Kyrgyz Government to its obligation under international law instruments, such as the Geneva Convention Relating to the Status of Refugees and its Protocol of 1967, acceded to by Kyrgyzstan on 8 October 1996, to refrain from expelling or returning any person who may be a refugee or otherwise be in need of international protection to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Malta

489. JAL 10/08/2018 Case no: MLT 1/2018 State reply: 04/10/2018

Allegations of Government interference into the investigation of the killing of investigative journalist, Daphne Caruana Galizia, and the large number of pending civil lawsuits against her family including lawsuits initiated by public officials.

490. The Special Rapporteur thanks the Government of Malta for its detail response dated 4 October 2018. The subject of the communication was the killing of Ms. Daphne Caruana Galizia, one of the most prominent investigative journalists in Malta, reporting on corruption. The Special Rapporteur welcomes the measures taken to protect the family of Ms. Caruana Galizia and the fact that the investigation has led thus far to the charging of three persons. However, he regrets that no information was provided in relation to the intellectual authors of the crime.

491. Ms. Caruna Galizia faced multiple libel law suits related to her investigative reporting. The Special Rapporteur welcomes as well that all pending criminal cases of libel against the defender were dropped automatically with the new Media and Defamation Act and urges the government of Malta to take immediate steps in line with the recommendations made during the Universal Periodic Review in November 2018 to protect journalists.

Moldova

492. PR [22/06/2018](#)

Moldova: UN expert announces visit to probe the situation of human rights defenders

493. PR [29/06/2018](#)

UN expert urges Moldova to end its "punitive attitude" to human rights defenders

Poland

494. JOL 23/04/2018 Case no: POL 3/2018 State reply: 23/05/201

Allegations concerning the law “On specific solutions related to the organisation of sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change in the Republic of Poland”, which appears to restrict significantly the exercise of human rights by environmental human rights defenders and members of the public.

495. JAL 07/09/2018 Case no: POL 4/2018 State reply: 06/11/2018

Alleged judicial harassment of the non-governmental organisation, the Open Dialog Foundation, and the deportation of Ms. Lyudmyla Kozlovska from Belgium to Ukraine, following a request by the Polish authorities to deny her access to the countries of the Schengen zone.

496. PR [07/05/2018](#)

UN experts urge Poland to ensure free and full participation at climate talks

497. PR [13/12/2018](#)

Poland: UN experts condemn measures to stop human rights defenders join climate talks

498. The Special Rapporteur would like to thank the Polish Government for responding to the two communications sent in the review period of this report. He welcomes the measures to ensure the security of the event, as well as the recognition of the importance of the presence and role of civil-society organisations in the Conference. However, the Special Rapporteur is concerned by the allegations of a number of representatives of civil society organisations, including participants accredited to the conference, being denied entry into the country and prevented from participating in the conference.

499. The Special Rapporteur continues to express concern at the alleged judicial harassment and defamatory statements endured by the organisation Open Dialogue Foundation in retaliation against its peaceful support for protests in opposition to the proposed judicial reforms. He further laments that the Government’s reply to his communication did not provide any factual basis for the decision to enter the name of Ms. Kozlovska into the Schengen Information System in order to prevent her entry into the Schengen Zone, leading to her deportation from Belgium to Ukraine. The Rapporteur fears that the decision to deport Ms. Kozlovska might have been taken with the parallel intention to exert a chilling effect on the human rights activities of her husband and colleague, Mr. Kramek, and of the Open Dialog Foundation as a whole.

Romania

500. JOL 31/01/2018 Case no: ROU 1/2018 State reply: none to date

Concerns relating to the new legislation regulating civil society organisations’ activities, which if adopted, may have a detrimental impact on the functioning of civil society organisations, as well as human rights defenders, in Romania.

501. JAL 23/02/2018 Case no: ROU 2/2018 State reply: 11/07/2018

Allegations regarding the repeated attempts to hamper the exercise of rights of assembly and expression of the Hungarian-speaking Szekler minority in Romania during their annual commemoration event, the “Day of Szekler Freedom”.

502. JAL 04/10/2018 Case no: ROU 4/2018 State replies: 01/11/2018, 14/01/2019

Allegations concerning the use of force against protesters and the constitutional referendum to change the definition of family, raising concern about the protection for the exercise of fundamental rights in Romania.

503. The Special Rapporteur acknowledges the four letters received from the Romanian government in response to communications of 23 February and 4 October 2018.

504. In the absence of a response to his communication dated 31 January 2018 (ROU 1/2018), the Special Rapporteur would like to reiterate his concerns about draft law n° 140/2017, which include: a restrictive definition of associations and their activities, financial constraints, burdensome reporting obligations and the need to re-register for already registered associations.

505. The Special Rapporteur would like to thank the Government for the very detailed response with factual, procedural and legal information regarding the annual commemoration and march organised by representatives of the Hungarian-speaking Szekler minority (ROU 2/2018). He welcomes the Government's reaffirmed commitment to respect fundamental rights without discrimination on any grounds, and in this regard, calls upon the Government to ensure that the Szekler minority can fully exercise their rights to freedom of peaceful assembly and expression.

506. The Special Rapporteur acknowledges the very detailed account of the protest on 10 August 2018 in Bucharest (ROU 4/2018). He welcomes the investigations being carried out and calls upon the Government to provide information on their results, as soon as it is available. The Rapporteur notes the establishment of an expert working group with a view to review the domestic legal framework governing public gatherings. The Rapporteur also takes note that the referendum was not validated and reminds the Government of the need to ensure the equality of individuals before the law and the need to respect the principle of non-discrimination.

Russian Federation

507. JUA 10/01/2018 Case no: RUS 1/2018 State reply: 31/01/2018

Allegations concerning the alleged arrest and arbitrary detention of Mr. Oyub Titiev.

508. JAL 07/02/2018 Case no: RUS 3/2018 State reply: 12/04/2018

Allegations received concerning the arson attack on the offices of the Human Rights Centre Memorial in Nazran, Ingushetia, the search of Memorial's Grozny office, and the torching of Memorial's car in Dagestan.

509. JAL 20/03/2018 Case no: RUS 4/2018 State reply: 18/05/2018

Alleged charges against human rights defender Mr. Bakhrom Khamroev under article 322.3 of the Criminal Code of the Russian Federation, in relation to allegedly fictitious registration of migrants at his address.

510. JAL 01/05/2018 Case no: RUS 8/2018 State reply: 06/07/2018

Alleged physical attack on human rights defender Mr. Sirazhytdin Datsiyev, the head of the Dagestan office of Human Rights Centre Memorial, which provides legal assistance to victims of human rights violations.

511. JAL 07/06/2018 Case no: RUS 12/2018 State reply: 22/08/2018

Allegations concerning potentially gravely detrimental effects of the Tominsk Ore Mining and Processing Integrated Plant (Tominsk GOK) on the environment and health of communities in the Chelyabinsk region and threats and intimidation against an environmental human rights defender, Mr. Sergey Belogokhov of "STOP GOK".

512. JAL 14/06/2018 Case no: RUS 11/2018 State reply: 13/09/2018

Allegations regarding the surveillance, intimidation, and harassment against Ms. Yana Tannagasheva and her husband Mr. Vladislav Tannagashev in possible reprisal for their endeavours to raise concerns about the adverse impacts of coal mining activities on the Shor indigenous peoples, and their communication with UN mechanisms in this regard.

513. JAL 11/07/2018 Case no: RUS 14/2018 State reply: 20/07/2018

Alleged arrest and charges against Mr. Server Mustafayev in Bakhchisaray, Autonomous Republic of Crimea and city of Sevastopol as well as the search of his house and seizure of his property.

514. JUA 18/07/2018 Case no: RUS 17/2018 State reply: 03/08/2018

Allegations concerning the continuing detention of human rights defender, Mr. Emir Usein Kuku whose organisation, Crimean Contact Group on Human Rights, monitors violations and reports on enforced disappearances in Crimea.

515. JUA 25/07/2018 Case no: RUS 16/2018 State reply: 07/08/2018

Allegations concerning the continued imprisonment of Mr. Oleg Sentsov and his physical and mental integrity as linked to alleged torture and ill-treatment and subsequent hunger strike undertaken to protest his imprisonment.

516. JUA 10/08/2018 Case no: RUS 21/2018 State reply: none to date.

Allegations concerning the continued imprisonment of Mr. Oleg Sentsov and his grave health situation.

517. JAL 15/08/2018 Case no: RUS 20/2018 State reply: 16/10/2018

Alleged beating of Mr. Evheny Makarov while in detention, and threats against his lawyer, Ms. Irina Birukova, after the alleged footage of Mr. Makarov being beaten became public.

518. PR [15/08/2018](#)

UN experts call for immediate release of Oleg Sentsov

519. The Special Rapporteur thanks the Government for the responses received to ten of the eleven communications sent during the present reporting period and encourages the Government to reply to his communication sent on 10 August 2018. The Special Rapporteur laments that three of the responses received fail to address any of the questions contained in the allegation letters and the cases raised.

520. The Special Rapporteur expresses concern at the risks and challenges that human rights defenders operating in the Russian Federation are facing. He remains concerned at the continued persecution of human rights defenders through their arbitrary arrest and detention, emblematic of which is the ongoing detention of Ukrainian human rights defender and filmmaker Mr. Oleg Sentsov. The Special Rapporteur also expresses concern over harassment, arrests and detention of minority rights defenders. He reiterates his concern about the ongoing detention of Tatar rights defenders Mr. Emir Usein Kuku and Mr. Server Mustafayev in Crimea. Mr. Mustafayev is charged with “participating in the activities of a terrorist organisation” under article 205.5.2 of the Criminal Code of the Russian Federation. This relates to allegations of his involvement with Hizb ut-Tahrir, the group is classified as a terror organisation under Russian law but is legal in Ukraine. The Special Rapporteur regrets that responses received concerning these three cases provide no information on the case or on the questions raised.

521. The Special Rapporteur takes note of the reply to the communication sent on 15 August with information on the outcome of the official inquiries into the torture of Mr. Makarov by prison guards while on custody. The Special Rapporteur takes good note of the information received on the criminal proceedings initiated on 20 July 2018 concerning unlawful use of force and special measures against Mr. Makarov by the staff of Correctional colony No.1. However, the Special Rapporteur would like to note that the first investigation undertaken in 2017 concluded that proportionate force had been used against Mr. Makarov, and that only after a footage showing the torture inflicted in Mr. Makarov was published in the Novaya Gazeta newspaper, a year after the incident took place, the current ongoing investigation was opened, which has so far lead to the dismissal of some of the staff, disciplinary action against others and the prosecution of 14 officers. The Special Rapporteur would like to receive updated information on the final outcome of the investigation of this criminal case as well as information on whether an investigation on the threats received by

his lawyer Ms. Biryukova was initiated or any measures were taken to protect her and her family.

522. Only during this reporting period, the Special Rapporteur sent three communications with allegations on serious attacks and violations against the Human Rights NGO Memorial and its staff. The Special Rapporteur takes note of the State reply with information on the investigations and enquiries into the arson attack of the NGO Memorial in Nazran and the torching of memorial's car in Dagestan on 17 and 22 January respectively. The Special Rapporteur would like to receive information on the final outcome of both investigations and possible prosecution of perpetrators as well as on the steps taken, if any, to ensure the protection of Memorial staff. Regarding allegations on three police searches of Memorial's Grozni office, the State reply only referred to the one on 19 January, which was reportedly linked to the criminal investigation against Mr. Titiev, Memorial staff. The Special Rapporteur remains gravely concerned about the situation faced by the staff of Memorial, which is marked by judicial harassment, intimidation attempts and physical attacks, and in particular that of Mr. Oyub Titiev, the head of the Chechen office Human Rights Centre Memorial, who is allegedly arbitrarily detained on charges under article 228 of the Criminal code. The Special Rapporteur reiterates his serious concern about reports received indicating that there has been past instances of invoking the said article against human rights defenders by Chechen authorities with the apparent aim to discrediting and judicially harassing them.

523. Further source of concern in two of the communications sent during the reporting period are the instances of threats and harassment against environmental rights defenders. The Special Rapporteur is particularly concerned at the possibility of instances of reprisal for cooperating with UN mechanisms in the case of Ms. Yana Tannagasheva and her husband Mr. Vladislav Tannagashev. In this regard, the Special Rapporteur recalls Human Rights Council resolution 12/2 which condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them.

Slovakia

524. JUA 26/10/2018 Case no: SVK 2/2018 State reply: none to date

Alleged criminal charges against members of the Roma minority of the settlement of Budulovská in Moldova nad Bodvou, which appear to be a reprisal for legal actions filed on their behalf for alleged police misconduct during the raid in the same Roma settlement on 19 June 2013 and mistreatment during their subsequent detention.

525. The Special Rapporteur regrets that, at the time of finalisation of this report, no response has been received from the Government of Slovakia. He encourages the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council.

526. In relation to the allegations outlined in his communication dated 26 October 2018, the Special Rapporteur remains concerned about the ongoing criminal proceedings against members of the Roma minority, including human rights defenders, in Moldova nad Bodvou and recalls that the Committee on the Elimination of Racial Discrimination, in its General Recommendation XXVII on discrimination against Roma, urges States to provide effective remedies to members of Roma communities and to ensure that justice is fully and promptly done in cases concerning violations of their rights. In particular, the Committee calls upon States to prevent racially motivated violence against Roma as well as the illegal use of force by the police against them; to ensure prompt action by the police, prosecutors and the judiciary to investigate such acts; and to ensure that perpetrators are punished.

Spain

527. JAL 04/04/2018 Case no: ESP 1/2018 State reply: 06/06/2018

Alegaciones de órdenes de detención y los arrestos de dos líderes políticos y de dos miembros de la sociedad civil catalana, las cuales podrían relacionarse con sus llamamientos a la movilización y participación ciudadana en el referéndum.

528. El Relator Especial agradece al Gobierno su exhaustiva y detallada respuesta a la comunicación enviada durante el periodo del presente informe.

529. El Relator especial, sin emitir una opinión sobre la legitimidad del referéndum o la cuestión de la autodeterminación en sí, expresa su preocupación por el hecho de que continúan en situación de detención preventiva los Sres. Sánchez, Cuixart y Junqueras y por la orden de detención del Sr. Puigdemont. Los procedimientos judiciales en su contra podrían estar directamente relacionados con los llamamientos a la movilización y participación ciudadana realizados en el ámbito del referéndum.

Tajikistan

530. PR [20/07/2018](#)

Tajikistan: UN rights experts condemn conviction of journalist Khayrullo Mirsaidov

Turkey

531. JAL 11/12/2017 Case no: TUR 13/2017 State reply: 09/02/2018

Allegations concerning the continued infringement upon the right to freedom of expression in the context of the court hearing that began on 5 December 2017, against the signatories of the 11 January 2016 petition, publicly known as “Academics for Peace Petition”.

532. JUA 09/02/2018 Case no: TUR 1/2018 State reply: 28/03/2018

Alleged arbitrary re-arrest and detention of Mr. Taner Kiliç, a lawyer and longstanding human rights defender, who has been Chair of Amnesty International Turkey since 2014.

533. JUA 22/02/2018 Case no: TUR 3/2018 State reply: 28/03/2018

Allegations concerning the arbitrary arrest, detention, and judicial harassment of six human rights defenders and members of İnsan Hakları Derneği (Human Rights Association, IHD).

534. JUA 28/02/2018 Case no: TUR 4/2018 State reply: 30/04/2018

Allegations concerning the alleged arrest, detention, and charges against Ms. Ayşe Lerzan Caner Conde along with the detention and attempted deportation of her husband Mr. Sekouba Conde.

535. JAL 27/06/2018 Case no: TUR 9/2018 State reply: 07/08/2018

Allegations concerning the charges against and the conviction to imprisonment of human rights defender, Ms. Eren Keskin.

536. JAL 18/09/2018 Case no: TUR 12/2018 State reply: 08/11/2018

Allegations concerning an indefinite ban on public LGBTI-related gatherings or events by the Governor of Ankara.

537. JAL 14/11/2018 Case no: TUR 16/2018 State reply: 10/01/2019

Alleged detention of 24 construction workers on 19 September 2018 and an additional arrest of 10 construction workers and trade union officials in October 2018,

for the exercise of their rights to freedom of expression and freedom of assembly and association.

538. PR [17/01/2018](#)

UN human rights experts urge Turkey not to extend state of emergency

539. PR [16/02/2018](#)

Turkey: Drop terror charges against Amnesty chair Taner Kiliç, UN human rights experts urge

540. The Special Rapporteur thanks the Government of Turkey for the letters received in response to all of his communications and for its continued engagement with the Special Procedures of the Human Rights Council.

541. While the Special Rapporteur welcomes the decision to end the state of emergency on 18 July 2018, which had been introduced more than two years earlier after an attempted *coup d'état*, he notes with concern that the crackdown on human rights defenders and civil society organisations continues. The Special Rapporteur therefore reiterates his concern at the repressive environment for the exercise of fundamental rights and freedoms in Turkey that was established by the state of emergency and more than thirty emergency decrees that bypassed parliamentary and judiciary control. These emergency decrees allegedly fail to meet the standards of international human rights law and are not in compliance with the principles of legitimacy, proportionality and necessity. In this connection, the Special Rapporteur would like to reiterate his serious concerns over the ban on public LGBTI-related gatherings or imposed events in Ankara since November 2017 under Turkey's state of emergency, which remains, despite the lifting of the mentioned state of Emergency. The Special Rapporteur urges the Governor of Ankara to put an end to this ban.

542. In this context, the Special Rapporteur expresses his concern regarding an anti-terrorism law enacted by the Parliament on 23 July 2018, after the end of the state of emergency, which retains numerous emergency provisions. It incorporates a number of emergency-type restrictive measures into ordinary laws and severely restricts the rights to freedom of movement and assembly on public order grounds.

543. The state of emergency furthermore severely weakened judicial independence and the Rapporteur's communications in the past year reflect that. Human rights defenders face criminal investigations, prolonged arbitrary detentions and trumped-up charges and convictions on the basis of overbroad anti-terrorism legislation, effectively criminalising the legitimate exercise of the rights to freedom of peaceful association and freedom of opinion and expression.

544. The judicial proceedings against IHD members, including IHD's co-president Erin Keskin, relate to her legitimate work in defence of human rights, in particular her work on the rights of minority groups, particularly the rights of persons belonging to the Kurdish minority in Turkey. More than 120 lawsuits have been filed against Ms. Keskin for her work as editor-in-chief of the newspaper *Özgür Gündem*, for which she may face up to 24 years in prison. The Special Rapporteur welcomes the court decision from October 2018, lifting the travel ban on Ms. Keskin, but remains concerned at the ongoing alleged judicial harassment against her.

545. The Special Rapporteur welcomes the decision to release human rights defender and Chair of Amnesty International Turkey, Taner Kiliç, from pre-trial detention. He remains deeply concerned at the pending charges of belonging to the "Fethullah Gülen Terrorist Organisation" against Mr. Kiliç. Similar concerns at the use of overbroad counter-terrorism legislation and emergency decrees to detain human rights defenders has been expressed in the case of the arbitrary arrest, detention and judicial harassment of six human rights defenders and members of İnsan Hakları Derneği (Human Rights Association, IHD), subject of the communication dated 22 February 2018 and in the case of Ms. Aysel Lerzan Conde and her husband Mr. Sekouba Conde, subject of the communication dated 28 February 2018. The Special Rapporteur regrets that the Government's replies in the abovementioned cases failed to address the main concerns put forth by him.

546. Likewise, concern is expressed at the ongoing judicial proceedings, including under counter-terrorism allegations, against the signatories of the statement “We will not be a Party to this Crime”, led by Academics for Peace. The statement from 2016 expressed concern for the curfews that have been declared in several cities in South East Turkey and called for the Government to put an end to the violence in the region. Since the publication of the petition, many of its signatories have been dismissed, suspended or forced to resign and all of them continue to be subjected to administrative and judicial investigations and proceedings. The Special Rapporteur reiterates his concern at the infringement of their freedom of expression.

Turkmenistan

547. JUA 02/08/2018 Case no: TKM 1/2018 State reply: none to date

Allegations relating to the continued detention, ill-treatment, and lack of access to adequate healthcare of Mr. Mansur Mingelov, a human rights defender from the Baloch minority.

548. JUA 27/11/2018 Case no: TKM 2/2018 State reply: none to date

Alleged reprisals against a woman human rights defender and her husband for cooperating with the United Nations, its representatives and mechanisms in the field of human rights.

549. The Special Rapporteur regrets that no response has been received to the communications sent on 2 August 2018 and 27 November 2018. He urges the government to provide substantive responses to both communications considering the seriousness of the allegations.

550. In this context, the Special Rapporteur reiterates his concern at the criminal conviction of Mr. Mansur Mingelov, which appears to be based on an unfair trial conducted exclusively because of his peaceful and legitimate attempt to expose human rights violations affecting members of the Baloch minority including torture by the State Service for Security Protection of a Healthy Society. The Special Rapporteur reiterates as well grave concerns at the allegations of prison medical staff’s denial to provide adequate healthcare, which may have amounted to ill treatment.

551. In connection to the communication dated 27 November 2018, the Special Rapporteur remains concerned at the alleged act of retaliation for a human rights defender’s cooperation with United Nations human rights mechanisms and other bodies, in connection with her efforts to clarify the disappearance of her husband. He recalls Human Rights Council Resolutions 12/2, 24/24 and 36/21, which call on States to prevent and refrain from all acts of intimidation or reprisals, and to take all appropriate measures to prevent the occurrence of such acts

Ukraine

552. JAL 8/06/2018 Case no: UKR 1/2018 State reply: 09/08/2018

Alleged use of force by police against demonstrators, as well as the arrest and detention of more than 100 people.

553. The Special Rapporteur thanks the government of Ukraine for the letter in response to his communication. He takes note of the information provided that the Directorate-General of the National Police in Kyiv investigated possible illegal actions of policemen during the events that took place on March 03, and the information from the Prosecutor General’s Office on police criminal investigations and pre-trial investigations in progress, both against civilians and law enforcement officials. At least two of the pre-trial investigations listed referred to cases concerning possible excess of official powers, including interference with the lawful professional activities of a journalist. The Special Rapporteur invites the Government to share the findings of the investigations as soon as possible.

554. The Special Rapporteur reminds the Ukrainian Government its obligation to ensure that any restrictions on the rights to freedom of opinion and expression, peaceful assembly and of association must be undertaken in accordance with Ukraine's obligations under international human rights law.

United Kingdom of Great Britain and Northern Ireland

555. JOL 06/02/2018 Case no: GBR 2/2018 State reply: 30/04/2018

Allegations concerning the role of the British company, Anglo American, and its staff in threats, intimidation and violence carried out against indigenous, environmental and land human right defenders in retaliation for their opposition to the Minas-Rio mining project and its impact on their community.

556. JUA 29/05/2018 Case no: GBR 5/2018 State reply: 24/07/2018

Allegations concerning the killing of 12 demonstrators following excessive use of force by police in the district of Tuticorin, in the state of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting Plant, a subsidiary of Vedanta Resources, which is based in the United Kingdom of Great Britain and Northern Ireland.

557. PR [21/12/2018](#)

UN experts urge UK to honour rights obligations and let Mr. Julian Assange leave Ecuador embassy in London freely

558. The Special Rapporteur thanks Great Britain for the replies to communications dated 6 February 2018 and 29 May 2018 and appreciates its continued engagement with the mandate. The Special Rapporteur takes note of the explanations provided regarding the due diligence undertaken by the Government in the follow-up the of cases and its continued commitment to promote the protection of human rights defenders active on business and human rights related issues.

559. Both communications sent in the reporting period of this report concern the alleged involvement of British companies in the violation of the rights of environmental human rights defenders abroad. The Special Rapporteur expresses the most serious concern about these allegations.

560. The Special Rapporteur understands that the Government has a number of policies, legislation, regulations and adjudication measures in place to ensure that business entities are compliant with international standards. Given the seriousness of the allegations presented in his communications, the Special Rapporteur wants to encourage the Government to ensure an effective implementation of these legislative measures that extends to British companies overseas.

561. While the Special Rapporteur understands the challenges of regulating entities operating outside of its national jurisdiction, it is important to underscore that States must conform to their obligations under international law, in particular international human rights law. In this regard, he would like to draw specific attention to the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011. This sets out that while business enterprises have an independent responsibility to respect human rights, States themselves must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

MIDDLE EAST AND NORTH AFRICA REGION

562. During the present reporting period, the Special Rapporteur sent 36 communications to 13 countries in the Middle East and North Africa region, which accounts for 15% of the total number of communications sent from his mandate. The Special Rapporteur notes a slight increase in the response rate for the region, which is 45%. The Special Rapporteur urges the continued cooperation of the countries in the Middle East and North Africa region with his mandate and hopes to receive responses to the remaining communications sent in due course.

563. Similarly to other regions, the Special Rapporteur notes an alarming trend in the misuse of national security legislation to criminalise the legitimate work of human rights defenders in some countries in the region. Offences under national security legislation often carry very heavy penalties and the legislation often incorporates forms of pre-trial detention, in many circumstances renewable, which lack sufficient judicial oversight and which can be used to intimidate and punish defenders, whether or not they are ultimately charged and found guilty of a crime. The misuse of such legislation has a severe chilling effect on civil society and human rights defenders themselves, who often are silenced due to fear of extreme sanction on grounds such as “sedition”, “terrorism” and “undermining the state”. Furthermore, reports allege the frequent use of detentions in an undisclosed location, particularly with regards to investigation of charges under national security legislation and reminds states of their obligations under international human rights law, particularly as they pertain to enforced disappearances. The Special Rapporteur urges countries in the region to re-evaluate the use of and revise the content of national security legislation to ensure against its misuse in targeting human rights defenders.

564. Regarding freedom of expression, reports across the region portray an increased risk for human rights defenders acting in online spaces. Particularly bloggers and those who disseminate information on human rights and fundamental freedoms by means of social media seem to have been targeted on the grounds of “spreading false news”, “disrupting national unity” and, in some instances, blasphemy. The Special Rapporteur reaffirms, in line with the UN Declaration on Human Rights Defenders, that everyone has the right to spread information relating to human rights and fundamental freedoms by the media of their choice, and urges states to ensure that reactionary legislation enacted to counter legitimate online threats cannot be misused to criminalise human rights defenders.

565. The Special Rapporteur expresses his concern over the situation of women human rights defenders in the region, along with others who defend women’s rights, as a number of countries in the region have moved to crack down on those who defend the human rights of women. The Special Rapporteur reminds states over the particular challenges that women human rights defenders face, insofar as they face a double stigmatisation, due in one part to their human rights work, and in another to their gender and gender-based discrimination. He calls upon states to ensure that the role of women human rights defenders is protected and recognised, to ensure that gender specific safeguards are put in place to protect women human rights defenders and to create a safe and enabling environment in which women human rights defenders can carry out their work free from threats, violence, intimidation or any other form of harassment, including judicial.

566. The Special Rapporteur regrets to note that, during the reporting period, he received five reports on cases of reprisals and intimidation against defenders for cooperation with international human rights mechanisms, including the UN, its representatives and mechanisms, concerning Bahrain (BHR 3/2018), Egypt (EGY 4/2018), Iraq (IRQ 3/2018), Saudi Arabia (SAU 7/2018 and SAU 8/2018) and Yemen (YEM 4/2018).

Algeria

567. JUA 15/02/2018 Case no: DZA 1/2018 State reply: 04/04/2018, 09/07/2018

Allégations relatives à la détention et au harcèlement judiciaire d’Amine Fadha et de Noureddine Ahmine.

568. JAL 18/06/2018 Case no: DZA 2/2018 State reply: none to date

Allégations concernant la condamnation à une peine de dix ans de prison et à une amende de 50 000 dinars algériens (environ 365 euros) du blogueur, Merzoug Touati, qui semblent représenter une criminalisation de l'exercice de son droit à la liberté d'opinion et d'expression.

569. JAL 14/12/2018 Case no: DZA 5/2018 State reply: none to date

Allégations relatives à l'arrestation et la détention de journalistes et d'un défenseur des droits de l'homme ainsi qu'à des possibles mesures de représailles envers la famille d'un blogueur algérien habitant en France.

570. Le Rapporteur spécial remercie le Gouvernement d'Algérie pour les deux réponses reçues à sa lettre du 15 février 2018. Il regrette néanmoins que cette réponse ne réponde pas entièrement au sujet de la communication. Par ailleurs, il s'étonne de ne pas avoir reçu de réponse concernant les autres communications envoyées et il espère recevoir des réponses dans les meilleurs délais. Le Rapporteur spécial souhaite rappeler au Gouvernement que ces réponses sont un élément majeur de la coopération interétatique.

571. Le Rapporteur spécial remercie le Gouvernement d'Algérie quant aux explications fournies en rapport aux allégations de détention et d'harcèlement judiciaire de Mr. Amine Fadha et Mr. Noureddine Ahmine, ainsi qu'aux explications fournies sur les motifs judiciaires et les mesures utilisées. Il souhaiterait néanmoins réitérer sa demande quant à la conformité de la procédure et des articles du code pénal mentionnés dans la réponse du Gouvernement avec les normes et standards internationaux relatifs aux droits de l'homme et notamment les articles 9, 14 19 et 22 du PIDCP.

572. Le Rapporteur spécial réitère son inquiétude quant aux allégations concernant la condamnation de Mr. Merzoug Touati qui représenterait une criminalisation de l'exercice au droit à la liberté d'opinion et d'expression en lien avec ses activités de blogueur et l'expression de ses opinions politiques sur Internet. Il renouvelle aussi ses graves préoccupations quant aux répercussions de ces allégations pointant vers une criminalisation de l'exercice du droit à la liberté d'expression et de manifestation en lien avec l'appel à manifester de Mr. Touati en date du 2 février 2017. De ce fait, le Rapporteur spécial souhaite réitérer au Gouvernement sa demande pour plus d'information au sujet de ces allégations, en particulier concernant les enquêtes ouvertes contre M. Touari, les motifs de la poursuite judiciaire et de sa condamnation ainsi que leur conformité avec les normes et standards internationaux relatifs aux droits de l'homme, particulièrement les articles 19 et 21 du PIDCP. Il réitère sa demande d'information quant aux raisons justifiant la prolongation de la détention de Mr. Touati, les conditions de sa détention ainsi que sur le déroulement de son procès et la conformité de tous ces facteurs avec les articles 9 et 14 du PIDCP. Au vu de ces allégations, le Rapporteur spécial souhaite réitérer avec urgence que le Gouvernement d'Algérie fournisse des informations sur les mesures prises pour veiller à ce que les défenseurs des droits de l'homme, y compris les journalistes, les blogueurs et particulièrement les personnes souhaitant exercer leur droit à la liberté d'expression, puissent le faire et mener leurs activités légitimes dans un environnement favorable sans peur d'actes de représailles, d'harcèlement, de stigmatisation, de répression et de criminalisation.

Bahrain

573. JAL 19/12/2017 Case no: BHR 13/2017 State reply: none to date

Allegations of ongoing travel restrictions, in the form of a travel ban, imposed on woman human rights defender, Ms. Nedal Al-Salman.

574. JUA 29/03/2018 Case no: BHR 3/2018 State reply: 25/04/2018

Allegations concerning the ill-treatment and sentencing of Mr. Nabeel Rajab, the President of the Bahrain Centre for Human Rights and Founding Director of the Gulf Centre for Human Rights.

575. The Special Rapporteur thanks the Government of Bahrain for the reply sent to his letter of 29 March 2018. The Special Rapporteur regrets that no reply has been received from the Government of Bahrain to the letter addressed on the 19 December 2017, especially

considering the serious and highly worrying nature of allegations contained in this letter. He encourages the Government to continue cooperation with the mandates of the Special Procedures of the Human Rights Council and looks forward to receiving a response to the other communication sent soon.

576. While the Government in its response details the applicable laws relating to Mr. Rajab's case and makes reference to international human rights standards, the Special Rapporteur regrets that the Government's reply stopped short of describing how certain charges which Mr. Rajab was convicted for represent a necessary and proportionate restriction on his right to freedom of opinion and expression. The Special Rapporteur wishes to use this opportunity to stress that the voicing of legitimate criticism with regard to governmental policies is protected by the right to freedom of opinion and expression, provided it does not intentionally incite immediate violence. The Special Rapporteur notes that Mr. Rajab has received multiple convictions for alleged offences with a basis in defamation and attests that criminal sentences in these circumstances are neither necessary, nor proportionate. The Special Rapporteur thanks the Government for the details provided with regards to Mr. Rajab's health, and regarding the mechanisms for investigating and prosecuting torture, however he regrets that no information was provided with regards to any investigation into allegations of Mr. Rajab's ill-treatment in detention. The Special Rapporteur urges the Government to launch an impartial, immediate and effective investigation into these allegations.

577. The Special Rapporteur wishes to reiterate his grave concern on the allegations of an ongoing travel ban imposed against Ms. Al-Salman, linked to her work as woman human rights defender especially because these allegations point towards an act of reprisal against her cooperation and her sharing of information with international organisations. He expresses his concern that such measures have an unavoidable detrimental impact on her work as a human rights defender, especially if it requires traveling abroad. Therefore, the Special Rapporteur urges the Government to provide additional information on these allegations, especially on the legal basis of this travel ban and their compatibility with articles 12, 19 and 22 of the ICCPR. As a reiteration of his letter of 19 December 2017 and his previous letter of 25 November 2016, the Special Rapporteur expresses serious concerns on the repetitive use of travel bans and restrictions against human rights defenders. These restrictions indicate a politically motivated strategy to prevent human rights defenders from travelling abroad and participating in events related to human rights, including those organised by the United Nations. The Special Rapporteur is concerned that these restrictions would cause a broader chilling effect on human rights defenders, and civil society as a whole in Bahrain. Therefore, he urges the Government to provide clarifications on the ongoing and increasing practice of imposing travel bans and restrictions preventing Bahraini human rights defenders from participating in activities related to the United Nations and other international organisations' human rights mechanisms.

Egypt

578. JAL 11/12/2017 Case no: EGY 19/2017 State replies: 14/02/2018, 20/02/2018, 08/03/2018

Alleged arrests and detentions without due process of at least 24 Nubian protesters, including one who died at Shalal Central Security Camp, on 5 November 2017 due to lack of proper medical treatment.

579. JUA 21/02/2018 Case no: EGY 4/2018 State reply: none to date

Allegations concerning the prolonged pre-trial detention of Ms. Hanane Baderraddine Abdalhafez Othman of over nine months, as well as allegations concerning the denial of healthcare and medical attention while in prison.

580. JUA 12/03/2018 Case no: EGY 5/2018 State reply: none to date

Allegations concerning the continued detention of photojournalist Mahmoud Abou Zeid and the prosecutor's decision to seek the death sentence against him.

581. JAL 26/04/2018 Case no: EGY 6/2018 State reply: none to date
Alleged short-term enforced disappearance for several days, arbitrary detention, and charges against human rights defenders Mr. Ezzat Eid Taha Fadl Ghomeim and Mr. Ahmed Tarek Ibrahim Ziada.
582. JUA 24/05/2018 Case no: EGY 9/2018 State reply: none to date
Alleged arrest and continuous harassment of Ms. Amal Fathy, a prominent women human rights defender, who has campaigned for women's rights and against torture, enforced disappearance, and extrajudicial killings.
583. JAL 14/06/2018 Case no: EGY 10/2018 State reply: 05/10/2018
Alleged arrest and arbitrary detention of Mr. Wael Abbas, a journalist, blogger, and human rights defender, who has documented cases of corruption and police brutality.
584. JAL 26/09/2018 Case no: EGY 14/2018 State reply: 23/01/2019
Allegations concerning the human rights defenders, Mr. Shadi al-Ghazali Harb, Ms. Amal Fathy, Mr. Wael Abbas, Mr. Mohamed Ibrahim Radwan, and Mr. Haytham Mohamadein, all of whom are being detained on charges relating to freedom of expression and association.
585. JUA 02/11/2018 Case no: EGY 16/2018 State reply: 01/01/2019
Alleged forced evictions, violations of the rights to physical integrity, liberty and security, in what appear to be reprisals against individuals who cooperated with the Special Rapporteur on the right to adequate housing during her visit to Egypt from 24 September and 3 October 2018.
586. PR [13/03/2018](#)
UN experts condemn decision to seek death sentence against Egyptian photojournalist Abou Zeid
587. PR [17/09/2018](#)
Egypt: UN experts call for Human Rights Council response to “appalling” verdicts against protesters
588. PR [28/09/2018](#)
Egypt: UN experts condemn “systematic targeting” of human rights defenders
589. PR [04/12/2018](#)
Egypt: UN experts alarmed by treatment of human rights defenders after visit
590. The Special Rapporteur thanks the Government of Egypt for its replies to the communications sent on 11 December 2017, 14 June 2018, 26 September 2018 and 2 November 2018 and looks forward to receiving replies to the other communications sent during the reporting period. He regrets that no translation has yet been received to the replies dated 1 January 2019 and 23 January 2019. The Special Rapporteur encourages Egypt's continued engagement with his mandate.
591. Allegations received during the reporting period portray a harrowing crackdown on human rights defenders in Egypt, with anti-terror and propaganda legislation seemingly being the primary means of criminalising the work of human rights defenders. Bloggers and journalists engaging in human rights work are targeted through charges such as “spreading false news”, “misusing social media” and “publishing false information”, while freedom of association is curtailed by the misuse of charges such as “joining an outlawed group”. The Special Rapporteur acknowledges the Government's reply regarding Mr. Wael Abbas dated 5 October 2018, however, while the Government states that he was arrested for terrorist and criminal offences that are not covered by the contemporary concept of a political offence, the Special Rapporteur respectfully disagrees that the charge of “publishing false information” may fall within the aforementioned categories when the information disseminated relates to human rights and fundamental freedoms. The Special Rapporteur reminds the Government

that the dissemination of information regarding human rights and fundamental freedoms is protected under the right to freedom of opinion and expression and is reiterated specifically in the UN Declaration on Human Rights Defenders. While the Special Rapporteur understands that the Government has legitimate concerns with regards to the suppression of terrorism in Egypt, he underlines that the peaceful and legitimate work of human rights defenders should never be conflated with acts threatening national security. The Special Rapporteur further highlights the obligation which has been reaffirmed by multiple UN Security Council resolutions to comply with international human rights law when taking measures to combat terrorism.

592. The Special Rapporteur further expresses his serious concerns over allegations regarding the persistent use of renewable periods of pre-trial detention to detain human rights defenders. He thanks the Government for its response regarding the Code of Criminal Procedure, which outlines the domestic legal basis for such detention, however he rests preoccupied that the legislation therein contained remains vague and is thus susceptible to abuse. The Special Rapporteur expresses his concerns over the chilling effect this type of detention may have on civil society, where one can be detained for up to two years without a verdict being reached, and fears this may be a punitive method of stifling dissenting voices. The Special Rapporteur further expresses his concerns over a pattern of allegations of human rights defenders being arrested and taken to an unknown location, as in the cases of Mr. Ezzat Eid Taha Fadl Ghomeim and Mr. Ahmed Tarek Ibrahim Ziada for example. He stresses that enforced disappearance, for any amount of time, constitutes a serious human rights violation and gives rise to serious concerns regarding potential for torture and other forms of ill-treatment. He also is concerned that allegations report the frequent interrogation of human rights defenders without the presence of a lawyer in violation of fair trial guarantees. Additional allegations state that human rights defenders, when given access to a lawyer, are unable to privately consult with them and often must do so in the presence of Government officials.

593. Serious allegations have been raised with the Government regarding reprisals against human rights defenders during and after the visit of the Special Rapporteur on the right to adequate housing for providing information on housing rights in Egypt. The Special Rapporteur thanks the Government for its reply to the communication sent on 2 November 2018 and looks forward to receiving the translation. Allegations of threats and physical attacks in relation to defenders who cooperated with the Special Rapporteur have also arisen. As reiterated in the UN Declaration on Human Rights Defenders, acts of reprisal against those who cooperate with UN human rights mechanisms constitute a serious breach of a state's human rights obligations and the Special Rapporteur urges the Government to investigate these serious allegations in a prompt, impartial and effective manner.

594. The Special Rapporteur expresses his final concern over the alleged arrest of and charges against a number of Nubian human rights defenders protesting for their right to return as guaranteed by the Egyptian constitution. Information received states that many were physically assaulted by armed police during the dispersal of the protest and the Special Rapporteur urges the Government to investigate allegations of the excessive use of force by police. While the Government's reply states that the protest was unlawful due to a failure to notify authorities and the blocking of roads, which the Government contends was not peaceful, the Special Rapporteur affirms that a failure to notify authorities does not render a peaceful protest unlawful, as in the case of spontaneous demonstrations, and therefore is not grounds for its dispersal. The Special Rapporteur further expresses his concerns that the requirement to notify authorities or obtain a licence from authorities prior to a demonstration may amount to a requirement for prior authorisation, which is a violation of the right to freedom of peaceful assembly. The Special Rapporteur urges the Government to ensure that the right to peaceful assembly be ensured in Egypt, without requirement for prior authorisation or other burdensome encumbrance.

Iraq

595. JUA 10/04/2018 Case no: IRQ 2/2018 State reply: none to date

Allegations of death threats against and attempted killing of two human rights defenders, Mr. Faisal Al Tamimi and Mr. Iyad Al Roumy, in what appears to be direct retaliation for their legitimate human rights work against enforced disappearances in Iraq.

596. JAL 13/04/2018 Case no: IRQ 1/2018 State reply: 14/06/2018

Allegations regarding the forced entry and search of the Organisation of Women's Freedom in Iraq (OWFI) shelter in Al Saadoon, the abduction of a male staff member of OWFI, and the removal of a victim of domestic violence, who was receiving psychological support from OWFI, by approximately 50 armed persons including police officers.

597. JUA 02/10/2018 Case no: IRQ 3/2018 State reply: none to date

Allegations of unlawful arrest, enforced disappearance and torture of Mr. Imad Al Tamimi and acts of intimidation and threats against Ms. Israa Al Dujaili, two human rights defenders, in direct retaliation for their legitimate human rights work and reportedly as reprisals for having cooperated with United Nations mechanisms.

598. The Special Rapporteur thanks the Government of Iraq for its answer concerning the communication sent the 13 April 2018, however he regrets that it failed to provide any information relating to the factual or legal bases of the communication. The Special Rapporteur regrets that no reply has been received from the Government of Iraq to the other letters sent during the reporting period, especially considering the serious and highly preoccupying nature of allegations contained in these letters. He encourages the Government to engage in full-fledged cooperation with the mandates of the Special Procedures of the Human Rights Council.

599. The Special Rapporteur expresses his grave concern on the allegations regarding the death threats against and attempted killing of Mr. Faisal Al Tamini and Mr. Ryad Al Roumy by armed groups allegedly sponsored by the State. These acts reportedly stem from their work in the Al Wissam Humanitarian Assembly, especially with the organisation and attendance to a human rights conference. He is also concerned by allegations regarding the treatment the victims received at the police station where police refused to file their complaints or provide them with protection. Another concern is that other participants were subject to similar threats for their attendance to the human rights conference. Therefore, the Special Rapporteur urges the Government to give him additional information, especially in relation to any investigation and judicial or other inquiry related to these alleged threats that has been undertaken. If none were undertaken or if they were inconclusive, he urges the Government to justify it and explain the compatibility of such measures with Iraq's international human rights obligations. He would also like to urge the Government to supply information on the measures provided for the mental and physical integrity of the above-mentioned victims, and more generally of those who attended the Human Rights conference.

600. The Special Rapporteur expresses further grave concerns on the alleged situation faced by Mr. Imad Al Tamini and Ms. Israa Al Dujaili. They allegedly were, for Mr. Al Tamini, victim of unlawful arrest, enforced disappearance and torture, and for Ms. Al Dujaili and her employees, victims of acts of threats and intimidation, due to their work with the Al Wissam Humanitarian Assembly. These acts were allegedly in reprisal for their cooperation with United Nations human rights mechanisms. In consideration with previous communications, these alleged acts seem to draw a pattern of acts of reprisals against Al Wissam Humanitarian Assembly's human rights defenders, their work, and cooperation with UN Mechanisms. The Special Rapporteur wishes to request additional information on the situation, especially concerning the legal grounds for the arrest and detention of Mr. Al Tamimi and their compliance with Iraq's international human rights obligations. He also urges the Government to provide information on any investigation or inquiry undertaken in relation to the allegations of the torture or ill-treatment of Mr. Al Tamimi while being detained by SWAT forces.

601. The Special Rapporteur request that, in the face of alleged acts of intimidation and reprisals against cooperation with the UN in the field of Human Rights, the Government indicates and explains the measures taken to ensure that human rights defenders in Iraq are

able to carry out their legitimate work in an enabling environment without fear of threats, intimidation or reprisal. This work includes the documentation of and reporting on enforced disappearances to UN Human Rights mechanisms. In a more general manner, the Special Rapporteur reiterates his request for the Government to take measures to prevent reprisals, including the adoption and implementation of specific legislation and policies to protect those who cooperate or have cooperated with the UN mechanisms or representatives in the field of Human rights and the investigation of allegations of intimidation or reprisals and to bring perpetrators to justice in accordance with Human Rights Council resolution 36/21.

Israel

602. JUA 08/01/2018 Case no: ISR 1/2018 State reply: none to date

Allegations concerning an escalating wave of arbitrary and abusive behaviour, judicial harassment, smear campaigns, arrests and detention targeting human rights defenders and activists in the West Bank, the Occupied Palestinian Territory since December 2017.

603. JUA 26/03/2018 Case no: ISR 8/2018 State reply: none to date

Alleged attempted physical attack on Mr. Imad Abu Shamsiyyaa, human rights defender and member of the Human Rights Defenders Group, in Hebron by a member of the settler population.

604. JUA 14/05/2018 Case no: ISR 9/2018 State reply: none to date

Allegations concerning the revocation of the work permit of Mr. Omar Shakir, the Director of Human Rights Watch Israel and Palestine, and his imminent deportation, allegedly for promoting boycotts of Israel.

605. PR [17/04/2018](#)

UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces

606. PR [18/05/2018](#)

UN experts urge Israel not to deport Human Rights Watch official Omar Shakir

607. The Special Rapporteur regrets that no reply has been received from the Government of Israel to the letters addressed in the reporting period. He calls upon the authorities of Israel to reinitiate dialogue with mandate holders. Such cooperation is necessary to ensure the promotion and protection of human rights.

608. The Special Rapporteur expresses serious concern over the escalating wave of allegations of arbitrary and abusive behaviour of judicial harassment, smear campaigns, arrests, and detention targeting human rights defenders in Israel. The Special Rapporteur urges the Government to provide more information on these allegations. He also calls upon the Government to provide information on the legal and factual ground for the arrest and detention of the alleged victims. The Special Rapporteur expresses further serious concern regarding the arrest and detention of Ms. Ahed Tamimi who was 16 years old at the time of her arrest. In a larger manner, he requests that the Government provide more information on the measures taken to ensure that human rights defenders, especially those involved in the advocacy of Palestinians' human rights can carry out their legitimate work and activities in an enabling environment without fear of acts or threats of intimidation, harassment, stigmatisation, violence, criminalisation or reprisals.

609. The Special Rapporteur remains concerned over the safety of Mr. Abu Shamsiyya. The Special Rapporteur urges the Government to ensure his safety, along with the safety of all journalists and human rights defenders in the Occupied Palestinian Territories. The Special Rapporteur fears that if sufficient protection is not provided to Mr. Abu Shamsiyya he may fall victim to further attacks. He is also concerned that the failure to investigate and prosecute crimes can foster a climate of impunity, and thus increase the likelihood of attacks and a general dangerous climate for human rights defenders. He urges the Government to

provide additional information on the allegations raised, and on the investigation and prosecution related to them.

610. The Special Rapporteur expresses his serious concern on the revocation of the work permit of Mr. Shakir, the Director of Human Rights Watch in Israel and Palestine. He is concerned that the revocation of his work visa and his imminent deportation are allegedly related to his legitimate work as a human rights defender. The Special Rapporteur is concerned that measures such as these may be used as a means to silence criticism and may have a chilling effect on other civil society organisations. Therefore, he urges the Government to provide more information on these allegations, on the reasons of the revocation of Mr. Shakir's work permit, and his deportation, and their compliance with Israel's obligations under international human rights law.

611. The Special Rapporteur finally wishes to express his grave concern over the alleged excessive use of force in the dispersal of protesters near the fence between occupied Gaza and Israel.

Kuwait

612. JAL 28/03/2018 Case no:KWT 1/2018 State replies dated 01/05/2018 24/05/2018, 24/07/2018,

The unlawful detention of 70 Kuwaiti human rights defenders and members of Parliament and their sentencing to prison terms of up to nine years for holding demonstrations against the corrupt practices of the Government in 2011.

613. The Special Rapporteur thanks the Government of Kuwait for its replies to his communication dated 28 March 2018 and appreciates the Government's continued engagement with the mandate.

614. The Special Rapporteur welcomes news of the recent release of some of the detainees identified in the communication on bail and urges the Government to ensure prompt release of the remaining detainees. The Special Rapporteur remains preoccupied by the seventy human rights defenders and parliamentarians who it is alleged were arbitrarily arrested and detained for their participation in a spontaneous and peaceful public demonstration against corruption in Kuwait's National Assembly. While the Government of Kuwait claims that its national laws provide for lawful detention in these cases, the Special Rapporteur recalls that such arrests and detentions must comport with international human rights standards. Based on the allegations raised in the communication, the arrest of the Kuwaiti human rights defenders solely on the basis of their participation in peaceful demonstrations is not in conformity with international human rights law. The Special Rapporteur strongly urges the release of the remaining detainees.

615. The Special Rapporteur also expresses his concerns regarding alleged irregularities in the judicial proceedings brought against the defenders. Although the Court of First Instance acquitted the accused human rights defenders, the Appeals Court eventually found 67 of the 70 defendants guilty following a four year trial in which the defendants were allegedly not permitted to confront all of the prosecution witnesses or informed of hearing dates. Some of the accused were allegedly also tried in absentia. The Special Rapporteur recalls that everybody is entitled to equal treatment before an impartial court as well as to basic guarantees of due process including to be present in court, to have access to legal representation and to examine the witnesses and evidence against them.

616. The Special Rapporteur strongly encourages the Government of Kuwait to refrain from imposing restrictions in law or practice that create obstacles to human rights defenders' free exercise of their right to promote and strive for the full realisation of human rights provided for in articles 1 and 2 of the UN Declaration on Human Rights Defenders. The Special Rapporteur further encourages the Government to take proactive steps to create a safe and enabling environment in recognition of the important contributions to society made by human rights defenders.

Lebanon

617. JAL 07/09/2018 Case no: LBN 5/2018 State reply: none to date

Alleged summoning of Mr. Wadih Al-Asmar, the Secretary General of the Lebanese Centre for Human Rights (CLDH), and other human rights defenders by Lebanese security agencies for posts made on social media.

618. The Special Rapporteur regrets that no reply has been received from the Government of Lebanon to the letter addressed by the Special Rapporteur in the reporting period and emphasises that cooperation with Special Procedures mandates is an effective and useful means to promote and protect human rights in Lebanon. The Special Rapporteur urges the Government to provide a response to his letter and looks forward to receiving this soon.

619. The Special Rapporteur reiterates his concern over the summoning of Mr. Al-Asmar under criminal defamation charges which are incompatible with international human rights standards. He also expresses his serious concern over the continued use of Articles 383 and 386 of the Criminal Code in the criminalisation of political expression, human rights defenders and journalists. The use and existence of these articles represents a threat to freedom of opinion and expression, of peaceful assembly and online association and has a chilling effect on any open discussion about Government actions and policies. The Special Rapporteur reiterates his concern about the incompatibility of these provisions with Lebanon's obligations under international human rights law and urges the Government to repeal these articles.

Mauritania

620. JUA 22/12/2017 Case no: MRT 4/2017 State reply: 19/01/2018

Allégation concernant la disparition de M. Cheikh Ould Mohamed M'kheitir depuis le 9 novembre 2017 et la procédure pénale engagée contre lui.

621. JOL 24/01/2018 Case no: MRT 5/2017 State reply: 09/04/2018

Inquiétudes concernant la loi « relative à l'incrimination de la discrimination ». Selon les informations reçues, la loi aurait été adoptée le 18 janvier 2018.

622. JAL 28/08/2018 Case no: MRT 2/2018 State reply: none to date

Allégations de représailles sous forme de confiscation de passeport et interdiction de voyager, à l'encontre de cinq défenseurs, alors qu'ils devaient participer à l'examen de la Mauritanie à la 64^{ème} session du Comité contre la torture des Nations Unies (CAT) à Genève.

623. PR [31/01/2018](#)

Mauritania: UN rights experts urge immediate reform of "flawed" anti-discrimination law

624. PR [08/05/2018](#)

UN experts urge immediate release of detained Mauritanian bloggers

625. Le Rapporteur spécial remercie le Gouvernement pour les deux réponses reçues à ses lettres du 19 janvier 2018 et du 9 avril 2018 concernant, respectivement, les allégations de disparition et de procédure pénale engagée contre M. Cheikh Ould Mohamed M'kheitir et sur les inquiétudes exprimées concernant la loi « relative à l'incrimination de la discrimination ». Il a examiné avec attention les explications du Gouvernement, mais regrette néanmoins de ne pas avoir reçu de réponse concernant l'autre communication envoyée le 28 août 2018, notamment en raison de la gravité de ces allégations. Il espère la recevoir dans les meilleurs délais. Le Rapporteur spécial souhaite remercier le Gouvernement de sa collaboration avec les mécanismes des Nations Unies concernant la protection et promotion des droits de l'homme et en particulier les procédures spéciales.

626. Le Rapporteur spécial remercie le Gouvernement pour les réponses envoyées et prend bonne note des explications fournies par le gouvernement au sujet de la loi « relative à l'incrimination de la discrimination » adoptée au mois de janvier 2018. Le Rapporteur note avec considération les informations et explications reçues concernant les différentes parties, articles et inquiétudes mentionnés dans sa communication. Il prend également note avec intérêt des explications fournies quant à la prévalence de la Constitution de l'Etat, ainsi que le rôle de la Charia comme source du droit en Mauritanie. Cela étant dit, et en reconnaissant la pertinence des arguments du Gouvernement dans le contexte national, le Rapporteur spécial souhaiterait rappeler à l'attention du Gouvernement les obligations contenues au sein du PIDCP, le PIDESC et la Convention Internationale sur l'Elimination de toutes les formes de Discrimination Raciale que le Gouvernement a ratifiée. Il réitère donc sa demande au Gouvernement de fournir des précisions quant aux mesures prises afin d'assurer la compatibilité entre la loi susmentionnée et les normes internationales prescrites dans le PIDCP, le PIDESC et la Convention internationale mentionnée plus haut en matière de respect du principe d'égalité et de non-discrimination et dans l'assurance de la liberté d'expression des individus.

627. Le Rapporteur spécial reste toutefois préoccupé des allégations concernant la situation de **Mme Maimouna Alpha Sy, Mme Aissata Anne, Mme Aissata Diallo, M. Sy Yaya Ousmane et M. Baba Traoré** qui auraient subi des actes de représailles sous forme de confiscation de passeport et d'interdiction de voyager alors qu'ils devaient participer à l'examen de la Mauritanie lors de la 64^e session du CAT. Il reste aussi préoccupé de l'absence de réponse fournie par le Gouvernement concernant cette communication. Le Rapporteur spécial demande à ce que le Gouvernement réponde à cette communication, en fournissant des informations sur ces allégations et explique la base juridique justifiant la confiscation de passeport et les interdictions de voyager imposés. Face à ces allégations, le Rapporteur demande au Gouvernement de fournir des informations détaillées sur les mesures prises pour assurer un environnement propice aux activités légitimes des défenseurs de droits humains dans la promotion et la protection des droits de l'homme sans crainte d'être entravé par des actes d'intimidation, de représailles et de menaces.

Morocco

628. JAL 29/01/2018 Case no: MAR 1/2018 State reply: 30/03/2018

Allégations d'enquête pénale ouverte à l'encontre de Mme. Helena Maleno Garzón, défenseure des droits de l'homme, journaliste et chercheuse sur la migration, la traite d'être humain, en particulier les femmes et les enfants, devant la deuxième chambre d'instruction de la Cour d'Appel de Tanger, concernant son implication éventuelle pour crime d'« organisation de l'entrée ou la sortie des nationaux ou des étrangers de manière clandestine du territoire marocain », en vertu de l'article 52 de la Loi n° 02-03 du Maroc.

629. JAL 28/02/2018 Case no: MAR 2/2018 State reply: 30/04/2018

Allégations concernant M. Abdessadeq El Bouchtaoui, défenseur des droits de l'homme qui serait poursuivi pour ses opinions critiques exprimées sur les réseaux sociaux, en particulier sur sa condamnation des violations des droits de l'homme au Maroc.

630. JAL 28/08/2018 Case no: MAR 4/2018 State reply: 05/11/2018

Allégations d'intimidation et de violence répétées perpétrées par le Royaume du Maroc à l'égard de l'avocate au barreau de Paris Me Ingrid Metton représentant et assistant dix-neuf prisonniers sahraouis détenus au Maroc depuis novembre 2010, et condamnés à de très lourdes peines (de vingt ans de réclusion criminelle à la réclusion criminelle à perpétuité).

631. JAL 01/11/2018 Case no: MAR 5/2018 State reply: None to date

Informations concernant la décision de rejeter la demande de renouvellement du permis de séjour de [REDACTED].

632. Le Rapporteur spécial remercie le Gouvernement du Maroc pour ses réponses aux communications envoyées le 29 janvier 2018, le 28 février 2018 et le 28 août 2018 et il espère qu'il recevra bientôt une réponse à la dernière communication.

633. Le Rapporteur spécial souhaite exprimer ses inquiétudes quant aux allégations de harcèlement judiciaire à l'encontre de M. Abessadeq El Bouchtaoui et les charges liées à son travail en tant qu'avocat défenseur des droits de l'homme dans l'exercice de sa liberté d'expression et d'opinion. De même, il est préoccupé par le fondement de cette condamnation qui constituerait une criminalisation de la liberté d'expression. Dans une mesure plus large, le Rapporteur spécial souhaite exprimer son inquiétude quant à l'effet dissuasif que cette conviction pourrait sur le droit à l'information du public concernant les violations des droits de l'homme et le travail de la société civile au Maroc. Le Rapporteur spécial remercie le Gouvernement d'avoir fourni des informations détaillées sur les lois marocaines applicables en l'espèce, mais il regrette que sa réponse explique insuffisamment la conformité de ces lois au droit international des droits de l'homme.

634. Le Rapporteur spécial souhaite aussi exprimer sa vive préoccupation quant au cas de Mme. Ingrid Metton. Bien qu'il s'agisse d'allégations à ce stade, le Rapporteur spécial souhaite exprimer sa vive inquiétude quant à la surveillance illégale, la réalisation de fouilles illégales d'affaires personnelles et professionnelles de Mme. Metton, la tentative d'intimidation et la possible arrestation et détention arbitraire de la part des autorités marocaines d'une avocate dans l'exercice de ses fonctions. Il regrette en outre qu'à l'heure actuelle, Mme. Metton n'est toujours pas autorisée à entrer au Maroc. Le Rapporteur spécial comprend que les États ont un droit souverain sur leur territoire, mais il s'inquiète que la justification de l'exclusion de Mme. Metton proposée par le Gouvernement, fondée sur sa prétendue menace pour l'ordre public, pourrait constituer un abus de législation afin d'empêcher la victime de poursuivre son travail.

Saudi Arabia

635. JAL 22/12/2017 Case no: SAU 12/2017 State reply: 22/03/2018

Allegations concerning the members of the Saudi Civil and Political Rights Association (ACPRA) and other prominent human rights defenders, religious figures, writers, journalists, academics and other civic activists, whose rights to freedom of expression and peaceful assembly appear to be severely restricted.

636. JUA 12/03/2018 Case no: SAU 2/2018 State reply: 29/03/2018

Allegations concerning the arrest, arbitrary detention, and charges against Ms. Noha Al-Balawi, human rights defender and online advocate for civil and political rights.

637. JAL 14/06/2018 Case no: SAU 7/2018 State reply: none to date

Allegations concerning the arrest of and charges against a number of women's human rights defenders, along with the alleged enforced disappearance of Mr. Mohammed Saleh Al-Bajadi and acts of reprisals against Ms. Loujain Al-Hathloul.

638. JAL 25/06/2018 Case no: SAU 8/2018 State reply: 28/06/2018

Allegations concerning the multiple detentions of human rights defenders Ms. Radhya Al-Mutawakel and Mr. Abdulrasheed Al-Faqih during attempts to fly from Seiyun Airport, in apparent reprisal for their cooperation with UN human rights mechanisms.

639. JUA 26/07/2018 Case no: SAU 9/2018 State reply: 23/10/2018

Allegations concerning the incommunicado detention of human rights defender, Mr. Khalid Al-Omar.

640. JUA 10/10/2018 Case no: SAU 11/2018 State reply: 29/10/2018

Alleged arbitrary arrests and detention of six woman human rights defenders.

641. PR [02/01/2018](#)

UN experts decry Saudi Arabia's persistent use of anti-terror laws to persecute peaceful activists

642. PR [27/06/2018](#)

Saudi Arabia must immediately free women human rights defenders held in crackdown, say UN experts

643. PR [12/10/2018](#)

Saudi Arabia must immediately release all women's rights defenders, say UN experts

644. The Special Rapporteur thanks the Government of Saudi Arabia for its replies to five out of six communications sent during the reporting period and looks forward to receiving the remaining response soon.

645. In his communication dated 22 December 2017, the Special Rapporteur raised his serious concerns regarding a crackdown on human rights defenders, religious figures, writers, journalists, academics and other civic activists and severe restrictions on the rights of freedom of opinion and expression, peaceful assembly and association. The Special Rapporteur regrets that, according to allegations received and raised with the Government, this trend has continued. Particularly worrisome is the targeting of women human rights defenders and defenders of women's rights, especially those involved in the right to drive movements. These alleged arrests often involve incommunicado detention at undisclosed locations. While responses from the Government outline several laws applicable with regards to national security, cybercrime and criminal procedure, they do not sufficiently explain how domestic law is compatible with international human rights standards and generally justify restrictions on freedom of opinion and expression, peaceful assembly and association by referring to the need to maintain public order. Furthermore, the Government's contention that human rights goals may be achieved by other safer and more effective means than protest gives rise to serious concerns regarding the right to freedom of assembly in Saudi Arabia. The Special Rapporteur urges the Government to ensure that such rights are able to be exercised freely without fear of threats, intimidation, violence or other forms of harassment.

646. Thematic in the allegations is the use of national security legislation such as the Counter-Terrorism and Terrorism Funding Act or legislation referring to security in online spaces such as the Repression of Cybercrime Act. This latter piece of legislation is allegedly frequently used to prosecute those who express dissenting voices online with regards to Government Policy. The Special Rapporteur wishes to remind the Government that the work of human rights defenders is not prejudicial to national security or unity, but rather further enhances the functioning of a free and liberal society, creating a vibrant civic space and promoting dialogue on policy matters. The Special Rapporteur also reaffirms that restrictions on the right to freedom of expression are not legitimate when they seek to silence legitimate criticism.

647. Regarding the Government's response to the communication sent on 25 June 2018, the Special Rapporteur reminds the Government that allegations suggest that Ms. Radhya Al-Mutawakel and Mr. Abdulrasheed Al-Faqih were arrested on the orders of the coalition led by Saudi Arabia, in which case the Government is required to ensure the human rights of detainees.

648. The Special Rapporteur also wishes to raise his concerns with regards to the alleged arrest of Mr. Khalid Al-Omair. On 6 July 2018, following his submission of a complaint regarding allegations of torture during his incarceration, agents from the General Directorate of Investigation allegedly requested that Mr. Al-Omair accompany them to Al-Ha'ir prison in order to meet with a special committee who were meant to investigate his complaint. Mr. Al-Omair was allegedly arrested when he entered the prison and was held incommunicado in an unknown location. The Special Rapporteur regrets that the Government's response to his letter on the subject did not include information on the whereabouts of Mr. Al-Omair, nor did it provide a factual or legal basis for his arrest, other than that he was being investigated under the Counter-Terrorism and Terrorism Funding Act. The Special Rapporteur urges the

Government to provide information as to why Mr. Al-Omair was arrested and to provide details of his location.

Tunisia

649. JOL 03/01/2018 Case no: TUN 2/2017 State reply: none to date

Allégations concernant le projet de loi «Projet de loi N°25/2015 relatif à la répression des atteintes contre les forces armées».

650. Le Rapporteur spécial regrette n'avoir reçu aucune réponse à la communication envoyée durant la période couverte par le présent rapport. Il voudrait souligner que la coopération avec les mandats des procédures spéciales est nécessaire pour assurer la protection et la promotion des droits de l'homme et l'efficacité des mécanismes onusiens des droits de l'homme.

651. Le Rapporteur voudrait souligner son inquiétude quant à la définition qui y est faite des forces armées, le rapport entre droit à la vie et usage des forces armées, la restriction sur l'accès à l'information et les conséquences du projet de loi sur la liberté de réunion pacifique. Il souhaite spécifiquement exprimer sa forte inquiétude quant à la restriction que l'article 4 du projet de loi pourrait avoir sur le droit à la liberté d'expression, en particulier celle des défenseurs des droits de l'homme. Cela par la création d'effet d'autocensure des personnes concernées par crainte d'être inculpées pour divulgation d'informations considérées comme « secret[s] de sûreté nationale ». De ce fait, le Rapporteur spécial urge le Gouvernement de donner plus d'information sur les allégations susmentionnées, et sur les mesures prises par le Gouvernement pour assurer la stricte compatibilité du projet de loi avec les normes internationales en matière de droits de l'homme prévues par les traités ratifiés par la Tunisie. Cela, surtout en ce qui concerne les droits à la vie, à la liberté d'expression et à la liberté de réunion pacifique. Il demande aussi au Gouvernement de considérer la participation du bureau régional du HCDH aux consultations menées par les autorités.

Yemen

652. JAL 25/06/2018 Case no: YEM 4/2018 State reply: none to date

Allegations concerning the multiple detentions of human rights defenders Ms. Radhya Al-Mutawakel and Mr. Abdulrasheed Al-Faqih during attempts to fly from Seiyun Airport, in apparent reprisal for their cooperation with UN human rights mechanisms.

653. JUA 07/08/2018 Case no: YEM 6/2018 State reply: none to date

Allegations concerning the arrest and detention of human rights defender, Mr. Ali Hasan Harmal Baqatyan.

654. The Special Rapporteur regrets that the Government did not provide any responses to the communication letters sent during the reporting period. He urges the Government to recommence cooperation with the mandates of the Special Procedures of the Human Rights Council.

655. The Special Rapporteur expresses his serious concerns over the alleged arbitrary incommunicado detention of human rights defenders Ms. Radhya Al-Mutawakel and Mr. Abdulrasheed Al-Faqih who were detained at Seiyun airport and brought to an unknown location. This was the second time that Mr. Al-Faqih had been detained incommunicado in five days and both times he had been attempting to fly out of the country. The Special Rapporteur is seriously concerned by these allegations as they portray a direct intent to intimidate the defenders. Ms. Al-Mutawakel had been intending to travel to participate in an event organised by the Centre for Humanitarian Dialogue in Norway. The alleged arrest of the defenders at the airport seems to form part of an attempt to prevent them from travelling and discussing humanitarian concerns in Yemen. The Special Rapporteur urges the Government to ensure that human rights defenders in Yemen are free to continue their work

free from intimidation and are permitted to travel in order to disseminate information pertaining to human rights and fundamental freedoms in Yemen.

656. The Special Rapporteur expresses his concern over the alleged arbitrary arrest and detention of Mr. Baqatyan, including prolonged periods of incommunicado detention, allegedly linked to his activities as a human rights defender. He urges the Government to provide additional information on these allegations, on the factual and legal basis of his arrest and its compatibility with international human rights standards and obligations present in the UDHR and the ICCPR.

United Arab Emirates

657. JAL 04/05/2018 Case no: ARE 1/2018 State reply: 05/07/2018

Alleged continued arbitrary detention of human rights defenders Mr. Osama Al-Najjar and Mr. Ahmed Mansoor, along with charges against Mr. Mansoor.

658. PR [12/06/2018](#)

UAE: UN experts call for immediate release of jailed human rights defender Ahmed Mansoor

659. The Special Rapporteur thanks the Government of the United Arab Emirates for providing a reply to his communication letter sent during the reporting period. The Special Rapporteur takes note of details provided regarding the detention, conditions of detention, factual and legal grounds justifying the detention of the aforementioned persons, their access to medical care, family visit, and the access to legal representation by Mr. Mansoor. Nonetheless, he would like to underline the Government's absence of response with regard to Mr. Al-Najjar's detention beyond the completion of his sentence and its compatibility with international and regional human rights law, especially articles 3 and 9 of the UDHR and article 5 of the ACHR. Similarly, the Special Rapporteur regrets that no information was supplied by the Government regarding the compatibility of the detention provisions contained in article 40 of the Federal Law No. 7/2014 with international human rights standards, especially due process and arbitrary detention.

660. In a larger manner, the Special Rapporteur urges the Government ensure that human rights defenders in the UAE are able to carry out their freedom of expression and legitimate work without the fear of acts or threats or reprisals, intimidation and harassment of any sort.

OTHER ACTORS

661. JOL 04/01/2018 Case no: OTH 29/2017 Reply: 17/01/2018

Letter sent to the United Nations Economic and Social Council (ECOSOC) concerning the decision not to grant ECOSOC's consultative status to the Alkarama Foundation.

662. The Special Rapporteur thanks the President of the United Nations Economic and Social Council for her letter clarifying the procedure of granting consultative status to NGOs. He laments that the reply falls short of addressing important concerns regarding the lack of transparency of the working procedures of the NGO Committee and of the ECOSOC and that it does not provide requested information on the specific case at hand. In light of these shortcomings, the Special Rapporteur reiterates his concern at the arbitrary denial by the Council of granting consultative status to the Alkarama Foundation.

663. JUA 12/01/2018 Case no: OTH 1/2018 Reply: 14/02/2018

Letter sent to the European Commissioner for International Cooperation and Development concerning alleged attacks against the indigenous Sengwer peoples living in the Embobut forest, starting on 25 December and ongoing at the present time (9 January 2018), by some 100 armed Kenya Forest Service guards who have burnt at least 15 homes with the aim of forcibly evicting the community, threatened and fired shots against community members and leaders, destroyed property and shot dead a number of animals belonging to the community.

664. The Special Rapporteur would like to thank the European Commissioner for International Cooperation and Development for his detailed response addressing all the questions raised in the communication. He welcomes the decision to withdraw the European Union's support to the Water Towers Programme following the reports of lethal weapons and breached of international human rights law. He appreciates the European Union's attention to the situation of the Sengwer peoples and their leaders and encourages it to continue to monitor this situation closely.

665. JAL 06/02/2018 Case no: OTH 2/2018 Replies: 12/04/2018 (A), 24/05/2018, 24/05/2018

Letter sent to the Chief Executive of Anglo American concerning the situation of human rights defenders Mr. Elias de Souza, Ms. Vanessa Rosa dos Santos, Mr. Reginaldo Rosa dos Santos, Mr. Lúcio Guerra Júnior, Ms. Partícia Generoso, and Mr. Lúcio da Silva Pimenta, as well as their families, some of whom have been subjected to acts of intimidation and death threats, allegedly for having brought legal proceedings to question the legality of a public hearing for the expansion of the mining project Minas-Rio, and ultimately suspending the hearing.

666. The Special Rapporteur thanks Anglo American for the detailed letters received in response to his communication. He takes note of the company's expressed commitment to adhere to international human rights standards and its expressed wish to engage in an improved dialogue with the human rights defenders mentioned in the communication. He continues to be concerned about the underlying environmental and social impacts of the Minas Rio Project in Minas Gerais and urges the company to take immediate measures to mitigate them.

667. JOL 06/04/2018 Case no: OTH 9/2018 Reply: none to date

Letter sent to the Donghai Investment Company concerning the arrest, the investigation and the detention of environmental rights defender Mr. Chen Wuquan.

668. In the absence of a response from the Donghai Investment Company, the Special Rapporteur reiterates his concern at the judicial proceedings against Mr. Chen Wuquan for reasons that seem to be related to his campaign against the adverse impacts of the Company's activities on human rights. In this context, the Special Rapporteur recalls the United Nations Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/31). They set out that private

actors and business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others and to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

669. JAL 10/05/2018 Case no: OTH 16/2018 Reply: none to date

Letter sent to Pineapple Natural fruit concerning a court decision issued against human rights defender Mr. Hall, imposing 10 million Thai Baht (approximately 320 000 USD) civil damages for having given an interview to Al- Jazeera English on the alleged precarious working conditions of workers in the company.

670. The Special Rapporteur regrets that no reply has been received to his communication dated 10 May 2018. He reiterates his concern that the lawsuits against Mr. Hall are related to the legitimate and peaceful work of the human rights defender who has been monitoring human rights abuses within Thailand's food processing industry. Filing these cases may contribute to a "chilling effect" on other human rights defenders and workers in Thailand and elsewhere to expose human rights abuses perpetrated by business enterprises. This is particularly worrying in light of the number of cases in Thailand in which human rights defenders are subject to civil lawsuits from companies involving high amount of damages.

671. JAL 10/05/2018 Case no: OTH 15/2018 Reply: none to date

Letter sent to the company Tammakaset regarding information concerning possible retaliation against 14 migrant workers who have sought redress against the confiscation of documents, restricted freedom of movement and long working hours and who currently face criminal defamation charges filed by the company. According to the information received, criminal defamation charges were also filed by the company against Mr. Andy Hall who assisted the 14 migrant workers in raising concern about exploitative working conditions at the poultry farm.

672. At the time of finalising the report, no reply from Tammakaset to has been received. The Special Rapporteur is particularly concerned over the filing of claims for defamation charges against migrant workers who exerted their legitimate right to raise concerns against abusive and exploitative employers, which may have an intimidating effect on other migrant workers suffering abuse and exploitation. He urges the company Tammakaset to provide answers to his communication, particularly given the serious nature of the allegations raised.

673. JUA 29/05/2018 Case no: OTH 37/2018 Reply: none to date

Letter sent to Vedanta Resources in relation to information received concerning the killing of 12 demonstrators following excessive use of force by Police in the district of Tuticorin, State of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting Plant and revocation of the proposed extension of its capacity.

674. JUA 29/05/2018 Case no: OTH 35/2018 Reply: none to date

Letter sent to Vedanta Limited concerning allegations of the killing of 12 demonstrators following excessive use of force by Police in the district of Tuticorin, State of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting Plant and revocation of the proposed extension of its capacity.

675. JUA 29/05/2018 Case no: OTH 36/2018 Reply: none to date

Letter sent to the Chief Executive of Sterlite Copper concerning allegations of the killing of 12 demonstrators following excessive use of force by Police in the district of Tuticorin, State of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting Plant and revocation of the proposed extension of its capacity.

676. The Special Rapporteur regrets that none of the three companies responded to the letters addressed to them at the time of finalising this report. He expresses his utmost concern at the allegations of the killing of 12 demonstrators, who expressed their wide dissatisfaction with the alleged air pollution and groundwater contamination caused by the copper smelter

plant in Tuticorin. The Rapporteur is also concerned that there appears to have been a major decision on expanding the capacity of the copper smelting plant without any consultation with affected communities. He reiterates his call to Sterlite Copper to take all necessary measures to respect all applicable international human rights and environmental norms and standards. He also urges Sterlite Copper to provide an answer to his communication without further delay.

677. JUA 14/06/2018 Case no: OTH 34/2018 Reply: none to date

Letter sent to Sibuglemet Holding regarding information received concerning the surveillance, intimidation and harassment against Ms. Yana Tannagasheva and her husband Mr. Vladislav Tannagashev, including from Yuzhanaya mining company, for speaking out about adverse impact of open pit coal mining company on indigenous people in South West Siberia and in possible reprisal for their communication with United Nations mechanisms.

678. The Rapporteur regrets that no reply has been received to his communication addressed to the Sibuglemet Holding. He expresses serious concern over what allegedly appears to be a consistent campaign of harassment and intimidation targeting Ms. Tannagasheva and Mr. Tannagashev in order to dissuade them from continuing their peaceful and legitimate work to publicly raise concerns about the business-related adverse impacts of coal mining activities in the Shor indigenous communities. He further regrets that the employees from the company would appear to be involved in the reported acts suffered by the human rights defenders. The Special Rapporteur urges Sibuglemet Holding to respond to the concerns expressed.

679. JAL 26/06/2018 Case no: OTH 40/2018 Reply: 27/08/2018

Letter sent to Junfield Group S.A. Ecuagoldmining South America concerning allegations of kidnapping and threats against the human rights defenders Mr. Yaku Pérez Guartambel, Mr. Mario Gonzalo, Mr. Fárez Ramón, Mr. Víctor Hernández Siavichay and Mr. Manuel Gayllas, due to their work defending indigenous people rights and the rights to health environmental and to safe water in the context of a China-based mining company activities, Junefiled Mineral Resources Holding Limited.

680. JAL 26/06/2018 Case no: OTH 39/2018 Reply: none to date

Letter sent to Junfield Group S.A. Ecuagoldmining South America concerning allegations of kidnapping and threats against the human rights defenders Mr. Yaku Pérez Guartambel, Mr. Mario Gonzalo, Mr. Fárez Ramón, Mr. Víctor Hernández Siavichay and Mr. Manuel Gayllas, due to their work defending indigenous people rights and the rights to health environmental and to safe water in the context of a China-based mining company activities, Junefiled Mineral Resources Holding Limited.

681. JAL 26/06/2018 Case no: OTH 38/2018 Reply: none to date

Letter sent to Junefiled Mineral Resources Holding Limited concerning allegations of kidnapping and threats against the human rights defenders Mr. Yaku Pérez Guartambel, Mr. Mario Gonzalo, Mr. Fárez Ramón, Mr. Víctor Hernández Siavichay and Mr. Manuel Gayllas, due to their work defending indigenous people rights and the rights to health environmental and to safe water in the context of a China-based mining company activities, Junefiled Mineral Resources Holding Limited.

682. The Special Rapporteur regrets not having received a response from the company to date and reiterates his serious concern at the alleged kidnapping, threats and aggressions against human rights defenders allegedly by people related to the company. He is concerned that these attacks seem to be directly linked to their legitimate and peaceful work in defense of human rights in the context of the mining projects “Río Blanco” in Molleturo. He urges the Junefiled Group to provide information on any steps taken by the company to identify, prevent, mitigate and remediate any adverse impact on the human rights of people living in the proximity of the company’s areas of activity and to provide detailed information on any measures taken by the company to prevent and account the allegations of kidnapping, intimidation and harassment of Ms Yaku Pérez Guartambel, Mr Mario Gonzalo, Mr Fárez

Ramón, Mr Víctor Hernández Siavichay and Mr Manuel Gayllas, allegedly by people related to the company.

683. JOL 18/09/2018 Case no: OTH 64/2018 Reply: none to date

Letter sent to the Permanent Delegation of the European Union to the United Nations Office and other international organisations in Geneva regarding concerns about a series of initiatives at the informal summit of EU heads of state or government in Salzburg on 19-20 September 2018, with potential negative consequences on the human rights of migrants.

684. The Special Rapporteur regrets that no reply has been received to the communications sent to the Permanent Delegation of the European Union to the United Nations Office and other international organisations in Geneva on 18 September 2018. The concerns raised at the initiatives discussed at the informal summit of EU Heads of State or Government in Salzburg are emblematic of concerns expressed by the Special Rapporteur regarding the violation of the human rights of migrants and those who defend them in the European Union and its borders. Considering the gravity of the potential negative impact of the initiatives, the Special Rapporteur urges the Permanent Delegation of the European Union to present answers to his communication without further delay.

685. JAL 27/09/2018 Case no: OTH 49/2018 Reply: none to date

Letter sent to the Heng Rui (Cambodia) International Company Limited regarding the alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear due to concession of their lands to the five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with affected community's members, including indigenous peoples and with regards to information received concerning the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

686. JAL 27/09/2018 Case no: OTH 50/2018 Reply: none to date

Letter sent to the HENG NON (Cambodia) International Company Limited regarding the alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear due to concession of their lands to the five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with affected community's members, including indigenous peoples and with regards to information received concerning the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

687. JAL 27/09/2018 Case no: OTH 51/2018 Reply: none to date

Letter sent to the HENG YUE (Cambodia) International Company Limited regarding the alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear due to concession of their lands to the five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with affected community's members, including indigenous peoples and with regards to information received concerning the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

688. JAL 27/09/2018 Case no: OTH 52/2018 Reply: none to date

Letter sent to the Guangdong Hengfu Group Sugar Industry Co. Ltd Limited regarding the alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear due to concession of their lands to the five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with affected community's members, including indigenous peoples and with regards to information received concerning the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

689. JAL 27/09/2018 Case no: OTH 53/2018 Reply: none to date

Letter sent to Rui Feng International Company Limited regarding the alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear due to concession of their lands to the five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with affected community's members, including indigenous peoples and with regards to information received concerning the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

690. JAL 27/09/2018 Case no: OTH 54/2018 Reply: none to date

Letter sent to the LAN FENG (Cambodia) International Company Limited regarding the alleged deprivation and clearance of agricultural and forest lands from at least 946 families in 25 villages of Preah Vihear due to concession of their lands to the five Cambodian subsidiaries of a China-based sugarcane enterprise, Guangdong Hengfu Group, without consultation with affected community's members, including indigenous peoples and with regards to information received concerning the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

691. The Special Rapporteur regrets that no response has been received on the matter from any of the six companies addressed. He reiterates his deep concerns about the serious consequences on the affected communities caused by the loss of their lands, resources and spiritual sites without being involved in a consultation process. The affected communities that include indigenous peoples have allegedly not been provided compensation for the damage that the Cambodian subsidiaries of the Chinese Company Guangdong Hengfu Group could have caused, contributed to or been directly linked with. In this context, he also expresses his serious concerns that the subsidiary companies are failing to meet their international human rights responsibility to protect the rights of the communities' members in the framework of their activities and about the alleged judicial harassments suffered by some communities' members for raising their concerns in this context.

Press Releases

692. PR [01/03/2018](#)

States must protect human rights defenders assisting people on the move

693. PR [30/05/2018](#)

UN experts welcome FIFA commitment to stand up for human rights defenders

694. PR [30/05/2018](#)

20th anniversary of the UN Declaration on Human Rights Defenders

695. PR [01/06/2018](#)

Joint Statement on the UN Defenders Declaration

696. PR [13/09/2018](#)

UN experts urge prompt ratification of landmark Latin America and Caribbean environment treaty

697. PR [23/10/2018](#)

"More concerned than ever for human rights defenders," says UN expert

698. PR [28/11/2018](#)

Women human rights defenders must be protected, say UN experts

699. PR [05/12/2018](#)

Press Statement on the 20th anniversary of the Declaration on Human Rights Defenders

Annex

Abbreviations

EU- European Union

ICCPR – International Covenant on Civil and Political Rights

LGBTI - Lesbian, gay, bisexual, transgender and intersex

NGO – Non-Governmental Organisation

UDHR- Universal Declaration of Human Rights

UN- United Nations

UPR – Universal Periodic Review

CAT - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Abréviations

DUDH- Déclaration universelle des droits de l'homme

EPU - Examen Périodique Universel

LGBTI- Lesbiennes, gays, bisexuelle, bisexuels, transgenres, intersexuels

NU- Nations Unies

ONG – Organisation non-gouvernemental

PIDCP - Pacte international relatif aux droits civils et politiques

UE- Union Européenne

CAT - La Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

Who is a defender?

1. “Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. For more information, please see: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>.

Communications

2. The Special Rapporteur takes up, with the States concerned, individual cases of human rights violations committed against defenders.

Where does the information come from?

3. Information on such cases is received through a variety of sources including individual defenders, NGOs and United Nations agencies.

What happens when the information reaches the Special Rapporteur?

4. As information arrives the Special Rapporteur first seeks to determine if it falls within the mandate.

5. Secondly, every effort is made to determine the probable validity of the allegations of human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur’s mandate contact sources to collect additional information.

6. Thirdly, the Special Rapporteur then makes contact with the Government of the State where the alleged violation is thought to have occurred. Contact is usually conducted through an “Urgent appeal” or “Allegation” letter addressed to the State’s diplomatic mission with the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

7. “Urgent appeal” letters are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant circumstances so that they can intervene to end or prevent violations. For example, a death threat that is reportedly made against a human rights lawyer in response to the lawyer’s human rights work would be addressed through an Urgent appeal letter.

8. “Allegation” letters are used to communicate information on violations that are thought to have already occurred and for which the impact on the defender affected can no longer be changed. These kinds of letters are used, for example, in instances where information only reaches the Special Rapporteur long after the events have occurred or where the human rights abuse has already been committed and reached a conclusion. For example, where a defender has been killed this would be raised with States through an allegation letter.

Allegations that cover several human rights issues

9. The Special Rapporteur constantly consults with Special Rapporteurs whose own mandates are implicated in a particular case and frequently sends joint letters of concern with these mandate holders.

What is the objective of the Special Rapporteur’s intervention?

10. The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeals and Allegation letters, the Special Rapporteur requests the Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

How much time does the process take?

11. The Special Rapporteur and assisting OHCHR staff try to react as quickly as possible to allegations, with special attention given to the most serious and urgent cases. In many instances, a case is taken up by the Special Rapporteur with the concerned Government within a few hours of the information being received from the source. In instances, where insufficient information is available in the initial contact it can take several days to gather and clarify sufficient information for contact to be made with a government.

What happens next?

12. Ideally, the Government will react immediately to the Special Rapporteur’s letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution renewing the Special Rapporteur’s mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

13. If the Special Rapporteur does not receive a rapid response from a Government, particularly with regard to an urgent and very serious case, then additional efforts are made to follow-up with the Government concerned, via contact with its representation at the United Nations in Geneva. Resource limitations make it impossible for the Special Rapporteur to follow-up on every case.

Who can submit information, and how?

14. Any individual, group, civil-society organisation, inter-governmental entity or national human rights body can submit information to the Special Procedures. The submission form is available on the following webpage <https://spsubmission.ohchr.org>.

15. It includes information that is both required and desirable in order for experts to properly examine a case and take action as needed. If it is not possible to complete the form online, the submission can be sent via e-mail to urgent-action@ohchr.org. Post submissions may be sent to OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Genève 10, Switzerland. In order to keep track of submissions, it is advised to use the online form.

What happens with a submission?

16. When received, information is screened and directed to concerned Special Procedures mandates. If information has been submitted through the online form or by e-mail, an automatic acknowledgement confirming that submission has been received will follow. This does not mean that experts have taken action on the submission.

17. If one or more expert(s) send(s) a communication on the basis of a submission, the person who made the submission will not be notified, as this information remains confidential until the communication is published in one of the three reports compiling the communications to the Human Rights Council each year.

18. For more information on these reports please see:

<http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>

19. Subsequent to the submission of an allegation, it is essential to keep the mandate holder updated by sending on information of any positive or negative developments which may occur and which bring about a change in the situation of the victim(s).

Consent and confidentiality

20. Because communications are aimed at soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims, these have to be as comprehensive, detailed and precise as possible. Therefore, communications sent to a Government or an inter-governmental organisation, a business, a military or a security company, will by default include the name(s) of the alleged victim(s). However, if the victim(s) or her/his/their representatives make(s) it clear in the submission that concerns relating to the security of the alleged victim(s) exist(s), the experts may exceptionally decide to withhold the victims' names from the communication.

21. Reports compiling communications sent and responses received are published in a report prepared for each session of the Human Rights Council. These reports contain the letters sent by the experts, including the names of the alleged victims – except alleged victims under 18 years of age or alleged victims of sexual violence, whose names are not published. If it is clear from the submission that concerns relating to the security of the alleged victim(s) exist, the report will not mention the victim(s) by name.

22. The identity of the source of information on the alleged violation is always kept confidential. When submitting information, the source may indicate whether there are any other details that should remain confidential. It is extremely important that alleged victims and/or their families or representatives indicate in their submissions whether they DO or DO NOT consent that:

- the names of the victims be disclosed in the communications to Governments, intergovernmental organisations, businesses, military or security companies.
- the names of the victims appear in a public report to the Human Rights Council.

What are the criteria applied to act on a submission?

23. The experts will decide whether she/he will take action on a given submission, on the basis of the information received and the scope of her/his mandate. This decision depends also on criteria laid down in the Code of Conduct for the experts (“Code of conduct of the

Special Procedures mandate-holders of the Human Rights Council”, Human Rights Council resolution 5/2):

- the communication should not be manifestly unfounded or politically motivated;
- the communication should contain a factual description of the alleged violations of human rights;
- the language in the communication should not be abusive;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.

24. The experts will not require that the concerned State has ratified an international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication.

The online form

25. Each page of the online form contains “Help and information” to help users navigate the form. Certain fields are mandatory and marked with an asterisk. These fields must be completed in order to submit the form. The form can be saved at any point and it is possible to come back to it within 24 hours.
