Генеральная Ассамблея

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**Совет по правам человека**
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Пункты 2 и 5 повестки дня
**Ежегодный доклад Верховного комиссара Организации Объединенных Наций по правам человека и доклады Управления Верховного комиссара и Генерального секретаря**

**Правозащитные органы и механизмы**

# Сотрудничество с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека

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*Резюме*

Настоящий доклад представляется в соответствии с резолюцией 12/2 Совета по правам человека. Генеральный секретарь освещает действия, изменения в стратегиях и передовые практики в системе Организации Объединенных Наций и за ее пределами в сфере решения проблемы запугивания и репрессий в отношении людей, которые стремятся сотрудничать или сотрудничали с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека. В докладе содержится информация о предполагаемых актах запугивания и репрессий, в том числе в рамках последующей деятельности в связи со случаями, которые были включены в предыдущий доклад (A/HRC/42/30), и имевшими место до этого. В силу ограничений по объему дополнительная информация об отдельных случаях приводится в приложении I. Информация о последующей деятельности в связи со случаями, которые были включены в предыдущие доклады, приводится в приложении II. В заключительной части доклада содержится краткое изложение тенденций и рекомендаций для предупреждения актов запугивания и репрессий и решения этой проблемы.

* Настоящий доклад был представлен после установленного предельного срока в связи с необходимостью включения в него самой последней информации.

** Приложения к настоящему докладу распространяются в полученном виде только на том языке, на котором они были представлены.

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# I. Введение

1. В своей резолюции 12/2 Совет по правам человека выразил озабоченность в связи с продолжающими поступать сообщениями о запугивании и репрессиях в отношении отдельных лиц и групп, которые стремятся сотрудничать или сотрудничали с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека. Совет далее осудил любые акты запугивания и репрессий со стороны правительств и негосударственных субъектов и предложил мне представить Совету на его четырнадцатой сессии, а впоследствии ежегодно представлять доклад, содержащий подборку и анализ любой имеющейся информации из всех соответствующих источников о предполагаемых случаях репрессий, а также рекомендации относительно способов решения этой проблемы. Настоящий доклад является одиннадцатым докладом, подготовленным на основе резолюции 12/2[1].

# II. Мероприятия по реагированию на акты запугивания и репрессий

2. Репрессии, месть за сотрудничество в настоящее время или в прошлом и запугивание в целях воспрепятствовать будущему участию в работе или сотрудничеству в тех или иных формах по-прежнему используются как государственными, так и негосударственными субъектами в связи с сотрудничеством с широким кругом органов системы ООН в Центральных учреждениях и на местах. В течение отчетного периода такие случаи и тенденции рассматривались в рамках системы Организации Объединенных Наций в Секретариате, ее отделениях на местах и миссиях по поддержанию мира, а также в специализированных учреждениях, таких как Международная организация труда (МОТ). Они также рассматривались Генеральной Ассамблей, Советом Безопасности, Советом по правам человека и его механизмами, договорными органами по правам человека, политическим форумом высокого уровня по устойчивому развитию и Комитетом по неправительственным организациям.

3. Генеральная Ассамблея и Совет по правам человека поднимали проблему репрессий в ряде тематических и страновых резолюций[2]. В декабре 2019 года в своей резолюции 74/146 (пункт 5) Генеральная Ассамблея осудила все акты запугивания или репрессий, как онлайн, так и оффлайн, и настоятельно призвала все государства обеспечить осуществление права каждого человека, индивидуально и совместно с другими, на беспрепятственный доступ к международным органам, включая Организацию Объединенных Наций, и на поддержание связи с ними. В своей резолюции 74/156 (пункты 6 и 10) Генеральная Ассамблея признала роль, которую национальные правозащитные учреждения могут играть в «недопущении случаев репрессий и реагировании на них в рамках поддержки сотрудничества между правительствами своих стран и Организацией Объединенных Наций», и подчеркнула, что такие учреждения «не должны подвергаться репрессиям или запугиванию в любой форме» (см. также A/HRC/45/42, пункт 112).

4. В сентябре 2019 года в своей резолюции 42/28 (преамбула и пункты 2 и 14) Совет по правам человека вновь заявил о своем безоговорочном осуждении запугивания и репрессий, как онлайн, так и оффлайн, со стороны государственных и негосударственных субъектов, приветствовал позитивные тенденции и передовые методы и предложил Генеральной Ассамблее продолжать заниматься рассмотрением всей работы в этой области, включая ежегодные доклады Генерального секретаря.

[1] A/HRC/14/19, A/HRC/18/19, A/HRC/21/18, A/HRC/24/29 и Corr. 1, A/HRC/27/38, A/HRC/30/29, A/HRC/33/19, A/HRC/36/31, A/HRC/39/41 и A/HRC/42/30.

[2] Резолюция 74/246 (Мьянма) Генеральной Ассамблеи, пункт 4. Резолюции Совета по правам человека 41/2 (Филиппины), пункт 2; 42/25 (Венесуэла), пункт 28; 42/26 (Бурунди), пункт 17; и 43/2 (Никарагуа), преамбула и пункт 9.

5. В октябре 2019 года 71 государство — член Генеральной Ассамблеи опубликовало совместное заявление, в котором было отмечено, что запугивание и репрессии подрывают авторитет и эффективность Организации Объединенных Наций в целом, и было положительно оценено принятие резолюции 42/28 Совета по правам человека[3]. Председатель Третьего комитета созвал 3 февраля 2020 года беспрецедентное неофициальное совещание государств-членов и гражданского общества для обсуждения итогов семьдесят четвертой сессии и Повестки дня в области устойчивого развития на период до 2030 года, в ходе которого особое внимание было уделено вопросу о репрессиях за сотрудничество с Организацией Объединенных Наций[4].

6. Сменявшие друг друга на этом посту Председатели Совета по правам человека рассмотрели три предполагаемых инцидента, включая задержание и заключение под стражу за участие в универсальном периодическом обзоре и Форуме по вопросам меньшинств. Из в общей сложности 42 государств, в отношении которых был проведен обзор за отчетный период, 2 получили конкретные рекомендации, касающиеся репрессий[5]. Председатель неоднократно подчеркивал, что Совет должен обеспечить безопасные условия для активного участия гражданского общества и национальных правозащитных учреждений, и призывал к принятию превентивных и защитных мер[6].

7. Мандатарии специальных процедур Совета по правам человека посвящали свои сообщения, публичные заявления, доклады и диалоги проблеме запугивания и репрессий, связанных с сотрудничеством с мандатариями и с системой Организации Объединенных Наций в целом (A/HRC/43/64, пункты 58–60, 71, 75 и 80). Настоящий доклад содержит утверждения о новых случаях или тенденциях, рассмотренных мандатариями специальных процедур и касающихся 21 государства[7], и информацию о последующих мерах в связи со случаями, включенными в предыдущие доклады и касающимися 12 государств[8].

8. Договорные органы рассмотрели утверждения, касающиеся восьми государств-участников[9]. В июне 2020 года Секретариат опубликовал записку, в которой он представил анализ практики и политики договорных органов в отношении запугивания и репрессий и обзор тенденций и случаев, доведенных до сведения договорных органов (HRI/MC/2020/2/Rev.1).

9. В феврале 2020 года члены Совета Безопасности организовали заседание по формуле Аррии, посвященное репрессиям в отношении женщин-правозащитниц и женщин-миростроителей, которые взаимодействуют с Советом Безопасности и его вспомогательными органами[10]. Для выступления с брифингами были приглашены

[3] См. http://www.gov.uk/government/speeches/we-strongly-condemn-any-act-of-intimidation-and-reprisal.

[4] См. http://webtv.un.org/search/informal-consultation-convened-by-the-chair-of-the-third-committee-of-the-general-assembly-with-civil-society/6129365802001/?term=&lan=english&page=2.

[5] Египет (A/HRC/43/16, пункты 31.195-31.196 и 31.205) и Никарагуа (A/HRC/42/16, пункт 125.163).

[6] См. http://webtv.un.org/search/elisabeth-tichy-fisslberger-president-human-rights-council-high-level-segment-1st-meeting-43rd-regular-session-human-rights-council-/6135340492001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=26.

[7] Алжир, Вьетнам, Гондурас, Египет, Израиль, Казахстан, Камбоджа, Камерун, Коморские Острова, Кувейт, Лаосская Народно-Демократическая Республика, Мьянма, Никарагуа, Пакистан, Польша, Российская Федерация, Саудовская Аравия, Таиланд, Турция, Узбекистан и Экваториальная Гвинея (см. приложение I).

[8] Бахрейн, Венгрия, Венесуэла (Боливарианская Республика), Вьетнам, Гватемала, Иран (Исламская Республика), Камерун, Марокко, Мьянма, Объединенные Арабские Эмираты и Филиппины (см. приложение II).

[9] Андорра, Бангладеш, Вьетнам, Польша, Саудовская Аравия, Узбекистан, Филиппины и Экваториальная Гвинея (см. приложения I и II).

[10] См. http://webtv.un.org/search/reprisals-against-women-human-rights-defenders-and-women-peacebuilders-who-engage-with-the-security-council-and-its-subsidiary-bodies-security-council-arria-formula-meeting/6134721356001/?term=arria&sort=date.

представители гражданского общества и помощник Генерального секретаря по правам человека[11].

10. В октябре 2019 года Управление Верховного комиссара Организации Объединенных Наций по правам человека (УВКПЧ) организовало дискуссию на полях Генеральной Ассамблеи для изучения тенденций в период 2016–2019 годов и рисков, с которыми сталкиваются лица, взаимодействующие с Организацией Объединенных Наций, с уделением особого внимания женщинам и правозащитникам из числа коренных народов и экологическим правозащитникам[12].

11. В своем докладе о национальных учреждениях, занимающихся поощрением и защитой прав человека (A/HRC/45/42, пункты 106–109), Генеральный секретарь отметил три случая репрессий и подчеркнул, что национальные правозащитные учреждения со статусом А подвергаются большему риску репрессий и запугивания из-за их заметности в международной правозащитной системе[13].

# III. Сотрудничество с Организацией Объединенных Наций и пандемия COVID-19

12. Сотрудничество с Организацией Объединенных Наций значительно изменилось под влиянием коронавирусного заболевания (COVID-19) и из-за отмены мероприятий в отчетный период, что потребовало разработки новых путей или преобразования существующих методов, с тем чтобы партнеры могли свободно и безопасно сотрудничать с Организацией. В апреле 2020 года Верховный комиссар Организации Объединенных Наций по правам человека призвала к новаторскому мышлению не только при принятии ответных мер, но и при планировании окончательного восстановления, используя гибкие каналы для дистанционного участия, видеоконференции и экономически эффективные и доступные онлайновые платформы, уважающие неприкосновенность частной жизни, в том числе в Совете по правам человека, с тем чтобы обеспечить участие гражданского общества из всех уголков мира более репрезентативным и доступным способом[14].

13. Специальный докладчик по вопросу о правах на свободу мирных собраний и ассоциации призвал Организацию продолжать обеспечивать доступность трансляций и архивных материалов открытых заседаний и, когда это возможно, содействовать участию гражданского общества с помощью средств видеосвязи[15].

# IV. Изменения в стратегиях и передовая практика

14. В 2019 году некоторые государства-члены и гражданское общество приветствовали усилия по документированию передовой практики предупреждения и пресечения репрессий[16]. К ним относятся законодательные рамки, обеспечивающие право на доступ к международным органам, руководящим принципам или обязательствам государств в отношении борьбы с репрессиями, а также на связь и сотрудничество с ними, усилия по обеспечению привлечения виновных к ответственности и предоставлению средств правовой защиты, а также финансовая

[11] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25595&LangID=E.

[12] См. http://www.ohchr.org/EN/Issues/Reprisals/Pages/GAEvents.aspx.

[13] Эти случаи касаются Гватемалы, Филиппин и Польши (см. также приложение II).

[14] См. http://webtv.un.org/live-now/watch/virtual-meeting-of-human-rights-council/6148322630001/?term.

[15] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E.

[16] См. http://webtv.un.org/meetings-events/watch/id-asg-on-sg-report-on-reprisals-22nd-meeting-42nd-regular-session-human-rights-council/6087685267001/?term=; http://webtv.un.org/meetings-events/watch/id-contd-asg-on-sg-report-on-reprisals-23rd-meeting-42nd-regular-session-human-rights-council/6087706058001/?term= и http://www.ohchr.org/EN/Issues/Reprisals/Pages/GoodPractices.aspx.

поддержка и дипломатическое вмешательство в интересах лиц, входящих в группу риска[17].

15. В настоящее время осуществляется ряд инициатив по совершенствованию руководящих указаний и отчетности. В декабре 2019 года УВКПЧ продолжило консультации в рамках системы Организации Объединенных Наций в целях повышения эффективности деятельности Организации. В мае 2020 года УВКПЧ провело онлайновую дискуссию с сотрудниками Организации Объединенных Наций в целях совершенствования внутренней практики и координации.

16. Программа развития Организации Объединенных Наций, УВКПЧ и Глобальный альянс национальных правозащитных учреждений продолжали работать над выполнением своих руководящих принципов 2016 года (A/HRC/42/30, пункт 8). УВКПЧ разработало внутреннее руководство и сотрудничало со Структурой Организации Объединенных Наций по вопросам гендерного равенства и расширения прав и возможностей женщин («ООН-женщины») по вопросам стратегического реагирования в целях усиления поддержки женщин-правозащитниц с уделением особого внимания вопросам защиты и репрессий.

17. Руководящие принципы взаимодействия с общинами в области миростроительства и сохранения мира, разработанные в 2020 году Управлением по поддержке миростроительства, служат руководством по обеспечению безопасности и защиты партнеров из гражданского общества в условиях ограниченного доступа, включая документирование и осуждение актов запугивания и репрессий, а также разработку мер защиты.

18. Договорные органы подчеркнули, что государствам регулярно предлагается принимать временные меры для защиты предполагаемых жертв, членов их семей и адвокатов в период рассмотрения индивидуальных сообщений (HRI/MC/2020/2/Rev.1, пункты 36–38). В декабре 2019 года Комитет по ликвидации расовой дискриминации принял руководящие принципы по борьбе с запугиванием и репрессиями[18].

19. В марте 2020 года Всемирный банк опубликовал заявление о нетерпимом отношении к репрессиям и запугиванию в связи с финансируемыми Банком проектами[19]. В течение отчетного периода Советник по вопросам соблюдения/ Омбудсмен вел онлайновую базу данных о случаях, одной из категорий которых являются репрессии[20].

20. После сделанного ею в 2018 году заявления об актах мести в отношении гражданского общества и заинтересованных в проектах сторон[21] Международная финансовая корпорация в настоящее время систематически отслеживает соответствующие утверждения, а в июне 2020 года опубликовала руководство для предприятий с целью сведения к минимуму риска репрессий во время пандемии COVID-19[22].

21. Стратегия защиты гражданских лиц в ходе операций Организации Объединенных Наций по поддержанию мира, опубликованная Департаментом операций по поддержанию мира в ноябре 2019 года, предписывает всем компонентам миссии, включая военные и полицейские операции, не подвергать гражданское население риску или причинять ему вред, включая возможные репрессии за сотрудничество с миссией[23].

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[17] Например, пункт 6 резолюции 42/28 Совета по правам человека.

[18] URL: https://tbinternet.ohchr.org/Treaties/cerd/Shared%20Documents/1_Global/int_cerd_rle_9029_E.docx.

[19] URL: https://projects.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/world-bank-commitments-against-reprisals.

[20] URL: http://www.cao-ombudsman.org/cases.

[21] URL: http://www.ifc.org/wps/wcm/connect/ec379db4-56f1-41e1-9d86-8ea05945bc67/EN_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES.

[22] URL: http://www.ifc.org/wps/wcm/connect/7959fcf5-3b4d-4da5-a252-42cc5544281f/Tip+Sheet_Reprisals_COVID19_June2020.pdf?MOD=AJPERES&CVID=naGtY29.

[23] URL: https://peacekeeping.un.org/sites/default/files/poc_policy_2019_.pdf.

22. В соответствии с этой стратегией в рамках миротворческих операций должны быть разработаны конкретные меры и инструменты, в том числе для уменьшения рисков и защиты от них, а также обеспечено надлежащее документирование и внутренняя система отчетности об инцидентах. В дополняющем ее руководстве, опубликованном в 2020 году, содержатся рекомендации по обеспечению соблюдения принципа «не навреди»[24].

# V. Группы, сталкивающиеся с особыми рисками и проблемами

23. УВКПЧ выявило конкретные риски и проблемы, с которыми сталкиваются определенные группы, общины и слои населения. Среди многих из тех, кто находится под угрозой, в ходе подготовки настоящего доклада были отмечены перечисленные ниже. Как отмечалось ранее, что при взаимодействии с Организацией Объединенных Наций женщины, а также лесбиянки, гомосексуалы, бисексуалы, трансгендеры и интерсексуалы сталкиваются с препятствиями, угрозами и насилием по причине гендерной принадлежности или сексуальной ориентации (A/HRC/40/60, пункты 48–51 и 109 b), и A/69/365, пункт 76). Те, кто борются за защиту своих прав, включая сексуальное и репродуктивное здоровье, как представляется, особенно часто становятся объектами нападок. (A/HRC/39/41, пункт 81, и A/HRC/42/30, пункт 91). Поступали сообщения об угрозах изнасилования, клеветнических кампаниях в Интернете, сексуальном насилии в местах содержания под стражей, а также об оскорбительном и унижающем достоинство обращении.

24. В период с 2017 по 2019 год увеличилось число сообщений о репрессиях в отношении женщин и тех, кто занимается защитой прав человека женщин и гендерными вопросами (см. A/HRC/36/31, A/HRC/39/41 и A/HRC/42/30). В период с 2017 года (11) по 2019 год (27) число государств, упоминаемых в таких заявлениях, увеличилось более чем в два раза, а в 2019 году эти государства составляли более половины от общего числа (48)[25]. Это представляет собой четырехкратное увеличение числа пострадавших лиц — с 17 в докладе за 2017 год до 68 в докладе за 2019 год. Женщины сообщают о том, что они, главным образом, подвергаются мониторингу и слежке, а также произвольным задержаниям и заключению под стражу. УВКПЧ сообщает, что с 2018 года случаи, о которых не сообщалось публично или не сообщалось анонимно по соображениям защиты или по другим причинам, вызывающим озабоченность, в основном касаются женщин.

25. В октябре 2019 года я выразил обеспокоенность сообщениями о том, что представители гражданского общества подвергаются угрозам после своих выступлений с брифингами в Совете Безопасности. Я настоятельно призвал членов Совета недвусмысленно осудить все формы запугивания и репрессий в отношении представителей гражданского общества и тех, кто проводит брифинги в Совете, и сотрудничать с этими лицами для определения надлежащих ответных мер на индивидуальной основе (S/2019/800, пункт 113).

26. В декабре 2019 года я отметил, что молодежные активисты и их семьи подвергались репрессиям и задержаниям за выступления в Организации Объединенных Наций, и я подтвердил, что они должны быть защищены, как я подчеркнул в докладе, представленном Совету Безопасности в марте 2020 года (S/2020/167, пункт 35)[26].

27. Сообщалось также о запугивании и репрессиях в отношении групп меньшинств. Верховный комиссар подчеркнула важность наличия у Организации Объединенных Наций площадок для диалога и обмена мнениями, таких как Форум по вопросам меньшинств, в которых заинтересованные стороны должны иметь возможность

[24] URL: https://peacekeeping.un.org/sites/default/files/dpo_poc_handbook_final_as_printed.pdf.
[25] См. http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25021&LangID=E.
[26] См. http://www.un.org/sg/en/content/sg/statement/2019-12-10/secretary-generals-remarks-human-rights-day-%E2%80%9Cyouth-standing-for-human-rights%E2%80%9D-delivered.

участвовать и вносить свой вклад на свободной и открытой основе, не опасаясь запугивания или репрессий любого рода[27].

28. В контексте Фонда добровольных взносов Организации Объединенных Наций для коренных народов УВКПЧ зарегистрировало 15 случаев репрессий в отношении представителей коренных народов в 2019 году, и все они получили субсидию на участие. В общей сложности пять случаев были зарегистрированы в связи с сессией Постоянного форума по вопросам коренных народов, состоявшейся в апреле 2019 года, и десять — во время или после двенадцатой сессии Экспертного механизма по правам коренных народов, прошедшей в июле 2019 года в Женеве (A/75/222, пункт 26)[28]. Фонд просил оба органа разработать стратегию борьбы с репрессиями в отношении коренных народов (A/75/222, пункты 28 и 48), и такая работа ведется в настоящее время.

# VI. Обеспечение доступа к Организации Объединенных Наций, ее представителям и механизмам в области прав человека

29. В ряде последовательно представленных докладов рассматривались барьеры, препятствующие отдельным лицам и организациям выступать на форумах Организации Объединенных Наций. Продолжают поступать сообщения о попытках представителей государств блокировать или задерживать аккредитацию некоторых представителей гражданского общества. Аналогичным образом продолжают поступать сообщения о случаях, когда людей фотографировали без их согласия или когда их передвижения и заявления регистрировались без их согласия на заседаниях Организации Объединенных Наций.

30. Правозащитные компоненты миротворческих миссий и субъекты, участвующие в защите гражданского населения сообщали о сохраняющихся проблемах, связанных с доступом к отдельным лицам и общинам. Совет Безопасности настоятельно призвал обеспечить полный и беспрепятственный доступ и свободное передвижение персонала миротворческих операций и связанного с ними персонала, а также экспертных механизмов, с тем чтобы они могли выполнять свои мандаты[29].

31. УВКПЧ было сообщено о том, что в ходе политического форума высокого уровня по устойчивому развитию, состоявшегося в 2019 году, представителей гражданского общества, которые имеют право выступать с заявлениями[30], делегаты отговаривали от выступлений в ходе представления добровольных национальных обзоров, что противоречит процедуре их участия[31]. Некоторые национальные представители гражданского общества сообщили о запугивании и отказались выступать с заявлениями в Центральных учреждениях, опасаясь дополнительных рисков для безопасности по возвращении домой.

32. В ряде последовательно представленных докладов также отмечался объем и методы работы Комитета по неправительственным организациям, органа, уполномоченного рассматривать заявления о предоставлении консультативного статуса при Экономическом и Социальном Совете. Департамент по экономическим и социальным вопросам Секретариата сообщил, что в 2020 году было получено 860 заявлений по сравнению с 204 заявлениями в 2010 году, что свидетельствует об их четырехкратном увеличении за десятилетний период (E/2020/32 (Часть I), пункт 25).

[27] См. http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25361&LangID=E.

[28] См. также A/HRC/42/30, пункт 40, и там же, приложение II, пункт 27.

[29] См. резолюции Совета Безопасности 2489 (2019) (Афганистан), 2499 (2019) и 2507 (2020) (Центральноафриканская Республика), 2502 (2019) (Демократическая Республика Конго), 2486 (2019) и 2509 (2020) (Ливия), 2480 (2019) (Мали) и 2514 (2020) (Южный Судан).

[30] Резолюции Генеральной Ассамблеи 67/290, пункт 15, и 70/1, пункт 84.

[31] См. https://sustainabledevelopment.un.org/content/documents/22610Process_for_MGoS_engagement_in_the_VNR_Sessions_FINAL2.05.2019.pdf.

В 2020 году Комитет рассмотрел 632 заявления, рекомендовал предоставить консультативный статус 274 организациям, и отложил рассмотрение заявлений 339 организаций, причем этот показатель был сопоставим с показателем за предыдущие годы (A/HRC/42/30, пункт 29, и A/HRC/39/41, пункт 22)[32].

33. В январе 2020 года Комитет постановил внести поправки в вопросник для подачи заявлений о предоставлении консультативного статуса, включив в него с июня 2020 года контрольные вопросы в целях установления того, не включены ли в Санкционный перечень Совета Безопасности Организации Объединенных Наций или не финансируются ли включенными в него физическими или юридическими лицами организации, подавшие заявления о предоставлении консультативного статуса (E/2020/32 (Часть I), пункты 30-32)[33].

34. В январе 2020 года государства-члены высказались в поддержку участия гражданского общества и предостерегли Комитет от использования процедуры обзора, для того чтобы помешать участию организаций гражданского общества, которые выражают мнения, отличающиеся от мнений правительств (там же, пункты 37 и 44).

35. Некоторые государства призвали к проведению нового раунда консультаций с неправительственными организациями (НПО), имеющими консультативный статус, после раунда, состоявшегося в 2018 году (там же, пункты 38 и 45). Другие отметили недостаточность прозрачности, объективности и эффективности нынешней процедуры аккредитации и выразили обеспокоенность по поводу повторяющихся вопросов и неоправданных задержек в рассмотрении заявлений, что крайне негативно сказывается на деятельности НПО, занимающихся вопросами прав человека (там же, пункт 43).

36. Рекомендации, направленные на совершенствование методов работы Комитета, были изложены в письме мандатариев специальных процедур Совета по правам человека, направленном Комитету в июне 2019 года (там же, пункт 43), после чего в ноябре 2019 года состоялась встреча с Председателем Комитета[34]. В декабре 2019 года помощник Генерального секретаря направил Председателю Комитета письмо с выражением обеспокоенности по поводу репрессий.

37. Как отмечалось ранее, постоянные отсрочки при рассмотрении заявлений в некоторых случаях равносильны фактическому отказу и, по сложившемуся впечатлению, касаются организаций гражданского общества, работающих в сфере прав человека (см. A/HRC/38/18, пункт 20; A/HRC/39/41, пункт 23; и A/HRC/42/30, пункт 31). Я вновь призываю Комитет применять критерии оценки организаций справедливым и прозрачным образом. Я приветствую более активное участие организаций гражданского общества в работе Комитета, включая организацию новых консультаций после консультаций, прошедших в 2018 году, и изучение вопроса об использовании средств дистанционного взаимодействия, когда это возможно.

# VII. Полученная информация о случаях запугивания и репрессий из-за сотрудничества с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека

## A. Замечание общего порядка

38. В настоящий доклад вошли сведения, собранные в период с 1 июня 2019 года по 30 апреля 2020 года[35], а также информация об актах запугивания или репрессий в

[32] См. также http://www.un.org/press/en/2020/ngo908.doc.htm.
[33] См. также http://www.un.org/press/en/2019/ecosoc6982.doc.htm.
[34] URL: http://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf.
[35] Отчетный период оказался короче, чем планировалось, из-за пандемии COVID-19.

отношении тех лиц и групп лиц, о которых говорится в резолюциях 12/2 (пункт 1) и 24/24 (пункт 3) Совета по правам человека.

39. Полученная информация была проверена и в возможной степени подтверждена данными из первичных и иных источников. Если об этих случаях широко известно, приводится ссылка на публикации Организации Объединенных Наций. В нем кратко излагаются ответы, представленные правительствами, включая принятые позитивные меры[36].

40. Настоящий доклад и приложения к нему не ставят целью дать исчерпывающий перечень случаев. При подготовке доклада строго соблюдался принцип «не навреди», и личность предполагаемых жертв раскрывалась строго в соответствии с их согласием; по каждому сообщенному и сочтенному достоверным случаю проводилась оценка рисков. В итоге из доклада были исключены случаи, упоминание которых было сопряжено со слишком высоким риском для безопасности соответствующих лиц или членов их семей. Кроме того, ряд случаев, доведенных до моего сведения, был рассмотрен в конфиденциальном порядке.

41. Как и в предыдущих докладах, из-за ограничений по объему дополнительная информация о новых случаях или о фактах, сообщенных в ходе отчетного периода, которая кратко излагается в основном докладе, вместе с ответами, полученными от правительств, содержится в приложении I. В приложении II содержится информация о новых обстоятельствах, сообщенных в ходе отчетного периода, по находящимся на рассмотрении случаям, упомянутым в предыдущих докладах, вместе с ответами, полученными от правительств[37]. С указанными в настоящем докладе сообщениями мандатариев специальных процедур Совета по правам человека и ответами на них правительств можно ознакомиться в онлайновом режиме, ориентируясь на указанный в скобках номер каждого случая[38].

## B. Краткое описание случаев

### Алжир

42. В апреле 2020 года мандатарии специальных процедур рассмотрели утверждения о посягательствах на частную жизнь и достоинство г-жи Олайи Саади после ее взаимодействия с Организацией Объединенных Наций в связи с произвольным содержанием под стражей ее мужа (DZA 2/2020)[39].

43. В июне 2019 года Комитет Конференции МОТ по применению норм предоставил информацию о своей миссии высокого уровня в Алжир, предпринятой в мае 2019 года, с глубокой обеспокоенностью отметив, что многие представители, с которыми он встречался, обращали внимание на риск репрессий в их отношении[40]. 6 июля 2020 года правительство предоставило ответ.

### Андорра

44. В ноябре 2019 года Комитет по ликвидации дискриминации в отношении женщин направил конфиденциальные письма, касающиеся имевших место, как утверждается, несоразмерных мер в отношении НПО «Ассоциация за прекращение насилия Андорры» и ее представителя г-жи Ванессы Мендосы Кортес после ее

[36] В связи с пандемией COVID-19 ответы правительства, полученные до 25 августа 2020 года, были включены в текст в порядке исключения.

[37] Утверждения, касающиеся следующих государств, наряду с полученными ответами, содержатся только в приложении II: Венгрия, Гватемала, Джибути, Иран (Исламская Республика) и Объединенные Арабские Эмираты.

[38] См. https://spcommreports.ohchr.org.

[39] См. также мнение № 7/2020 Рабочей группы по произвольным задержаниям.

[40] См. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_709385.pdf.

взаимодействия с Комитетом в октябре 2019 года. 9 июля 2020 года правительство предоставило ответ.

**Бахрейн**

45. В период с 2017 по 2019 год многие субъекты системы Организации Объединенных Наций сообщали о случаях запугивания и репрессий в отношении гражданского общества Бахрейна, которые продолжались в течение отчетного периода, включая произвольные задержания, злоупотребления и жестокое обращение в местах содержания под стражей, запреты на поездки и другие ограничения в целях недопущения взаимодействия с Организацией Объединенных Наций (A/HRC/36/31, пункты 21–23, и там же, приложение I, пункты 4–10; A/HRC/39/41, пункты 29–30, и A/HRC/42/30, приложение II, пункты 1–2). Гражданское общество сообщало о самоцензуре и воздерживалось от прямого взаимодействия с Организацией. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

46. В приложении II содержится информация о новых событиях, связанных с положением г-жи Хаджар Мансур Хасан, г-жи Медины Али и г-на Набиля Раджаба. 9 июля 2020 года правительство предоставило ответ.

**Бангладеш**

47. В августе 2019 года Комитет против пыток рекомендовал Бангладеш обеспечить защиту членов гражданского общества и НПО, сотрудничавших с Комитетом, от любых репрессий или притеснений (CAT/C/BGD/CO/1, пункт 31 d)). В приложении II содержится информация о новых событиях, связанных с положением НПО «Одхикар» и г-на Адилура Рахмана Хана.

**Бурунди**

48. В сентябре 2019 года в своей резолюции 42/26 (пункт 17) Совет по правам человека настоятельно призвал правительство в полной мере сотрудничать с Организацией Объединенных Наций и прекратить любые репрессии в отношении правозащитников, которые сотрудничают с международными правозащитными механизмами, включая Совет.

49. Комиссия по расследованию событий в Бурунди выразила сожаление в связи с тем, что некоторые жертвы и свидетели, которые предоставляли ей информацию и свидетельские показания, сталкивались с запугиванием и угрозами, и выразила признательность лицам, которые взаимодействовали с ней несмотря на опасность репрессий[41]. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

50. В приложении II содержится информация о сохраняющемся воздействии репрессий, которым, как утверждается, подверглись г-н Армель Нийонгере, г-н Дьедонне Баширахишизе, г-н Виталь Ншимиримана и г-н Ламберт Нигарура.

**Камбоджа**

51. В августе 2019 года Специальный докладчик по вопросу о положении в области прав человека в Камбодже принял к сведению сообщения о том, что сотрудники полиции без приглашения являются на мероприятия, учебные занятия или встречи, фотографируют и задают вопросы об организаторах и участниках (A/HRC/42/60, пункт 55)[42]. УВКПЧ в Камбодже подтвердило сообщения о многочисленных инцидентах, связанных с вмешательством полиции в деятельность Организации Объединенных Наций, и в феврале 2020 года Верховный комиссар отметила имеющее

[41] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25005&LangID=E, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25194&LangID=E и http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25694&LangID=E.

[42] См. также http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24579&LangID=E.

место, согласно сообщением, запугивание, препятствующее возможности правозащитных организаций осуществлять мониторинг и представлять доклады, в том числе Совету по правам человека[43]. 4 августа 2020 года правительство предоставило ответ.

**Камерун**

52. После дачи ею показаний в качестве свидетеля в мае 2019 года в Нью-Йорке на заседании Совета Безопасности по формуле Аррии, посвященном гуманитарной ситуации в Камеруне, г-жа Эстер Омам Нджомо, ее родственники и ее коллеги, согласно сообщениям, подверглись репрессиям[44]. Сообщалось об актах репрессий в отношении г-на Нфора Хансона Ншанджи и его близких родственников после его участия в десятой сессии Форума по вопросам меньшинств.

53. О репрессиях против организации гражданского общества «Органическое земледелие для спасения горилл в Камеруне» УВКПЧ было уведомлено сообщением, направленным в мае 2019 года мандатариями специальных процедур (CMR 3/2019)[45]. Мандатарии также затронули проблемы высылки из страны г-на Яна Йориса Капелле, гражданина Бельгии и соучредителя вместе с традиционным вождем г-ном Пренсом Винсентом Авази данной организации; угрозы убийством в адрес г-на Авази и г-на Элвиса Брауна Лумы Мукуны, адвоката организации; и нападения на офисы организации (CMR 5/2019).

54. В приложении II содержится информация о новых изменениях в положении г-жи Максимилиен Нго Мбе из Сети правозащитников Центральной Африки.

**Китай**

55. УВКПЧ получило информацию о том, что активисты, правозащитники и адвокаты, упоминавшиеся в предыдущих докладах, продолжают подвергаться нападениям в связи с их взаимодействием с правозащитными механизмами или участием в учебных занятиях, в том числе с сотрудниками Организации Объединенных Наций (см. приложение II). В настоящем докладе сообщается о репрессиях в отношении 12 лиц, которые в течение отчетного периода содержались под стражей, находились под «наблюдением по месту жительства в установленном месте», были освобождены, но отбывали наказание дома или под фактическим домашним арестом, или же их передвижение было ограничено. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

56. В период с июня 2019 года по апрель 2020 года в УВКПЧ поступили сообщения о новых инцидентах в отношении 15 человек. Личность пострадавших лиц, а также дополнительные сведения о них не разглашаются из-за боязни дальнейших репрессий.

57. В приложении II содержится информация об изменениях в положении г-жи Ли Сяолинь, г-жи Ли Юйхань, г-на Лю Чжэньцина, г-жи Сюй Янь, г-на Чжэнь Цзяньфуа, НПО «Китайские правозащитники», г-жи Чэнь Цзяньфан, г-жи Ван Юй, г-на Цинь Йонмина, г-жи Чжао Сули, г-на Ми Чоньбиао, г-жи Ли Кэчжэнь, г-жи Ли Вэньцзу, г-жи Ван Цзяолин, г-на Ли Хэпина, г-на Цзяна Тяньиона и г-на Долкуна Исы. 17 августа 2020 года правительство предоставило ответ.

**Колумбия**

58. Делегация Совета Безопасности, посетившая Колумбию в июле 2019 года, сообщила, что одна женщина-активистка была вынуждена отменить свое участие во встрече с ними в Кауке из-за угроз, которые она получила накануне вечером[46].

[43] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25621&LangID=E.
[44] См. http://webtv.un.org/search/arria-formula-meeting-of-the-un-security-council/6036271424001/?term=2019-05-13&sort=date.
[45] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34800.
[46] См. http://www.un.org/press/en/2019/sc13891.doc.htm.

59. В приложении II содержится информация о новых событиях, связанных с положением г-на Вильмера Орландо Антелиса Гонсалеса и г-на Хермана Грасиано Поссо. 13 июля 2020 года правительство предоставило ответ.

**Коморские Острова**

60. Специальный докладчик по вопросу о пытках и других жестоких, бесчеловечных или унижающих достоинство видах обращения и наказания приостановил свою поездку на Коморские Острова в июне 2019 года и сообщил о препятствиях в доступе к заключенным, личных рисках для его собеседников и атмосфере страха среди гражданского общества (A/HRC/43/49/Add.1, пункты 1, 7 и 21)[47]. В марте 2020 года правительство изучило вопросы, находящиеся на рассмотрении Совета по правам человека[48].

**Куба**

61. Продолжалась, как утверждается, практика наложения временных ограничений на поездки правозащитников и политических оппонентов, пытающихся взаимодействовать с Организацией Объединенных Наций, о которой сообщалось ранее УВКПЧ, (A/HRC/39/41, пункты 34–35, и A/HRC/42/30, пункт 48)[49]. В июле 2019 года государства-члены вновь заявили о своей обеспокоенности по поводу репрессий в отношении правозащитников и журналистов, в частности тех, кто участвовал в проведении универсального периодического обзора по Кубе в 2018 году[50].

62. Угрозы в адрес г-жи Ямилки Абаскаль Санчес из молодежной правозащитной сети «Дискуссионный форум кубинской молодежи» и ее родственников и их допросы, как сообщалось, имели место во время и после ее контактов с УВКПЧ в октябре 2019 года. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

63. В приложении II содержится информация о новых событиях, связанных с положением г-на Хуана Антонио Мадрасо Луны и г-на Хосе Эрнесто Моралеса Эстрады. 19 августа 2020 года правительство предоставило ответ.

**Демократическая Республика Конго**

64. Миссия Организации Объединенных Наций по стабилизации в Демократической Республике Конго задокументировала 18 случаев запугивания и репрессий со стороны сотрудников правоохранительных органов, военнослужащих и вооруженных групп, главным образом в отношении правозащитников, журналистов и традиционных лидеров на востоке страны. Личность пострадавших лиц, а также дополнительные сведения о них не разглашаются из-за боязни дальнейших репрессий.

**Египет**

65. Многие субъекты системы Организации Объединенных Наций выявили предполагаемые случаи запугивания и репрессий, в частности в течение месяцев, предшествовавших универсальному периодическому обзору по Египту в ноябре 2019 года и последовавших за ним (A/HRC/43/51/Add.3, пункты 611 и 650); и см. приложения I и II). В июле 2019 года Рабочая группа по насильственным или недобровольным исчезновениям выразила обеспокоенность по поводу репрессий в

[47] См. также www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24704&LangID=E.

[48] См. http://webtv.un.org/search/id-sr-on-torture-12th-meeting-43rd-regular-session-human-rights-council-/6136876421001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=6#player.

[49] См. также http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23071&LangID=E.

[50] См. http://webtv.un.org/search/item5-general-debate-23rd-meeting-41st-regular-session-human-rights-council/6055385648001/?term=&lan=english&cat=Regular%2041st%20session&sort=date&page=7#player.

отношении родственников исчезнувших лиц и организаций гражданского общества, действующих от их имени (A/HRC/42/40, пункт 72).

66. В своем докладе от декабря 2019 года Рабочая группа по универсальному периодическому обзору отметила многочисленные рекомендации в отношении репрессий за сотрудничество с Организацией Объединенных Наций (A/HRC/43/16, пункты 31.195, 31.196 и 31.205), которые были приняты правительством (A/HRC/43/16/Add.1, пункт 7). В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

67. В октябре 2019 года мандатарии специальных процедур и пресс-секретарь Верховного комиссара рассмотрели информацию о произвольном задержании г-на Мохамеда эль-Бакера из Центра в защиту прав и свобод «Адалах», жестоком обращении с ним и выдвинутыми против него обвинениями за его участие в универсальном периодическом обзоре[51].

68. В сентябре 2019 года мандатарии рассмотрели утверждения о преследовании и запугивании правозащитников г-жи Сальмы Ашраф Абдель Халим Абдельгаффар из организации «Механизм наблюдения за правами человека» и г-на Мохамеда Зарии из Арабской организации за реформу пенитенциарной системы после их участия в работе Совета по правам человека в марте 2019 года (EGY 8/2019). В УВКПЧ поступили сообщения о репрессиях в отношении г-на Амра Магди из организации «Хьюман райтс уотч», который подвергся угрозам и клеветнической кампании (там же).

69. В декабре 2019 года мандатарии рассмотрели информацию о произвольном задержании, содержании под стражей и пытках г-на Рами Камеля Сайеда Салиба из Молодежного фонда «Масперо», как сообщается, с целью воспрепятствовать его участию в двенадцатой сессии Форума по вопросам меньшинств, состоявшейся в ноябре 2019 года (EGY 13/2019)[52].

70. В приложении II содержится информация о новых событиях, связанных с положением г-на Эбрахима Абдельмонема Метвалли Хегази, г-на Ахмеда Мефреха Али Эльсайеди, д-ра Ахмеда Шауки Абдельсаттара Мохамеда Амаши и г-на Бахи эд-Дина Хассана, а также о законодательстве, ограничивающем возможности гражданского общества.

### Экваториальная Гвинея

71. В сентябре 2019 года мандатарии специальных процедур рассмотрели сообщения о репрессиях в отношении г-на Альфредо Окенве из НПО «Центр исследований и инициатив в целях развития» после его участия в универсальном периодическом обзоре по данному государству в мае 2019 года и взаимодействие с Комитетом по правам человека в июле 2019 года (GNQ 2/2019).

72. В августе 2019 года Комитет по правам человека на своей 126-й сессии в конфиденциальном порядке рассмотрел утверждения о трансляции снятых без получения согласия видеоматериалов и стигматизации гражданского общества. 23 июня 2020 года правительство предоставило ответ.

### Гондурас

73. После посещения страны в августе 2019 года Специальным докладчиком по вопросу о независимости судей и адвокатов (см. A/HRC/44/47/Add.2) в ноябре 2019 года г-жа Хулисса Вильянуэва Бараона из Главного управления судебной медицины, как сообщается, была уволена из-за ее сотрудничества с Докладчиком в

[51] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25073, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25164 и http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25217.

[52] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25419&LangID=E и https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35195.

ходе посещения. В приложении II содержится информация о новых событиях, связанных с положением г-жи Эдме Кастро.

### Индия

74. Согласно сообщениям, продолжающиеся запугивание и репрессии заставляют отказаться некоторых представителей гражданского общества от сотрудничества с Организацией Объединенных Наций из-за боязни последующей мести. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

75. По сообщениям, в январе 2020 года Международная сеть солидарности общин далитов получила от правительства дополнительные вопросы в ходе сессии Комитета по неправительственным организациям, и рассмотрение ее заявления о предоставлении консультативного статуса было вновь отложено[53].

76. В приложении II содержится информация о продолжающихся репрессиях в отношении г-на Нобокишора Урихимбама, г-на Хуррама Парвеза и Коалиции гражданского общества Джамму и Кашмира. 31 июля 2020 года правительство предоставило ответ.

### Израиль

77. Многие субъекты Организации Объединенных Наций, включая Верховного комиссара (см. A/HRC/43/70), выявили предполагаемые случаи запугивания и репрессий в отношении правозащитников за сотрудничество с Организацией Объединенных Наций. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

78. В феврале 2020 года правительство разместило на официальном веб-сайте заявление, в котором оно обвинило правозащитные организации, поддержавшие доклад Верховного комиссара о предпринимательской деятельности, связанной с поселениями (A/HRC/43/71), подготовленный в соответствии с резолюцией 31/36 Совета по правам человека, в том, что они имеют связи с терроризмом. В заявлении были перечислены Ассоциация по оказанию помощи заключенным и защите прав человека «Аддамеер», организация «Аль-Хак», Палестинский центр по правам человека и организация «Помощь норвежского народа».

79. В апреле 2020 года мандатарии специальных процедур рассмотрели утверждения о репрессиях в виде запрета на поездки в отношении г-на Лайта Абу Зейада из организации «Международная амнистия» (ISR 1/2020)[54]. После приглашения выступить на заседании Совета Безопасности в феврале 2020 года (см. S/PV.8730) **«Международное движение в защиту детей — Палестина» и его представитель г-н Брэд Паркер** были публично обвинены правительственными должностными лицами в связях с терроризмом.

80. В приложении II содержится информация о новых событиях, связанных с положением г-на Омара Шакира и организаций гражданского общества, которые взаимодействуют с правозащитными механизмами.

### Казахстан

81. В январе 2020 года Специальный докладчик по вопросу о поощрении и защите прав человека и основных свобод в условиях борьбы с терроризмом сообщила о боязни заключенных беседовать с ней во время ее посещения страны в мае 2019 года (A/HRC/43/46/Add.1, пункты 29–31 и 42).

[53] См. http://www.un.org/press/en/2020/ngo905.doc.htm.

[54] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35341.

**Кувейт**

82. В сентябре 2019 года Специальный докладчик по вопросу о независимости судей и адвокатов рассмотрел сообщения о угрозах и кампании очернения в адрес международных юристов «Омниа Стрэтеджи», «Кроуэлл энд Моринг», «Доути Стрит Чэмберс» и «4 Нью Сквэа» в связи с их взаимодействием с Рабочей группой по произвольным задержаниям и Международным центром по урегулированию инвестиционных споров Всемирного банка (KWT 4/2019)[55]. 23 июля 2020 года правительство предоставило ответ.

**Лаосская Народно-Демократическая Республика**

83. В сентябре 2019 года мандатарии специальных процедур рассмотрели вопрос о предполагаемом насильственном исчезновении г-на Ода Саявонга, лаосского беженца, проживавшего в Бангкоке и являющегося бывшим членом правозащитной и выступающей за демократию группы, за его взаимодействие со Специальным докладчиком по вопросу о крайней нищете и правах человека до его посещения страны в марте 2019 года (см. A/HRC/41/39/Add.2 и Corr.1; и LAO 2/2019)[56].

**Ливия**

84. Миссия Организации Объединенных Наций по поддержке в Ливии получила многочисленные сообщения о репрессиях в отношении правозащитников и журналистов, в том числе из-за их взаимодействия с Организацией Объединенных Наций[57]. Личность пострадавших лиц, а также дополнительные сведения о них не разглашаются из-за боязни дальнейших репрессий. В январе 2020 года Верховный комиссар рекомендовала всем сторонам конфликта воздерживаться от любых репрессий в отношении лишенных свободы лиц, вступающих в диалог с представителями Организации Объединенных Наций (A/HRC/43/75, пункт 85 c)).

**Мали**

85. Отдел по правам человека и защите Многопрофильной комплексной миссии Организации Объединенных Наций по стабилизации в Мали задокументировал случаи запугивания и репрессий в отношении правозащитников и внутренне перемещенных лиц после их взаимодействия с Организацией Объединенных Наций. Имена и личность пострадавших лиц, а также дополнительные сведения о них не разглашаются из-за боязни дальнейших репрессий.

**Мексика**

86. С июня 2019 года г-н Фелипе Инохо Алонсо, представитель жертв пыток и их родственников в Агуаскальентесе, согласно сообщениям, подвергается запугиванию, угрозам и слежке за его сотрудничество с УВКПЧ в Мексике. Г-жа Альма Делия Рейна, занимающаяся защитой прав женщин, лишенных свободы в Тамаулипасе, согласно сообщениям, подвергалась угрозам, а ее сын был похищен за ее сотрудничество с УВКПЧ в Мексике. 4 августа 2020 года правительство предоставило ответ.

87. В приложении II содержится информация о новых событиях, связанных с положением г-на Рамиро Лопеса Васкеса, г-на Рамиро Рамиреса Мартинеса, г-на Родриго Рамиреса Мартинеса и г-на Орландо Сантаолайи Вильярреаля. 4 августа 2020 года правительство предоставило ответ.

**Марокко**

88. УВКПЧ было сообщено о том, что в ноябре 2019 года и январе 2020 года **г-жа Аминату Хайдар** из Группы сахарских правозащитников подвергалась угрозам,

[55] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34926.
[56] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35121.
[57] См. https://unsmil.unmissions.org/sites/default/files/unsmil-ohchr_report_airstrikes_at_tajoura-27012020.pdf.

нападениям и стигматизации в Интернете за ее продолжающееся взаимодействие с Организацией Объединенных Наций.

89. В приложении II содержится информация о новых событиях, связанных с положением г-на Эннаамы Асфари и г-жи Назихи эль-Халиди. 17 июля 2020 года правительство предоставило ответ.

### Мьянма

90. В июле и сентябре 2019 года Специальный докладчик по вопросу о положении в области прав человека в Мьянме сообщила о предполагаемых репрессиях в отношении лиц, которые сотрудничают с международными правозащитными механизмами в стране и за ее пределами, а также о слежке за ними и их преследовании[58]. В декабре 2019 года она сообщила об усилении враждебного отношения в Интернете к активистам, после того как Международный Суд в ноябре 2019 года объявил о проведении международных процессуальных действий[59], и призвала правительство обеспечить отсутствие репрессий в отношении тех, кто выступает за справедливость и привлечение к ответственности[60].

91. В своем докладе от августа 2019 года Независимая международная миссия по установлению фактов относительно Мьянмы отметила, что она уделяет особое внимание защите жертв и свидетелей, учитывая их обоснованные опасения подвергнуться репрессиям (A/HRC/42/50, пункт 38). В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

92. В декабре 2019 года в своей резолюции 74/246 (пункт 4) Генеральная Ассамблея настоятельно призвала правительство в полной мере сотрудничать со всеми механизмами Организации Объединенных Наций по правам человека и предоставить им доступ, а также обеспечить, чтобы люди могли сотрудничать с этими механизмами, не опасаясь репрессий.

93. В приложении II содержатся новые сведения о положении г-на Аун Ко Хтве, в том числе о г-же Най Зар Тун.

### Никарагуа

94. В апреле 2020 года в своей резолюции 43/2 (пункт 9) Совет по правам человека призвал правительство предотвращать, не допускать и публично осуждать, расследовать и наказывать любые акты запугивания или репрессий, а в ходе универсального периодического обзора в мае 2019 года одно из государств-членов рекомендовало оперативно расследовать любые утверждения или случаи репрессий A/HRC/42/16, пункт 125.163). В сентябре 2019 года Верховный комиссар затронула вопрос о преследованиях, нападениях и постоянной слежке, которым подвергаются активисты, регулярно обменивающиеся информацией с УВКПЧ (A/HRC/42/18, пункт 21). В декабре 2019 года помощник Генерального секретаря направил правительству письмо с выражением обеспокоенности.

95. В ноябре 2019 года и январе 2020 года пресс-секретарь Верховного комиссара и мандатарии специальных процедур рассмотрели сообщения о репрессиях, включая задержание г-жи Амайи Коппенс и г-жи Ольги Валле (NIC 1/2020)[61]. Сообщалось о репрессиях в отношении г-жи Вильмы Нуньес де Эскорсиа из Никарагуанского центра по правам человека, г-на Анибала Торуньо из «Радио Дарио» и г-жи Хосефы Эстерлины Месы из Асоциации Мадреса де Абриля в связи с их сотрудничеством с Организацией Объединенных Наций.

[58] См. http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25013&LangID=E.
[59] См. http://www.icj-cij.org/files/case-related/178/178-20191118-PRE-01-00-EN.pdf.
[60] См. https://news.un.org/en/story/2019/12/1053121.
[61] См. также http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25313&LangID=E.

96. В приложении II содержится информация о новых событиях, связанных с положением г-на Маркоса Кармоны и г-на Джонатана Лопеса[62].

**Пакистан**

97. В июле 2019 года Рабочая группа по насильственным или недобровольным исчезновениям выразила обеспокоенность в связи с сообщениями о репрессиях в отношении родственников жертв насильственных исчезновений и организаций гражданского общества, действующих от их имени (A/HRC/42/40, пункт 81). Родственники и основные свидетели по делу об исчезновении в 2014 году г-на Асадуллы Фаиза Мохаммада (A/HRC/WGEID/104/1, пункт 94), как сообщается, подвергались угрозам со стороны властей.

**Филиппины**

98. В марте 2020 года государственные должностные лица выступили с многочисленными заявлениями, в которых обвинили организации гражданского общества, участвующие в работе Совета по правам человека, в том, что они «маскируются под защитников прав человека», направляют «финансовую поддержку... субъектам, исповедующим терроризм» и обслуживают «скрытые планы лжи и насилия на местах»[63]. В июне 2019 года УВКПЧ было сообщено о том, что один из нынешних членов Комитета по ликвидации дискриминации в отношении женщин, который связан с правительством, одернул представителя филиппинского гражданского общества, присутствовавшего на заседании Совета; эти сообщения были рассмотрены Председателем Комитета в июле 2019 года[64].

99. В июле 2019 года в своей резолюции 41/2 (пункт 2) Совет по правам человека призвал правительство сотрудничать с УВКПЧ и механизмами Совета, в том числе путем отказа от запугивания или репрессий. Верховный комиссар призвала правительство обеспечить отсутствие репрессий за сотрудничество с УВКПЧ в связи с ее докладом, санкционированным Советом (A/HRC/44/22, пункт 87 d) ii)).

[62] В предыдущем докладе (A/HRC/42/30) по ошибке упоминается как «г-н Маркос Кардона».

[63] См. http://webtv.un.org/search/id-sr-on-cultural-rights-18th-meeting-43rd-regular-session-human-rights-council-/6138316455001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5#player, http://webtv.un.org/search/id-sr-on-human-rights-defenders-18th-meeting-43rd-regular-session-human-rights-council-/6138318888001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5#player, http://webtv.un.org/search/id-sr-on-countering-terrorism-19th-meeting-43rd-regular-session-human-rights-council/6138504413001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5#player, http://webtv.un.org/search/item4-general-debate-contd-27th-meeting-43rd-regular-session-human-rights-council/6140216917001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=3#player, http://webtv.un.org/search/-id-sr-on-minority-issues-29th-meeting-43rd-regular-session-Human-rights-council/6140554348001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=2#player, http://webtv.un.org/search/philippines-high-level-segment-7th-meeting-43rd-regular-session-human-rights-council-/6136070359001/?term=43rd%20regular%20session%20human%20rights%20council&lan=English&cat=Meetings%2FEvents&sort=date&page=8 and http://webtv.un.org/search/item3-general-debate-contd-24th-meeting-43rd-regular-session-human-rights-council/6139744985001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=4#player.

[64] См. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fOCR%2f73%2f28620&Lang=en.

100. В приложении II содержится информация о новых событиях, связанных с положением г-жи Лейлы де Лимы, Альянса за улучшение положения в области прав человека «Карапатан» и г-жи Кристины Палабай. 23 июля 2020 года правительство предоставило ответ.

**Польша**

101. 4 марта 2020 года Специальный докладчик по вопросу о культурных правах в после своей поездки в Польшу (см. A/HRC/43/50/Add.1) отметила обеспокоенность в связи с начавшейся проявляться самоцензурой в области культуры (там же, пункт 24) и заявила, что люди, работающие в этом секторе, выразили опасение, что их увидят разговаривающими с ней во время посещения страны, из-за боязни репрессий[65]. Правительство рассмотрело этот вопрос в Совете по правам человека[66]. В приложении II содержится информация о новых событиях, связанных с положением г-на Адама Боднара.

**Российская Федерация**

102. 14 января 2020 года мандатарии специальных процедур рассмотрели вопрос о ликвидации общественной организации «Научно-исследовательский центр поддержки коренных малочисленных народов Севера» в соответствии с Законом «Об иностранных агентах» (RUS 9/2019)[67]. УВКПЧ было сообщено о том, что ликвидация данного Центра будет иметь существенные последствия для участия коренных народов Сибири и российского Севера и Дальнего Востока в деятельности Организации Объединенных Наций.

103. В приложении II содержится информация о законодательстве, ограничивающем деятельность гражданского общества, а также о положении г-на Родиона Суляндзиги из Центра поддержки коренных малочисленных народов Севера. 29 июля 2020 года правительство предоставило ответ.

**Саудовская Аравия**

104. Субъекты системы Организации Объединенных Наций рассмотрели многочисленные сообщения о репрессиях, включая произвольные задержания, жестокое обращение, пытки и притеснения. В настоящий доклад включена информация, касающаяся 10 лиц, содержащихся под стражей.

105. В июле 2019 года государства-члены вновь выразили обеспокоенность по поводу репрессий в отношении правозащитников и журналистов, проводящих расследования, в том числе в Саудовской Аравии[68]. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий, на которое правительство предоставило ответ в январе 2020 года.

106. В июле 2019 года мандатарии специальных процедур рассмотрели сообщения о казнях 37 человек в апреле 2019 года[69], в том числе г-на Мунира аль-Адама, который, возможно, подвергся репрессиям, в то время как вопрос о его содержании под стражей рассматривался Рабочей группой по произвольным задержаниям (SAU 9/2019)[70].

[65] См. http://webtv.un.org/search/id-sr-on-cultural-rights-18th-meeting-43rd-regular-session-human-rights-council-/6138316455001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5.

[66] Там же.

[67] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35210.

[68] См. http://webtv.un.org/search/item5-general-debate-23rd-meeting-41st-regular-session-human-rights-council/6055385648001/?term=&lan=english&cat=Regular%2041st%20session&sort=date&page=7#player.

[69] См. http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24510&LangID=E.

[70] См. также мнение № 26/2019 Рабочей группы и https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34866.

107. В своем мнении от ноября 2019 года (№ 71/2019) Рабочая группа по произвольным задержаниям сочла произвольным содержание под стражей г-на Абдулазиза Юссефа Мохамеда аш-Шубайли из Саудовской ассоциации гражданских и политических прав и выразила обеспокоенность в связи с репрессиями против него за предоставление информации Организации Объединенных Наций (там же, пункт 93).

108. В приложении II содержится информация о новых событиях, связанных с положением г-жи Луджаин аль-Хатлул, г-жи Самар Бадави, г-на Абдуллы аль-Хамида, г-на Мохаммада Фаххада аль-Кахтани, г-на Яхьи аль-Ассири, г-на Эссы ан-Нухейфи, г-на Иссы Хамида аль-Хамида, г-на Фавзана Мохсена Авада аль-Харби и г-жи Амаль аль-Харби.

### Южный Судан

109. Миссия Организации Объединенных Наций в Южном Судане сообщила, что шесть человек и организаций, как утверждается, подвергались угрозам, произвольным задержаниям, заключению под стражу и жестокому обращению за сотрудничество или предполагаемое сотрудничество с Организацией Объединенных Наций. Личность соответствующих лиц, а также дополнительные сведения о них не разглашаются из-за боязни дальнейших репрессий. Миссия сообщила, что проблемы с доступом повлияли на ее способность отслеживать и сообщать о нарушениях прав человека[71] и что, как предполагается, запугивание или репрессии замалчиваются из-за атмосферы страха, ведущей к повсеместной самоцензуре.

### Шри-Ланка

110. В феврале 2020 года Верховный комиссар отметила, что шриланкийцев, посещавших Женеву для участия в сессиях Совета по правам человека, полицейские допрашивали о мотивах их поездок (A/HRC/43/19, пункт 32). В марте 2020 года несколько участников сессии Совета сообщили о том, что их допрашивали до и после поездок, а также что за ними следили в ходе заседаний Совета и параллельных мероприятий НПО. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

111. После посещения Шри-Ланки в июле 2019 года (см. A/HRC/44/50/Add.1) Специальный докладчик по вопросу о правах на свободу мирных собраний и ассоциации осудил слежку за гражданским обществом, включая инциденты, свидетелем которых он стал, и напомнил правительству о его обязательстве не допускать репрессий в отношении тех, кто желает взаимодействовать с правозащитными механизмами Организации Объединенных Наций[72]. 8 июля 2020 года правительство предоставило ответ.

### Таиланд

112. В сентябре 2019 года мандатарии специальных процедур рассмотрели вопрос о предполагаемом насильственном исчезновении и опасности насильственной репатриации в Лаосскую Народно-Демократическую Республику г-на Ода Саявонга, лаосского беженца, проживающего в Бангкоке, в связи с его встречей со Специальным докладчиком по вопросу о крайней нищете и правах человека (THA 8/2019).

113. После своей поездки в соседние страны в июле 2019 года Специальный докладчик по вопросу о положении в области прав человека в Мьянме заявила, что она была вынуждена частично прервать свою поездку в Таиланд из-за создаваемых помех. Она отметила, что любые репрессии в отношении лиц, сотрудничающих с Организацией Объединенных Наций, неприемлемы[73].

[71] См. https://unmiss.unmissions.org/sites/default/files/final_-_human_rights_division_report_on_central_equatoria_-_3_july_2019_0.pdf.

[72] См. http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24818&LangID=E.

[73] См. http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24832&LangID=E.

114. В приложении II содержится информация о новых событиях, связанных с положением г-жи Ангханы Нилапайджит, г-жи Порнпен Кхонгкачонкиет, г-жи Анчаны Хеммины и г-жи Сирикэн Чэроенсири. 23 июля 2020 года правительство предоставило ответ.

### Турция

115. В декабре 2019 года мандатарии специальных процедур рассмотрели информацию о судебном иске, включая запрет на поездки заграницу, против **г-жи Нуркан Кайи**, занимающейся защитой прав меньшинств, помешавшем ее участию в конференции со Специальным докладчиком по вопросам меньшинств и в двенадцатой сессии Форума по вопросам меньшинств, состоявшейся в ноябре 2019 года (TUR 11/2019)[74]. 13 июля 2020 года правительство предоставило ответ.

### Узбекистан

116. В ходе и после посещения им Узбекистана в сентябре 2019 года Специальный докладчик по вопросу о независимости судей и адвокатов выражал сожаление в связи с тем, что некоторые адвокаты и активисты гражданского общества сообщали о слежке и запугивании до или после их встреч с ним (см. A/HRC/44/47/Add.1). Он призвал правительство обеспечить физическую и психическую неприкосновенность тех, кто взаимодействовал с ним, и провести расследование[75]. В декабре 2019 года Специальный докладчик рассмотрел инциденты, касающиеся активистов г-на Дилмурода Мадалиева, г-на Ахмаджона Мадмарова, г-на Ганихона Маматхонова и г-на Акзама Тургунова (UZB 5/2019).

117. В ноябре 2019 года Комитет против пыток приветствовал освобождение правозащитников и журналистов с сентября 2016 года, включая г-на Тургунова (CAT/C/UZB/CO/5, пункт 16, со ссылкой на CAT/C/UZB/CO/4, пункт 8). Комитет рекомендовал Узбекистану обеспечить, чтобы правозащитники и журналисты, включая тех, кто обменивается информацией с Организацией Объединенных Наций, могли работать безопасно и эффективно (CAT/C/UZB/CO/5, пункт 18 c)).

118. В приложении II содержится информация о новых событиях, связанных с положением г-жи Елены Урлаевой. 22 июня 2020 года правительство предоставило ответ.

### Венесуэла (Боливарианская Республика)

119. Верховный комиссар рассмотрела вопрос о репрессиях в связи с подготовкой ее доклада от июля 2019 года по Боливарианской Республике Венесуэла и необходимостью для УВКПЧ защитить личные данные своих источников (A/HRC/41/18, пункт 6). В сентябре 2019 года она выразила обеспокоенность в связи с тем, что после опубликования доклада некоторые представители гражданского общества, сотрудничавшие с УВКПЧ, подверглись публичному осуждению и угрозам со стороны высокопоставленных должностных лиц[76].

120. В сентябре 2019 года в своей резолюции 42/25 (пункт 28) Совет по правам человека настоятельно призвал власти взаимодействовать с правозащитной системой Организации Объединенных Наций и обеспечить, чтобы все лица имели беспрепятственный доступ к Организации Объединенных Наций и могли общаться с ней, не опасаясь репрессий, запугивания или нападений. В декабре 2019 года помощник Генерального секретаря направил правительству письмо в связи с систематическими актами запугивания и репрессий.

121. В приложении II содержится информация о новых событиях, связанных с положением Программы НПО «Венесуэльская программа образования и действий в

[74] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35149.
[75] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25043&LangID=E.
[76] См. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24958&LangID=E.

области прав человека (Провеа)», г-жи Марии Лурдес Афиуни и г-на Фернандо Альбана.

### Вьетнам

122. В январе 2020 года мандатарии специальных процедур рассмотрели сообщения о конфискации паспорта г-жи Динь Тхи Фуонг Тао, правозащитницы и выступающей за демократию активистки, которая публично взаимодействовала с Организацией Объединенных Наций (VNM 5/2019)[77].

123. В марте 2020 года мандатарии специальных процедур рассмотрели сообщения о репрессиях, включая произвольные задержания и возможные насильственные исчезновения, в отношении г-жи Чыонг Тхи Ха, адвоката и правозащитницы, за ее взаимодействие с Организацией Объединенных Наций (VNM 1/2020)[78].

124. В апреле 2020 года мандатарии специальных процедур рассмотрели вопрос о предполагаемых угрозах, ограничениях на поездки и насилии в отношении членов независимых религиозных общин и правозащитников, которые пытались принять участие или участвовали в ежегодной международной конференции 2019 года в Бангкоке по вопросу о свободе религии или убеждений в Юго-Восточной Азии, включая взаимодействие с УВКПЧ и обучающее мероприятие УВКПЧ. Речь шла о следующих лицах» г-жа Нгуен Сюань Май, г-н Фам Тан Хоанг Хай, г-н Нгуен Ван Тхиет, г-н Тран Нгок Суонг, г-жа Лыонг Тхи Но, г-н Нгуен Ань Phụng, г-н Хуэйнь Нгок Труонг, г-жа Нгуен Тхи Хоай Пхун, г-жа Нгуен Фам Ай Тхыу, г-жа Нго Тхи Лиен, г-н Тхи Тхиен Пхук и г-н Най И Ни (VNM 2/2020).

125. В приложении II содержится информация о новых событиях, связанных с положением г-на Фам Чи Дуна и г-на Нгуена Бак Труена. 13 июля 2020 года правительство предоставило ответ.

### Йемен

126. В августе 2019 года Группа видных международных и региональных экспертов по Йемену выразила сожаление в связи с отсутствием ответа на ее многочисленные просьбы о въезде в страну, что препятствует доступу к жертвам и информации, и осудила обстановку страха, которая заставила свидетелей, жертв и организации пересмотреть свое сотрудничество с Группой экспертов (A/HRC/42/17, пункт 7)[79].

127. Сообщалось о рейдах, угрозах, попытках похищения людей и пытках, а также о клеветнической кампании в социальных сетях в отношении г-на Акрама аш-Шавафи и его коллег из организации «Механизм наблюдения за правами человека», которые задокументировали нарушения прав человека в мухафазе Таиз и взаимодействовали с Группой экспертов и Комитетом по санкциям Совета Безопасности. В приложении II содержится информация о новых событиях, связанных с положением Организации по правам человека «Мватана».

### Государство Палестина

128. В ноябре и декабре 2019 года несколько палестинских и международных женских организаций и активистов, согласно сообщениям, подвергались очернению, запугиванию и угрозам за их поддержку Конвенции о ликвидации всех форм дискриминации в отношении женщин и за их фактическое или предполагаемое взаимодействие с Комитетом по ликвидации дискриминации в отношении женщин. В приложении II содержатся новые утверждения о запугивании и репрессиях в отношении заключенных, с которыми смогли побеседовать представители УВКПЧ.

[77] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35202.
[78] См. также https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35311.
[79] См. также документ зала заседаний A/HRC/42/CRP.1, пункты 395, 494, 577 и 609. URL: http://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx.

# VIII. Выводы и рекомендации

129. **Я продолжаю получать большое число сообщений о случаях запугивания и репрессий в отношении отдельных лиц или групп лиц, стремящихся сотрудничать или сотрудничающих с Организацией Объединенных Наций, несмотря на отмену из-за COVID-19 многих мероприятий начиная с марта 2020 года. Как я неоднократно подчеркивал, это абсолютно неприемлемо, и я приветствую поддержку в этом вопросе со стороны Генеральной Ассамблеи, Совета по правам человека и Совета Безопасности, а также других межправительственных органов. Утверждения о репрессиях и запугивании подкрепляют заявление, сделанное мною в моем последнем докладе, о том, что неоднократные инциденты могут указывать на систематическую практику. В этой связи я по-прежнему обеспокоен ухудшением условий для деятельности тех, кто взаимодействует с Организацией Объединенных Наций.**

130. **Существует широкий круг лиц, которые продолжают страдать от такой практики, включая жертв и свидетелей, представителей гражданского общества и национальных правозащитных учреждений, государственных должностных лиц и членов политических партий, а также их близких родственников. Продолжаются нападения на независимых экспертов, наделенных мандатами Организации Объединенных Наций, что, в свою очередь, негативно сказывается на отдельных лицах и группах, с которыми они взаимодействуют. Как и ранее, ряд случаев и имен не были включены в настоящий доклад вследствие угроз безопасности соответствующих лиц или организаций. По-прежнему вызывает озабоченность проблема отсутствия информации о всех инцидентах.**

131. **Выявленные ранее тенденции — использование государствами соображений национальной безопасности и норм соответствующего законодательства и стратегий борьбы с терроризмом в качестве оправдания для блокирования доступа к Организации Объединенных Наций или наказания за взаимодействие с ней, — к сожалению, сохраняются на вызывающих тревогу уровнях. Я по-прежнему обеспокоен тем, что в несоразмерно большей степени страдают определенные группы, такие как женщины-правозащитницы и женщины-миростроители, молодежь, коренные народы и меньшинства, и призываю продолжать усилия по составлению документации и представлению отчетности с учетом гендерных аспектов.**

132. **Продолжают документироваться и предаваться гласности репрессивные или ограничительные условия, которые ведут к конкретным действиям, препятствующим сотрудничеству с Организацией Объединенных Наций, включая самоцензуру. Когда отдельные лица, группы и общины боятся взаимодействовать с Организацией Объединенных Наций, это серьезно подрывает значимость и результативность ее работы. Это особенно характерно для конфликтных и постконфликтных ситуаций, но также и для тех случаев, когда Организация не имеет полевого присутствия или имеет полевое присутствие без мандата в области прав человека. Я полон решимости преодолеть эту проблему путем дальнейшего взаимодействия с государствами-членами и оказания поддержки сотрудникам и персоналу Организации Объединенных Наций с помощью учитывающих конкретные ситуации инструментов и руководящих указаний.**

133. **В своем призыве к действиям в области прав человека в феврале 2020 года[80] я подчеркнул, что Организация зависит от активного участия субъектов гражданского общества. Мы должны противостоять пропагандистским стереотипам, которые направлены на дискредитацию и подрыв гражданского общества. Поскольку наша работа все чаще из-за COVID-19 проводится в онлайновом режиме, мы должны обеспечить, чтобы**

[80] URL: http://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Asperation_A_Call_To_Action_For_Human_Right_English.pdf.

**участие в ней оставалось значимым, эффективным, легкодоступным и было избавлено от запугивания или репрессий любого рода.**

134. **Государства-члены, субъекты гражданского общества и другие партнеры продолжают задавать вопросы о том, каким образом они могут решить эту проблему. Более эффективное реагирование предполагает принятие упреждающих мер по предотвращению и защите и не должно ограничиваться реагированием на инциденты. Мы задокументировали передовую практику государств, которая может быть тиражирована для обеспечения более широкого участия.**

135. **Исключительно важное значение имеет привлечение к ответственности за нарушения, включая проведение оперативных и независимых расследований и предоставление средств правовой защиты жертвам. Государствам следует обеспечивать полное уважение прав и интересов жертв, принимая надлежащие меры по их защите и расширению их возможностей и оказывая им поддержку в целях обеспечения их безопасности и защиты, в том числе с помощью чрезвычайных фондов.**

136. **Государствам рекомендуется публично заявить о безоговорочной поддержке права всех на беспрепятственный доступ к международным органам и связь с ними. Я также призываю государства-члены повышать осведомленность государственных служащих и других государственных субъектов о проблематике репрессий и запугивания, в том числе путем организации обучения и издания внутренних инструкций.**

137. **Организация Объединенных Наций продолжает укреплять свои общесистемные меры реагирования, в том числе посредством последовательного документирования утверждений и представления отчетности о них, а также дальнейшего совершенствования руководящих указаний и стратегических мер реагирования. Я вновь призываю Организацию, под руководством помощника Генерального секретаря по правам человека как назначенного должностного лица старшего звена, уделять этому вопросу приоритетное внимание в тесном партнерстве с государствами-членами, гражданским обществом и всеми заинтересованными сторонами.**

# Annex I

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

### 1. Algeria

1. On 16 April 2020, special procedures mandate holders expressed concern at allegations of attacks against the privacy and personal dignity of **Ms. Olaya Saadi** following her engagement with the UN (DZA 2/2020). Ms. Saadi, of Sahrawi origin, is the wife of Mr. Fadel Breika[1], of the El Khalil Ahmed Braih Coordination for the Defense of Human Rights in Western Sahara, whose detention and interrogation was addressed by special procedures (DZA 2/2019)[2].

2. On 1 November 2019, intimate photos of Ms. Saadi were posted on the "Sawt al Watan" website, which were allegedly obtained, without consent, from the confiscated phone of her husband while he was in detention. An article on this site referred to Ms. Saadi's trip to Geneva, including a photo of her speaking at the Human Rights Council in September 2019. Mandate holders expressed concern that the publication of these photos appear to have aimed at tarnishing Ms. Saadi's reputation and her efforts to advocate for the release of her husband with the UN (DZA 2/2020).

3. In June 2019, the International Labour Organization (ILO) Conference Committee on the Application of Standards (CAS) reported on its May 2019 high-level mission to Algeria, pertaining to the implementation of the conclusions of the 107th Session of CAS in June 2018 on the application of Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention)[3]. The Committee noted positively that the Government had accepted the high-level mission, but shared with the authorities its deep concern that many representatives with whom it met highlighted the risk of reprisals against them[4]. The Committee stated that it counted on the Government's full cooperation to ensure that those with whom they met, in any capacity whatsoever, will not be subject to reprisals[5].

4. On 6 July 2020, the Government of Algeria responded to the note verbale in connection to the present report indicating that it cannot verify allegations pertaining to a citizen of another State, and invited OHCHR to address the allegations to the Sahrawi Arab Democratic Republic or to the Polisario Front by virtue of General Assembly resolutions 37/34 (21 November 1979), and resolution 19/35 (11 November 1980).

### 2. Andorra

5. On 20 and 29 November 2019, the Committee on the Elimination of Discrimination against Women (CEDAW) sent confidential letters to the State party expressing concern about what they considered to be disproportionate measures taken by the Government against **Associació Stop Violències Andorra**, a women's rights organization which works on sexual

[1] Also spelled El Fadel Breica.
[2] A/HRC/WGAD/2020/7.
[3] Individual Case (CAS) – Discussion: 2019, Publication: 108th ILC session (2019), https://www.ilo.org/dyn/normlex/en/f?p=normlexpub:13100:0::NO::P13100_Comment_id:4000010.
[4] C.87, Extraits du Rapport de la Mission de haut niveau en Algérie, 21–23 mai 2019, D (para. 1), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_709385.pdf.
[5] Ibid. See also report of the Committee of Experts on the Application of the Conventions and Recommendations: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_Comment_ID:4023463 https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_Comment_ID:4023581.

and reproductive health and rights and access to abortion services, and its representative, **Ms. Vanessa Mendoza Cortés**, following her engagement with the Committee in the context of the review of the State party.

6. Associació Stop Violències Andorra submitted an alternative report to CEDAW, available on the Committee's website[6], and Ms. Mendoza Cortés made a statement in Geneva that was publicly broadcast[7]. On 8 November 2019, when CEDAW made public its concluding observations on Andorra, Ms. Mendoza Cortés was summoned by the Andorran police. On 17 November 2019, in a press conference, the Spokesperson of the Government reported that it had asked the Public Prosecutor's Office to investigate Ms. Mendoza Cortés' statement before the Committee for possible indications of a criminal offence against the reputation of the Andorran administration.

7. On 9 July 2020, the Government responded to the note verbale sent in connection with the present report indicating that, due to the COVID-19 pandemic all judicial process were interrupted, and that the Public Prosecutor's Office is still carefully analyzing the different statements made by Ms. Mendoza Cortés, as representative of Associació Stop Violències Andorra, in different fora and media, and considering possible infringements of the Andorra Criminal Code. No decision has yet been reported to the Andorran Government.

## 3. Bahrain

8. Multiple United Nations actors identified alleged intimidation and reprisals from 2017 to 2019 against Bahraini human rights defenders and civil society representatives seeking to cooperate or cooperating with the UN[8], which reportedly continued. Reprisals included arbitrary arrest, abuse and ill-treatment in detention. Intimidation has allegedly been exerted through travel bans and restrictions to prevent engagement with UN human rights mechanisms. In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of reprisals and intimidation to the Government in writing.

9. Multiple civil society representatives reported self-censorship, and refrained from directly engaging with the UN, either by not submitting alternative reports to reviews by the treaty bodies, or by not travelling to Geneva for treaty body or Human Rights Council sessions in 2019 and 2020. For example, the Committee on the Rights of the Child had noted in February 2019 "the absence of alternative reports received by the Committee from national civil society organizations on the implementation of the Convention in the State party" (CRC/C/BHR/CO/4-6, para. 13), a trend which reportedly continued into the reporting period. Names of those affected are withheld due to fear of further reprisals.

10. On 9 July 2020, the Government responded to the note verbale sent in connection with the present report, indicating that the allegations lack any legal basis, are politically motivated, and the sources aim at defaming the Government. The Government affirmed the independence and integrity of the National Human Rights Committee and highlighted the other available mechanisms for redress in relevant cases (see Annex II).

## 4. Bangladesh

11. During the reporting period, OHCHR received allegations of intimidation and reprisals against civil society representatives, including for their engagement with the UN (see Annex II). The Committee Against Torture, in its August 2019 concluding observations following its review of Bangladesh, acknowledged with appreciation the statement given during the constructive dialogue by the Minister of Law, Justice and Parliamentary Affairs.

[6] https://tbinternet.ohchr.org/Treaties/cedaw/Shared%20Documents/and/int_CEDAW_CSS_AND_37331_S.docx.

[7] http://webtv.un.org/search/informal-meeting-with-ngos-and-nhris-1719th-meeting-74th-session-committee-on-the-elimination-of-discrimination-against-women-/6096502522001/?term=&lan=english&cat=CEDAW&page=2.

[8] See A/HRC/36/31, paras. 21–23 and Annex I paras. 4–10; A/HRC/39/41, paras. 29–30; A/HRC/42/30, Annex II, paras. 1–2.

In particular, the Committee noted that "the Government wishes to make it 'emphatically clear' that it will protect from reprisals members of civil society and non-governmental organizations who have cooperated with the Committee in the context of its consideration of the State party's initial report (arts. 2, 4, 11, 12, 13, 15 and 16)."[9]

12. The Committee recommended that the State party "ensure that members of civil society and NGOs who have cooperated with the Committee are protected from any reprisals or harassment, including charges of breaching the Information and Communications Technology Act, in keeping with the pledge given by the Minister of Law, Justice and Parliamentary Affairs."[10]

## 5. Burundi

13. In September 2019, the Human Rights Council urged the Government of Burundi to "cooperate fully with the treaty bodies, to allow special procedure mandate holders to enter and visit the country, to engage constructively with the OHCHR regional office and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council (A/HRC/RES/42/26, para. 17)".

14. On 9 March 2020, the Commission of Inquiry on Burundi regretted that some victims and direct witnesses who provided testimonies during its field missions in neighbouring countries faced acts of intimidation and threats. In this regard, the Commission commended "efforts by States to investigate allegations of acts of intimidation or reprisals and to bring perpetrators to justice" in accordance with Human Rights Council resolution 42/28 on reprisals[11]. In December 2019, Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing.

## 6. Cambodia

15. The Special Rapporteur on the situation of human rights in Cambodia in August 2019 noted that she had "received many reports of local police coming uninvited to events, training sessions or meetings, taking photographs, enquiring about organizers and the agenda or demanding information on participants," and about civil society representatives and their families being closely monitored (A/HRC/42/60, para. 55)[12].

16. OHCHR reported that in November 2019, one day prior to a meeting in Sihanoukville Province of a Cambodian civil society organization and the UN Country Team, the police demanded a permit from the organization to hold the meeting. OHCHR addressed the lawful meeting with provincial authorities, which was allowed to proceed, but the following day the police again demanded details of the activity and the names of participants from the organization. In August 2019, OHCHR conducted a training course on human rights monitoring and fact-finding in Kampong Thom Province for 25 human rights defenders and other members of civil society, including representatives of youth networks. Police officers arrived at the premises and demanded to see the training agenda and list of participants, and attempted to take photographs of participants.

17. Further, representatives of civil society have reportedly declined to be identified as working with the UN in its advocacy toward the Ministry of the Interior due to a fear of reprisals. Some victims in detention have also declined assistance from OHCHR, including refusing to have their cases reported to UN human rights mechanisms. The Special Rapporteur noted in October 2019 that she has repeatedly been denied confidential interviews

[9] CAT/C/BGD/CO/1, para. 30.
[10] Ibid., para. 31 (d).
[11] Oral briefing by the Commission of Inquiry on Burundi, 43rd Human Rights Council session, (9 March 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25694&LangID=E.
[12] See also, End of mission statement, Rhona Smith, Visit of the Special Rapporteur on the situation of human rights in Cambodia (9 May 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24579&LangID=E.

with detainees. She reiterated that she should be able to visit any place of detention and meet with anyone as part of discharging her mandate (A/HRC/42/60, para. 4).

18. In February 2020, the High Commissioner for Human Rights noted that "In Cambodia, we continue to receive reports of acts of intimidation against civil society and human rights organizations, which impede their capacity to monitor and report – including to this Council."[13]

19. On 4 August 2020, the Government responded to the note verbale sent in connection with the present report, noting that the statement in the Special Rapporteur's report is misleading and non-transparent based on information and opinions of one party that do not reflect the actual situation, and that it was made without cooperation with the police to verify information and facts. The Government stated that the presence of local police outside of forums or meetings or gatherings with local people was owing to the duty of the police to observe and prevent any insecurity that may occur at those sites and is not meant to threaten, intimidate or disrupt. The Ministry of Interior stated that activities of civil society at the local level are undertaken normally without any restrictions and are not closely monitored by local authorities as before. The Directorate General of Prisons clarified that the agency responsible has already addressed the alleged denial of confidential interviews of detainees with the Special Rapporteur and OHCHR in Cambodia.

## 7. Cameroon

20. It was reported to OHCHR that **Ms. Esther Omam Njomo**, her relatives and co-workers faced threats and attacks as acts of reprisals following her 13 May 2019 testimony before the Security Council in an Arria Formula meeting in New York on the humanitarian situation in Cameroon[14]. Ms. Omam Njomo is affiliated with Reach Out Cameroon and South West/North West Women Task Force (SNWOT), which advocates for the protection of women and children in the North-West and South-West regions. In addition to the threats through texts and voicemail received by Ms. Omam Njomo, her co-workers were reportedly harassed and threatened on social media. Further, in September 2019, a group of unidentified men, believed to be low-ranking members of a faction of non-state armed groups in the region, allegedly tried to break into her house while she was inside with her children. In October 2019, unidentified armed men associated with non-state armed groups in the region reportedly abducted two of her children for a few hours and released them afterwards.

21. On 29 May 2019, special procedures mandate holders expressed concern about a defamation campaign against the civil society organization Organic Farming for Gorillas Cameroon (OFFGO) who had published information about abuses and disputes linked to land and business operations in Cameroon (CMR 3/2019), in particular by the Baba Ahmadou Group (see also OTH 22/2019). They had raised concern about the May 2016 expulsion from the country of **Mr. Jan Joris Capelle**, a Belgian national, and co-founder with **Mr. Prince Vincent Awazi** of OFFGO. They also addressed death threats against Mr. Awazi, the traditional chief of Tudig village (Mbengwi district) and death threats and threats of abduction against **Mr. Elvis Brown Luma Mukuna**, the lawyer of OFFGO.

22. It was reported to OHCHR that, following the May 2019 action by special procedures mandate holders on their case, Mr. Luma Mukuma and Mr. Awazi faced serious security risks and had to go into hiding for periods of time. In one of the incidents, on 21 March 2020 Mr. Luma Mukuma was reportedly subject to an attempted kidnapping in Bamenda and on 27 March 2020, he and his brother in-law were attacked by unidentified armed men. On 18 September 2019, special procedures mandate holders sent a follow-up communication addressing a violent attack on OFFGO's offices (CMR 5/2019). They noted that on 19 June

[13] OHCHR, "High Commissioner updates the Human Rights Council on human rights concerns, and progress, across the world" (27 February 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25621&LangID=E.

[14] http://webtv.un.org/search/arria-formula-meeting-of-the-un-security-council/6036271424001/?term=2019-05-13&sort=date.

2019, a grenade attack reportedly took place in Tudig village by unidentified armed actors in a military truck allegedly targeting OFFGO's offices and its staff.

23. It was further reported to OHCHR that on 17 February 2020, Mr. Capelle applied for a visa to travel to Cameroon and, on the same evening, Mr. Awazi reportedly received text messages and a call the next day threatening to kill him if he continued to associate with Mr. Capelle. In an additional incident on 26 February 2020, Mr. Capelle arrived at Yaoundé international airport, but the same day was forcibly returned to Belgium without an explanation of the expulsion or charges brought against him, or the opportunity to speak to a lawyer or appeal the decision.

24. In May 2020, OHCHR received allegations of continued reprisals against **Mr. Nfor Hanson Nchanji** and his close relatives, following his participation in the 10th session of the Forum on Minority Issues in Geneva from 30 November to 1 December 2017. Harassment and vilification of Mr. Hanson Nchanji reportedly began in December 2017 and continued into the reporting period, including online attacks by some pro-government social media users portraying him as a terrorist. One post called him "a traitor to the republic of Cameroon" and stated: "You went to the UN to sell us but God punished you." On 2 December 2017, when Mr. Hanson Nchanji returned to Cameroon after the Forum, a close relative had reportedly received a letter with death threats. In March 2019, Mr. Hanson Nchanji's family home was allegedly burned down by soldiers and his close relatives relocated. The incidents were reported to OHCHR at the time but could not be publicly reported due to protection concerns. Mr. Hanson Nchanji, a human rights journalist investigating and reporting on the Anglophone crisis and at the time of the Forum the Editor-In-Chief of the Douala-based Equinoxe Television and founder of the on-line Cameroon News Agency, is currently in exile.

## 8. China

25. Multiple United Nations actors identified alleged intimidation and reprisals. It was reported to OHCHR that from June 2019 to April 2020 there were new incidents involving 15 individuals who engaged, or attempted to engage, with the UN human rights mechanisms, including through attending trainings. Reprisals reportedly included arrest, detention, ill-treatment while in detention, forcible disappearance into "residential surveillance at a designated location," travel bans and confiscation of passports, seizure of property, interrogation and surveillance. Names and further details have been withheld due to fears of further reprisals. In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals with the Government in writing.

26. In its opinion adopted in May 2019, where it found arbitrary the detention of two individuals who were allegedly victims of reprisals (see Annex II)[15], the Working Group on Arbitrary Detention stated its concern "that the presence of multiple cases found in violation of the international norms on detention indicates a systemic problem with arbitrary detention" (A/HRC/WGAD/2019/20, para. 92)."

27. On 17 August 2020, the Government responded in detail to the note verbale sent in connection to the present report and stated that judicial authorities deal with cases in accordance with the law and protect the rights of each and every criminal suspect or defendant. There is no so-called retaliation. The Government expressed its strong dissatisfaction with and firm opposition to the use of unconfirmed information and distortion of the efforts to crack down on illegal and criminal activities in accordance with the law. The Government urged OHCHR to stop interfering in countries' internal affairs and judicial sovereignty.

[15] Opinion No. 20/2019 adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, concerning Mr. Zhen Jianghua and Qin Yongmin (China), 24 April–3 May 2019.

## 9. Colombia

28. In July 2019, a Security Council delegation visited the Cauca Department and met community leaders who expressed concerns about the killing of social leaders. The Security Council delegation reported that one woman was forced to cancel her participation in the meeting due to a threat received the previous night[16].

29. On 13 July 2020, the Government responded to the note verbale sent in connection to the present report and highlighted that the Security Council delegation's meeting took place with full guarantees for all, including social leaders, women leaders of the community and former combatants. The Government stated that the summary provided does not contain enough information to allow for an investigation, given it concerns an incident for which it did not receive reports, nor the name of the individual concerned.

## 10. Comoros

30. On 18 June 2019, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment announced that he had suspended his visit to the Comoros because access to several detention facilities and detainees was obstructed[17]. In his January 2020 report, he noted that "after three attempts, and an ad hoc emergency meeting with the authorities, he had been unable to access all persons deprived of their liberty in accordance with the terms of reference of his mandate" (A/HRC/43/49/Add.1, para. 1). According to the Special Rapporteur, many interlocutors, in particular victims, reportedly took personal risks to meet with him (para.7), and he observed an atmosphere of fear and tension when meeting with civil society representatives (para. 21). During interviews with detainees, the Special Rapporteur "noted their perceptible reluctance to speak about ill-treatment, in large part because of their distrust towards the authorities, and also because of their fear of reprisals" (para. 50).

31. On 28 February 2020, at the Human Rights Council, the representative of the Government of the Comoros stated that the problems regarding access during the visit could be explained by two reasons: that awareness of the importance of these human rights issues is not yet present at regional and local levels, and that the lack of understanding and cooperation exhibited by some local bodies was due to a lack of information, which should have been provided by the central administration. The representative noted that there was no manifest desire on the part of the authorities to harm in any way the conduct of the visit[18].

## 11. Cuba

32. It was reported to OHCHR that the practice (included in the 2018 and 2019 reports of the Secretary-General) of imposing temporary travel restrictions ("regulating") on human rights defenders and/or political opponents attempting to engage with the UN, among other individuals, continued during the reporting period[19]. While the 2012 amendment of the Migration Law removed the exit permit requirement for individuals, authorities reportedly continue to impose travel restrictions on those expressing critical views or dissent (see Annex II). According to reports to OHCHR, travel restrictions reportedly derive from an order of the Ministry of the Interior's department of State Security and are disclosed orally,

[16] SC/13891, 19 July 2019, 8580th Meeting(am), https://www.un.org/press/en/2019/sc13891.doc.htm.

[17] OHCHR, "UN expert on torture suspends Comoros visit after continued obstructions," (18 June 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24704&LangID=E.

[18] Inter-active Dialogue with the Special Rapporteur on Torture, 12th Meeting, 43rd Regular Session Human Rights Council, 28 February 2020, http://webtv.un.org/search/id-sr-on-torture-12th-meeting-43rd-regular-session-human-rights-council-/6136876421001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=6#player.

[19] OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (11 May 2018), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23071&LangID=E; see also A/HRC/39/41, paras. 34–35 and A/HRC/42/30, para. 48.

without written documents or prior notification. Individuals who manage to travel abroad are reportedly interrogated and intimidated upon return.

33. On 3 July 2019, a group of Member States in the Human Rights Council noted they "remained concerned regarding all acts of intimidation or reprisal against human rights defenders and investigative journalists seeking to engage or engaging with the UN," in particular those contributing to the 2018 Universal Periodic Review (UPR) of Cuba (see also Annex II)[20]. In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing.

34. According to information reported to OHCHR, **Ms. Yamilka Abascal Sánchez**, of youth rights' network Mesa de Diálogo de la Juventud Cubana, was subject to interrogation and threats and her relatives were intimidated during and following her trip to Geneva where she engaged with the UN. Between 30 September and 3 October 2019, Ms. Abascal Sánchez had meetings with representatives of OHCHR, civil society and diplomatic missions and participated in a public event, which was broadcast live on social media. During her absence, State Security agents threatened members of her family. Prison authorities reportedly questioned Ms. Abascal Sánchez's husband and the father of her children, detained in Pinar del Río, about her trip. Upon her return, on 4 October 2019, Ms. Abascal Sánchez was questioned at the Pinar del Río Immigration Office, was cautioned about continuing her activities, and informed that she was temporarily banned from leaving the country or "regulated."

35. On 19 August 2020, the Government responded to the note verbale in connection to the present report, stating that the allegations are not only unfounded but are based on fabricated testimonies with motivations outside the cause of human rights. The Government rejects the repeated attempts to portray anti-social individuals who have been punished for committing common crimes as human rights defenders when they act with funding from a foreign power seeking a regime change in the country. The Government stated that there are no restrictions or prohibitions on departure from the country for Ms. Abascal Sánchez and, on the contrary, the immigration records show trips abroad including to participate in international events and meetings. The Government stated that allegations of harassment after her return to Cuba from Spain in October 2019 are false, as are the allegations of threats to her relatives during her absence. The Government further expressed its strongest rejection of the use of UN human rights mechanisms to channel false allegations with the only aim of tarnishing the reality and subverting the political project that has democratically been adopted by the vast majority of the Cuban people.

## 12. Democratic Republic of the Congo

36. During the reporting period, the Joint Human Rights Office of the United Nations Organization Stabilisation Mission in the DRC (MONUSCO) documented at least 18 cases of intimidation and reprisals for cooperation with the UN, involving at least 27 individuals, including three women. Incidents were mainly documented in the conflict-affected areas of the Eastern part of the country. Names or more details of individuals affected cannot be put forward for fears of further reprisals.

37. Individuals targeted were mostly human rights defenders, but also included journalists and a traditional leader who provided information to MONUSCO on human rights concerns and threats to civilians. Some individuals reported human rights violations by armed groups, police and military forces, including conflict-related sexual violence. Alleged perpetrators include judicial police officers, judicial inspectors, administrators, members of the intelligence services (ANR), military personnel (FARDC) and the national police (PNC), as well as armed groups.

[20] Statement by the Netherlands on behalf of Belgium, Netherlands and Luxemburg, 41st session of the Human Rights Council, General Debate, item 5 (3 July 2019), http://webtv.un.org/search/item5-general-debate-23rd-meeting-41st-regular-session-human-rights-council/6055385648001/?term=&lan=english&cat=Regular%2041st%20session&sort=date&page=7#player.

38. Four journalists who engaged in community sensitization activities in collaboration with MONUSCO, the United Nations Children's Fund, World Health Organization, and the Ebola Emergency Response Team in Biakato, Ituri province, reportedly received repeated death threats and their family members were harassed by an armed group. The four journalists were forced to relocate. Another journalist and the director of a community radio station were killed by an armed group. Nine human rights defenders in the Masisi territory of North Kivu reportedly received death threats from the commander and members of an armed group. They were accused of collaborating with MONUSCO and sharing information that resulted in the issuing of an arrest warrant for the commander of the armed group. As a result, in June 2019, several human rights defenders were forced to relocate.

39. On 19 December 2019, the Security Council called upon the Government to facilitate, in line with previous agreements, full and unhindered access for the Joint Human Rights Office to all detention centres, hospitals and morgues and all other premises required for documenting human rights violations[21]. The Security Council further called for "unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate" (para. 39).

## 13. Egypt

40. Multiple United Nations actors identified alleged intimidation and reprisals, in the context of an erosion of civic space, including the targeting of human rights defenders and civil society organizations. Incidents reported to OHCHR included threats and accusations levelled for attempts to share information with the UN, post on social media, and participate in UN sessions and side events[22]. Cases of enforced disappearance, arbitrary detention and ill-treatment and torture were also reported (see also Annex II). In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing.

41. In particular, in the months leading up to and following the November 2019 UPR of Egypt, the Government allegedly arrested, detained, and targeted smear campaigns against individuals who had engaged in the UPR process, some who were either portrayed as, or formally accused of, belonging to "terrorist organizations." Perpetrators also included members of the media and organizations that are supportive of the Government.

42. In October 2019, it was reported to OHCHR that the prosecution of civil society organizations under the "foreign funding case" (Case No. 173/2011), which has targeted those cooperating with entities abroad through asset freezes and travel bans, was ongoing despite many individuals having been acquitted[23]. In October 2019, 31 individuals were reportedly still under a travel ban and remained unable to engage in the UPR-related sessions and other UN events in Geneva. Other representatives of civil society decided not to travel to Geneva to participate in the UPR due to legislative impediments to their organizations and due to a fear of reprisals (see Annex II).

43. In October 2019, the Assistant Secretary-General for Human Rights addressed these concerns to the Government in writing. As of May 2020, it was reported to OHCHR that 15 defendants had filed a motion to lift the travel ban. Due to the COVID-19 situation, hearings for the ruling on the motion were adjourned several times. To date, none of those under a travel ban has reportedly been allowed to travel.

44. In the December 2019 report of the UPR Working Group, it was noted that multiple Member States made recommendations to the Government to address intimidation and reprisals for cooperation with the UN[24], which were accepted by the Government of Egypt[25]. The report stated that the delegation during the UPR review had affirmed that "(a)ny act of intimidation or reprisal against those who cooperated with the Human Rights Council and its

[21] S/RES/2502, para. 8 (2019).
[22] See for example A/HRC/43/51/Add.3, paras. 611, 650.
[23] See A/HRC/42/30, Annex II, paras. 49–50.
[24] See for example A/HRC/43/16, paras. 31.195, 31.196, 31.205.
[25] A/HRC/43/16/Add.1, para. 7.

mechanisms was wholly unacceptable. Such acts were thoroughly investigated and the perpetrators held accountable, once sufficient information had been provided and verified" (A/HRC/43/16, para. 17).

45. On 28 October 2019, special procedures mandate holders addressed "a wave of arrests targeting protesters, journalists and human rights defenders" and expressed grave concern about particular individuals, including **Mr. Mohamed El-Baqer**, a lawyer targeted for engagement with the UPR[26]. The Spokesperson for the High Commissioner for Human Rights highlighted the same case, while noting that it was not isolated, but simply one "of the most prominent ones."[27]

46. The Adalah Center for Rights and Freedoms, with which Mr. El-Baqer is affiliated, had submitted a number of joint reports to the UPR on Egypt that were publicly available[28]. On 23 October 2019, mandate holders had raised concern about Mr. El-Baqer's arrest, ill-treatment and the criminal charges against him, indicating that he "may have been targeted specifically in reprisal for the NGO's submissions to Egypt's forthcoming Universal Periodic Review (UPR)" (EGY 11/2019)[29]. On 29 September 2019, Mr. El-Baqer was arrested while attending an interrogation of a client for whom he was the human rights lawyer, and both were accused on terrorism and national security charges (Case 1356 of 2019). The Prosecutor reportedly questioned Mr. El-Baqer about his engagement with the UN in the context of the November 2019 UPR of Egypt, in particular about the alleged violations against the Nubians[30]. Mr. El-Baqer reportedly remains in pre-trial detention with his detention periodically renewed since his arrest.

47. On 6 December 2019, special procedures mandate holders expressed concern about the arbitrary arrest, detention and torture of human rights defender **Mr. Ramy Kamel Saied Salib** of the Maspero Youth Foundation in Cairo, reportedly in connection to his human rights work, and to prevent his participation at the November 2019 Forum on Minority Issues in Geneva (EGY 13/2019)[31]. Mr. Kamel had interacted with special procedures, including by supporting the visit of the Special Rapporteur on the right to adequate housing to Egypt in 2018 in relation to forced displacement of members of the Coptic Christian minority (A/HRC/42/30, para. 51 and Annex I, paras. 35–37). The Special Rapporteur addressed allegations of reprisals in this context to the Government[32].

48. On 4 November 2019, the day that Mr. Kamel reportedly submitted a visa application to travel to Geneva for the Forum, he was summoned to the National Security Office in Cairo, and was allegedly arrested without charges, beaten and tortured. On 23 November 2019, he was reportedly taken without a warrant from his home by plain-clothes officers and members of the Special Forces, and his belongings were confiscated. He was placed in pre-trial detention on terrorism and spreading false news charges (State Security Case No.1475/2019) (EGY 13/2019). On 6 March 2020, the Government stated that the conclusions are based on

[26] OHCHR, "UN experts urge Egypt to end crackdown on protesters and human rights defenders," (28 October 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25217.

[27] OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (Egypt), 18 October 2019, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25164. See also OHCHR, "Egyptian protests: Concerned by widespread arrests, Bachelet urges restraint," (27 September 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25073.

[28] https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPREGStakeholdersInfoS34.aspx (see Joint Submission 1).

[29] OHCHR, "UN experts urge Egypt to end crackdown on protesters and human rights defenders," (28 October 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25217&LangID=E.

[30] https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6909&file=EnglishTranslation.

[31] OHCHR, "Egypt must free Coptic Christian rights defender reportedly held on terror charges, say UN experts" (11 December 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25419&LangID=E.

[32] End of mission statement, Leilani Farha, Visit of the Special Rapporteur on the right to adequate housing to Egypt (3 October 2018); OHCHR, "Egypt: UN experts alarmed by treatment of human rights defenders after visit," (4 December 2018); OHCHR, Statement by Leilani Farha at the 40th session of the Human Rights Council (4 March 2019).

unsubstantiated links between the charges under investigation and Mr. Kamel's cooperation with the UN, denying the allegations that Mr. Kamel was arbitrarily detained and tortured and subject to arrest without warrant by the Public Prosecutor's Office. The Government noted that during the search of his home and belongings the police found postal money orders with funds from abroad[33].

49. On 2 September 2019, special procedure mandate holders raised concern about the alleged harassment and intimidation of human rights defenders **Ms. Salma Ashraf Abdel Halim Abdelghaffar**, of Human Rights Monitor, and **Mr. Mohamed Zarea**, of Arab Penal Reform Organization, following their engagement with the Human Rights Council in March 2019 (EGY 8/2019; A/HRC/42/30, Annex I, para. 38). On 1 March 2019, Ms. Ashraf spoke as a panellist on women's rights in Egypt during an NGO side event on the margins of the Human Rights Council. During the event, representatives from an NGO photographed and filmed Ms. Ashraf and other panellists without their permission. At the closing of the event, a representative of the same NGO took the floor and made disparaging remarks attempting to discredit Ms. Ashraf's work. That evening, and on the following day, multiple Egyptian newspaper articles and television segments covered the NGO side event, including Ms. Ashraf's and Mr. Zarea's participation, accusing them of being "terrorists" and of organizing a side event to defame Egypt's human rights record (EGY 8/2019).

50. In the same September 2019 communication, mandate holders also addressed the situation of **Mr. Amr Magdi**, of Human Rights Watch. He was allegedly subject to a smear campaign by Egyptian pro-Government media that accused him of affiliation with terrorist organizations. One prominent television presenter called for his execution following the release of a May 2019 report on alleged human rights violations committed by Egyptian Security Forces and ISIS-affiliates in North Sinai (EGY 8/2019). According to information submitted to OHCHR, Mr. Magdi regularly engages with and reports to UN human rights mechanisms and took part in an NGO side event on the margins of the Human Rights Council in March 2019; activities which have reportedly contributed to the scope and intensity of the campaign and threats against him.

51. In its July 2019 report, the Working Group on Enforced or Involuntary Disappearances noted that it remained deeply concerned about alarming reports of reprisals against relatives of the disappeared and civil society organizations working on their behalf (A/HRC/42/40, para. 72). The Working Group on Arbitrary Detention, in an August 2019 opinion in which it considered the case of a victim of reprisals, and found his detention arbitrary (see Annex II), noted that "the present opinion is only one of many other opinions issued in the past five years in which the Working Group has found the Government to be in violation of its international human rights obligations," and "that this indicates a systemic problem with arbitrary detention in Egypt" (A/HRC/WGAD/HRC/2019/41, para. 53).

## 14. Equatorial Guinea

52. On 3 September 2019, special procedures mandate holders expressed concern about alleged acts of reprisals against **Mr. Alfredo Okenve**, of the NGO Centro de Estudios e Iniciativas para el Desarrollo de Guinea Ecuatorial (CEID, also CEIDGE), following his engagement with the UPR of Equatorial Guinea in May 2019 and the Human Rights Committee's review of the State party's report in July 2019 (GNQ 2/2019). On 3 April 2019, Mr. Okenve made a statement at the UPR pre-session in Geneva and submitted a joint written report, available online[34]. CEID also presented a written report for the 126th session of the Human Rights Committee in July 2019, available online[35]. On 3 July 2019, CEID received a decision from the Minister of the Interior, dated 11 April 2019, ordering the dissolution of the association due to non-compliance with its statutes for carrying out political-partisan activities.

[33] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35195.
[34] https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6537&file=EnglishTranslation.
[35] https://tbinternet.ohchr.org/Treaties/ccpr/Shared%20Documents/gnq/int_ccpr_css_gnq_35118_E.pdf.

53. In its August 2019 concluding observations, the Human Rights Committee expressed concern about reports that human rights defenders are harassed and frequently arrested, and mentioned a past incident involving Mr. Okenve (CCPR/C/GNQ/CO/1, para. 56). On 14 August 2019, the Human Rights Committee sent a confidential letter to the Government, expressing concern at allegations of the broadcast of unauthorized footage and stigmatization by a State television channel of several civil society representatives, who were present in Geneva during the review of the country at its 126th session.

54. On 23 June 2020, the Government responded to the note verbale sent in connection to the present report, indicating that the allegations presented have not been duly verified and do not correspond to the facts, as Mr. Okenve has made several public statements against the Government, which has created problems for him with law enforcement. The Government informed that resolution No. 01/2019 of 11 April 2019 dissolved CEID due to breach of art. 9.1 of the Law on Associations. The dissolution does not prevent human rights defenders from engaging in activities within the boundaries of the law. The Government took note of the allegations of the broadcast of unauthorized footage, and clarified that such a broadcast did not have consequences beyond the informative coverage of the 126th session of the Human Rights Committee, and it should not be interpreted as an attempt to persecute and punish the activists present in that session.

## 15. Honduras

55. Following the visit of the Special Rapporteur on the independence of judges and lawyers in August 2019, OHCHR received information that on 20 November 2019, **Ms. Julissa Villanueva Barahona** was dismissed from the Directorate-General of Forensic Medicine in connection to her engagement with the visit[36]. Ms. Villanueva has regularly cooperated with the UN in Honduras, including during the 2018 visit of the Working Group on Discrimination against Women in Practice and Law[37]. Following the investigation of an alleged murder in the department of Copán in June 2018, Ms. Villanueva has complained to the UN and the Inter-American Commission on Human Rights about surveillance, intimidation and threats against her and her co-workers from members of the Office of Attorney General.

56. On 19 August 2019, she engaged with the Special Rapporteur on the independence of judges and lawyers, the interviews of which were publicized in the media. On 20 November 2019, following disciplinary action by the Prosecutor's Office, including written accusations based on her interaction with the Special Rapporteur, Ms. Villanueva was dismissed from the Directorate-General of Forensic Medicine after almost 20 years of service.

## 16. India

57. Multiple UN actors identified alleged intimidation and reprisals, including in relation to unresolved previous cases (see Annex II). This reportedly deterred some civil society representatives from cooperating with the United Nations for fear of further retribution. In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing.

58. It was reported to OHCHR in May 2020 that the **International Dalit Solidarity Network (IDSN)** received additional questions from the delegation of the Government of India in the Committee on Non-Governmental Organizations, the body mandated to consider applications for consultative status with the Economic and Social Council (ECOSOC). In particular, IDSN was reportedly asked by the representative of India on 27 January 2020 to provide a list of all UN-related activities undertaken in 2019, and information on partners[38]. IDSN was also reportedly asked to provide details of any assistance the organization provided to its members or associates to attend any UN activities. IDSN's application has been

[36] A/HRC/44/47/Add.2.
[37] A/HRC/41/33/Add.1.
[38] https://www.un.org/press/en/2020/ngo905.doc.htm.

consistently deferred in the NGO Committee for over a decade[39] and reportedly has the longest pending application in the history of the Committee with 25 deferrals[40]. It has reportedly received 97 written questions in total from the Government of India[41], which IDSN has reportedly answered (see OTH 16/2016[42]; OTH 5/2017[43])[44].

59. On 31 July 2020, the Government responded to the note verbale sent in connection to the present report stating that the references to IDSN, an NGO being considered by the 19-member NGO Committee in an inter-governmental process, ignores the facts, that IDSN is not based in India, and the Government is not aware of any incident of reprisal or intimidation against this organization by India. The Government noted that legitimate scrutiny of an application for a special status with the UN cannot be termed as a 'reprisal,' it would be grossly unfair to single out this case, and there are several other long-standing NGO applications pending before the Committee.

## 17. Israel

60. Multiple United Nations actors identified alleged intimidation and reprisals for cooperation with the UN (see A/HRC/43/70). In January 2020, the High Commissioner for Human Rights reported that "ongoing harassment and denunciations continued with the evident aim to silence and discredit the work of human rights defenders and to discourage support for their work, including by curtailing international funding" (para. 63). In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals for cooperation with the UN to the Government in writing.

61. On 13 February 2020, the Ministry for Strategic Affairs and Public Diplomacy published a statement on the Ministry of Foreign Affairs' website referring to human rights organizations that supported the Human Rights Council mandated report[45] on business activities related to settlements (A/HRC/43/71)[46] as having ties to terrorism. In particular, the statement listed **Addameer Prisoner Support and Human Rights Association, Al-Haq, Palestinian Center for Human Rights** and **Norwegian People's Aid** as "terror-linked Delegitimization Organizations Tied to the UNHRC [UN Human Rights Council] Israel Blacklist" in regard to their call for the creation and release of the UN database through public statements, petitions and letters. The statement noted that "the UN High Commissioner for Human Rights released a database of 94 Israeli and 18 foreign companies operating in Judea, Samaria and east Jerusalem. An in-depth Ministry of Strategic Affairs examination of the NGOs involved in its release reveals the ties to terrorist groups these organizations hold." The statement detailed these organizations' engagement with the Human Rights Council and OHCHR[47].

[39] See Oral presentation by the Assistant Secretary-General for Human Rights of the report of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights, (19 September 2018), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23591&LangID=E; see also A/HRC/42/30, para. 31.

[40] See, for example, UN ECOSOC, "Non-Governmental Organizations Committee Recommends 4 Entities for Status with Economic and Social Council, Defers Action on 65 Others," (25 January 2019); ECOSOC/6958-NGO/882, https://www.un.org/press/en/2019/ecosoc6958.doc.htm; E/2020/32, Part I (7 February 2020).

[41] See Ibid. and, for example, A/69/365, para. 74.

[42] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31916.

[43] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33474.

[44] See also A/HRC/33/19, para. 13.

[45] Human Rights Council resolution 31/36.

[46] OHCHR, "UN rights office issues report on business activities related to settlements in the Occupied Palestinian Territory," (12 February 2020), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25542&LangID=E.

[47] See for example ISR 12/2019, ISR 13/2019, ISR 14/2019; A/HRC/43/70 paras. 55, 64–65 and A/HRC/37/42, para. 55, footnote 83; A/HRC/WGAD/2016/15; A/74/507, para. 17; and https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25131&LangID=E.

62. On 17 April 2020, special procedures mandate holders raised concern about the travel ban imposed on **Mr. Laith Abu Zeyad**, Amnesty International campaigner on Israel and the occupied Palestinian territories. The travel ban has prevented him from leaving the occupied Palestinian territory, which the mandate holders stated could be a reprisal for his cooperation with the UN, and his endeavours to raise concerns at the Human Rights Council (ISR 1/2020). In a briefing to the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People on 15 February 2019[48], Mr. Zeyad called on States to support the UN database and the work of OHCHR to compile and update it (A/HRC/RES/31/36)[49]. As a consequence of the travel ban, Mr. Zeyad was unable to travel to Geneva to attend the 43rd Session of the Human Rights Council (ISR 1/2020).

63. On 15 June 2020, the Government stated[50] that the travel ban against Mr. Zeyad was issued for security reasons, as according to material evidence and classified intelligence, Mr. Zeyad, in addition to his work at Amnesty International, is involved with the Popular Front for the Liberation of Palestine (PFLP). The Government maintains that PFLP is an illegal terrorist group, and, as such, poses a security risk and a risk to public safety. The Government stated that the allegation that the travel ban is a reprisal for Mr. Zeyad and Amnesty's cooperation with the UN is false and unfounded, and that between 2017 and 2019, Mr. Zeyad was issued three different permits to enter Israel as an international organization employee. The Government confirmed that a lawyer submitted a petition to the Coordinator of Government Activities in the Territories (COGAT) on Mr. Zeyad's behalf to appeal the travel ban decision, and this petition was denied. Subsequently, his case has been sent to the District Court, and is undergoing judicial review.

64. It was reported to OHCHR that child rights organization **Defense for Children International – Palestine (DCI-P)** and its representative, **Mr. Brad Parker**, were publicly accused of association with terrorism after an invitation was extended to Mr. Parker to speak at a 24 February 2020 meeting of the Security Council on violations against children in the occupied Palestinian territory[51]. It was reported to OHCHR that Israeli officials allegedly tried to prevent the participation of DCI-P and Mr. Parker. Statements in the media said that Israeli officials called DCI-P "an arm of the PFLP in order to enact diplomatic terror against Israel" and, in reference to the UN, "a place that promotes peace and security in the world has no room for people like Parker." The modalities of the meeting were subsequently changed to a closed-door format, which rendered the invitation to DCI-P no longer relevant.

## 18. Kazakhstan

65. In January 2020, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that during her May 2019 official visit to Kazakhstan, where she could inspect cells and meet privately with inmates convicted for acts of terrorism at Taldykorgan prison, some inmates were distressed and fearful of reprisals for speaking with her (A/HRC/43/46/Add.1, paras. 29–31). In this regard, she recalled the obligations of States, in accordance with Human Rights Council resolution 36/21, to take all appropriate measures to effectively protect those who cooperate with the UN from any act of intimidation or reprisal and to ensure accountability for such acts (A/HRC/43/46/Add.1, para. 42).

## 19. Kuwait

66. On 11 September 2019, the Special Rapporteur on the independence of judges and lawyers expressed concerns, inter alia, at reported threats against and vilification of an international legal team composed of **Omnia Strategy LLP, Crowell & Moring LLP**,

[48] https://www.un.org/unispal/wp-content/uploads/2019/02/Briefing-by-Amnesty-International-Notes.pdf.

[49] See A/HRC/43/71.

[50] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35341.

[51] Security Council, the situation in the Middle East, including the Palestinian question, 8730th meeting, 24 February 2020 (S/PV.8730).

**Doughty Street Chambers**, and **4 New Square** for their engagement with the Working Group on Arbitrary Detention and the World Bank's International Centre for Settlement of Investment Disputes on their client's behalf. The Special Rapporteur noted that, in a 17 August 2019 press release, the Kuwait Port Authority made a series of accusations and threats directed at the international law firms, referring to the complaints filed against Kuwait before the UN (KWT 4/2019). The case of Ms. Maria Lazareva, a Russian Federation national and Vice Chairperson and Chief Executive Officer of KGL Investment Company (KGLI), was presented to the Working Group on Arbitrary Detention by her legal team. She had been accused of criminal activity relating to services KGLI provided to the Kuwait Port Authority and concerns about the lack of fair trial guarantees provided to her were raised by the Special Rapporteur (KWT 4/2019).

67. On 18 October 2019, the Government responded in detail to the Special Rapporteur stating that the allegations of the lack of fair trial guarantees in multiple cases associated with Ms. Lazareva are not correct, the case is still under consideration, and that Ms. Lazareva is currently not in custody. The Government denied allegations of reprisals against the international legal team, which it states has enjoyed cooperation with the Government and international bodies without hindrance[52]. On 22 July 2020, the Government responded to the note verbale in connection to the present report, reiterating its previous points and indicating that the press release of the Kuwait Port Authority, which was issued in response to those of the legal team, did not include any threats and was a reaction to statements and defamatory campaigns aiming to challenge the judicial system and to intimidate and obstruct the course of justice.

## 20. Lao People's Democratic Republic

68. On 25 September 2019, special procedures mandate holders raised concern about the alleged enforced disappearance of **Mr. Od Sayavong**, a Lao refugee recognized by UNHCR living in Bangkok (LAO 2/2019). Mr. Sayavong is a former member of "Free Lao," a group of Lao migrant workers and human rights defenders based in Thailand that advocates for human rights and democracy in the Lao People's Democratic Republic. On 15 March 2019, Mr. Sayavong met with the Special Rapporteur on extreme poverty and human rights in Bangkok, prior to his visit to the Lao People's Democratic Republic in March 2019, and that day posted on Facebook a photo of himself in front of the UN office in Bangkok. The mandate holders raised concerns that the cooperation of Mr. Sayavong with the Special Rapporteur may have possibly contributed to his alleged disappearance and, if this were the case, it may be considered an act of reprisal by Lao authorities[53].

69. On 17 January 2020, the Government of the Lao People's Democratic Republic reported[54] that it had immediately assigned the case to the Ministry of Foreign Affairs and had contacted the Government of Thailand through diplomatic channels for more information. The Government reported to have undertaken an investigation into the matter, including verifying information with the Lao Embassy in Thailand and visiting Mr. Sayavong's family. The Government reported that it could not ascertain the activities nor whereabouts of Mr. Sayavong and denied any involvement in his alleged disappearance. It affirmed its readiness to cooperate with the international community on the matter.

## 21. Libya

70. During the reporting period, OHCHR received multiple allegations of reprisals against human rights defenders and journalists from Libya, including for their engagement with the UN. Names and details of those affected cannot be provided for fear of further reprisals. In January, the High Commissioner for Human Rights noted that the ability of United Nations

[52] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34926.

[53] OHCHR, "Thailand/Lao PDR: UN experts concerned by disappearance of Lao human rights defender" (1 October 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25087&LangID=E.

[54] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35121.

Support Mission in Libya (UNSMIL) to monitor and verify alleged violations was "limited by insecurity and access constraints to locations and institutions where human rights violations and abuses and violations of international humanitarian law had reportedly been committed," which may have impacted the full reporting of violations actually committed (A/HRC/43/75, para. 13).

71. In particular, the High Commissioner reported severe limits of UNSMIL/OHCHR to access detention facilities stating that the Mission was unable to visit prisons under the control of the Ministry of Justice and the Judicial Police in the east, and was only able to visit three prisons in the west (para. 62). She recommended that all parties to the conflict "facilitate the unfettered and unhindered access to places of detention and to all detainees by United Nations entities and other organizations providing humanitarian assistance and protection, and abstain from any retaliation against detainees speaking with United Nations and other delegations" (para. 85 (c)).

72. In a July 2019 UNSMIL/OHCHR report on airstrikes targeting the Daman building complex, including the Tajoura Detention Centre[55], UNSMIL noted it was denied entry to interview survivors and regretted the obstruction of its work despite assurances provided by the Government of National Accord Deputy Minister of Interior for Migration (para. 4). It reported that migrants and refugees interviewed in connection to the incident confirmed their fears of reprisals and, therefore, did not provide names of victims during interviews (para.7). Further, several witnesses interviewed in connection to alleged shootings of migrants and refugees trying to escape from the building of the Tajoura Detention Centre did not provide the names of the victims or any other details, noting their fear of reprisals by Tajoura personnel (para. 21).

## 22. Mali

73. During the reporting period, several incidents of intimidation and reprisals against human rights defenders and internally displaced persons (IDPs) following engagement with the UN were reported to the Human Rights and Protection Division of the Multidimensional Integrated Stabilizations Mission in Mali (MINUSMA), among a broader context of violence, threats and intimidation documented by the Division[56]. Names and further details on those affected are withheld due to fear of further reprisals.

74. On 18 September 2019, one human rights defender in Bandiagara, Mopti region, was threatened by armed men from the Dogon community for collaborating with MINUSMA and posting information online to corroborate reports of serious human rights abuses committed by the assailants. MINUSMA referred the case to the local security authorities and continues to monitor the situation.

75. On 28 October 2019, MINUSMA, alongside the G5 Sahel Joint Force, conducted a field mission to Kigna, Mopti region, and interacted with the local population, including IDPs from Boulekessi, the site of a 30 September 2019 attack on a military camp. On 29 October 2019, about 20 members of an extremist group arrived in Kigna, threatened an imam belonging to the community of IDPs, and tried to abduct him, but were dissuaded by the intervention of three village elders. The assailants unsuccessfully attempted to abduct the religious leader again on 31 October and 1 November 2019. During their last attempt, the

[55] UNSMIL/OHCHR, "The airstrikes on the Daman building complex, including the Tajoura Detention Centre," (2 July 2019), https://unsmil.unmissions.org/sites/default/files/unsmil-ohchr_report_airstrikes_at_tajoura-27012020.pdf.

[56] S/2019/782 (October 2019); S/2019/983 (December 2019); MINUSMA, Note sur les tendances des violations et abus de droits de l'homme 1 er Janvier – 31 Mars 2020, (April 2020), https://www.ohchr.org/Documents/Countries/ML/Notetrimestrielle_tendancesdesviolationsetabusdesdroitsdelhomme_JanvieraMars2020.pdf, and MINUSMA Rapport sur les atteintes sérieuses aux droits de l'homme commises lors de l'attaque du village de Sobane Da (région de Mopti) le 9 juin 2019 (10 July 2019), https://minusma.unmissions.org/sites/default/files/mali_rapport_sobane_da_final_version_07.08.2018_15.45.pdf.

assailants instructed the imam to stop collaborating with "infidels," explicitly referring to MINUSMA and the Malian Armed Forces.

## 23. Mexico

76. It was reported to OHCHR that since June 2019 **Mr. Felipe Hinojo Alonso**, a human rights defender and representative of a group of victims of torture and their relatives advocating for access to justice and accountability in Aguascalientes, has been subject to intimidation, threats and surveillance for his cooperation with OHCHR in Mexico. Since June 2019, with the support of Mr. Hinojo Alonso that was publicized in local and national media, OHCHR has documented violations between 2010 and 2014 in Aguascalientes, and the alleged involvement of high-ranking state and federal-level government officials, including from the state Attorney General's Office, OHCHR in Mexico has raised the threats and legal action against Mr. Hinojo Alonso with relevant local authorities. Due to the COVID-19 pandemic and movement restrictions in the country, there are ongoing fears about his physical and psychological integrity.

77. It was reported to OHCHR that **Ms. Alma Delia Reyna**, human rights defender advocating for the rights of women deprived of liberty in the border state of Tamaulipas, was subject to threats and her son was kidnapped in relation to her cooperation with OHCHR in Mexico. Since 2018, Ms. Reyna has publicly supported OHCHR in the documentation of a case pointing to possible acts of torture and fabricated charges against a migrant indigenous woman, as well as malpractice by judicial actors and other public officials. On 11 February 2020, a few days after communicating privately with OHCHR staff, Ms. Reyna's son was kidnapped and later released on ransom with evident signs of physical abuse. During her contacts with the captors, Ms. Reyna was urged to "put an end to what she is doing," "stop being nosy," and "leave the state." Due to the serious security risks, Ms. Reyna and her close relatives were forced to relocate. OHCHR has raised the situation with relevant federal authorities.

78. On 4 August 2020, the Government responded to the note verbale in connection to the present report and stated that in August 2019 Mr. Hinojo Alonso sent an email to the national protection mechanism for human rights defenders and journalists, but the information provided lacked details about his work as human rights defender. It stated that he did not respond to efforts by the national protection mechanism in September 2019 or February 2020 to contact him. Regarding the situation of Ms. Reyna, the Government informed that there are no actions registered by the national protection mechanism on her case.

## 24. Morocco

79. It was reported to OHCHR that **Ms. Aminatou Haidar**, of the Collectif des Défenseurs Sahraouis des Droits de l'Homme, was the subject of threats, physical attacks and online stigmatization in connection with her ongoing engagement with the UN (see also MAR 6/2005; 5/2009)[57]. On 29 November 2019, Ms. Haidar met with the Deputy High Commissioner for Human Rights in Geneva, the photos of which were posted on social media, and on 2 January 2020 returned to her place of residence after receiving a human rights prize in a ceremony with the Deputy High Commissioner. During her stay abroad, several on-line articles were published reportedly vilifying Ms. Haidar's work.

80. On 11 January 2020, Ms. Haidar was reportedly attacked by police officers on her way to a meeting. It was reported that the officers verbally insulted her and her children, and physically assaulted her. While she was physically attacked, one officer allegedly made a reference to her complaining to the UN[58].. Further, Ms. Haidar was reportedly followed and

[57] See summary of Government replies to MAR 6/2005 in E/CN.4/2006/95/Add.1, para. 348, and to MAR 5/2009 in A/HRC/13/22/Add.1, paras. 1649–1661.

[58] See also S/2013/220, para. 88, where Ms. Haidar reported being beaten by security forces in November 2012 following a meeting with the former Personal Envoy of the Secretary-General on Western Sahara.

monitored by different unidentified individuals inside the Palais des Nations when she attended sessions and events of the 43rd session of the Human Rights Council in Geneva and delivered a statement and participated as a panellist in an NGO side-event. She also met with the High Commissioner for Human Rights and other UN staff members during the session.

81. On 17 July 2020, the Government responded in detail to the note verbale in connection to the present report. Regarding the case of Ms. Haidar, it refuted the allegations that she is a human rights defender subjected to reprisals, but rather has a political agenda which does not correspond to the mandate of this report. The Government contends that the meeting of Ms. Haidar with the Deputy High Commissioner was not in the latter's official capacity and that the award ceremony is not a UN event. It also stated that side events of the Human Rights Council are not part of the main programme, and allegations of surveillance can be refuted by video recordings. The Government informs that Ms. Haidar enjoys all her fundamental rights protected by the law, and that she has never filed a complaint with the judiciary or the national human rights commission.

## 25. Myanmar

82. Multiple United Nations actors identified alleged intimidation and reprisals. In July 2019, the Special Rapporteur on the situation of human rights in Myanmar, who has been denied entry into the country since January 2018 (A/HRC/43/59, para. 2), noted that any harassment, reprisals and intimidation against people who cooperate with her and other UN mechanisms is unacceptable and will not be tolerated[59]. In September 2019, she stated that she was receiving worrying information about reprisals, surveillance and harassment of individuals in Myanmar and outside who are cooperating with international human rights mechanisms[60]. On 19 December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing.

83. In its August 2019 report, the Independent International Fact-Finding Mission on Myanmar noted, in regard to its methodology, that "special attention was paid to the protection of victims and witnesses, considering their well-founded fear of reprisals, especially following the publication of the Mission's previous report" (A/HRC/42/50, para. 38; A/HRC/42/CRP.5, para. 35) in September 2018 when it had verified instances of reprisals for engagement with the UN (A/HRC/39/64, para. 9, 72). The Mission reported in September 2019 that it was unable to corroborate information received about a widespread campaign of persecution against members of Christian minorities by the United Wa State Army (UWSA) in areas of Shan State under its control, due to a fear of reprisals (A/HRC/42/CRP.5, para. 547).

84. In a December 2019 resolution on the situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/RES/74/246), the General Assembly expressed grave concern about the increasing restrictions on humanitarian access, in particular in northern Rakhine State (para. 4), and called upon Myanmar to grant UN agencies unfettered access. The General Assembly urged the Government to cooperate fully with and to grant full, unrestricted and unmonitored access to all UN mandate holders and human rights mechanisms and to ensure that individuals can cooperate without hindrance or fear of reprisal, intimidation or attack (para. 4).

85. It is reported to OHCHR that some individuals who advocate for justice and accountability, including for action by the International Court of Justice, have faced threats. In December 2019, the Special Rapporteur reported that online hostility against activists increased after the announcement in November 2019 of international legal proceedings over

[59] End of mission statement to Thailand and Malaysia, Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar (18 July 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24832&LangID=E.

[60] Oral update to the Human Rights Council, Special Rapporteur on the situation of human rights in Myanmar (16 September 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25013&LangID=E.

atrocities in Myanmar[61] and "call[ed] on each and every organ of the Myanmar State to ensure that absolutely no reprisals are taken against any group or individual that is advocating for justice and accountability in Myanmar."[62] She drew attention to "the spread of increasingly hostile online rhetoric propagating a false and divisive narrative of being either 'with us' or 'against us'"[63] before the Court conducted its public hearings on the matter[64].

## 26. Nicaragua

86. Multiple United Nations actors identified alleged intimidation and reprisals. In September 2019, the High Commissioner for Human Rights reported concerns about the targeted repression of dissenting voices, in particular harassment, attacks on physical integrity and constant surveillance of at least 15 men and eight women who regularly share information with OHCHR (A/HRC/42/18, para. 21). It has been reported to OHCHR that the reprisals take place in a context of ongoing harassment and intimidation against civil society representatives, including vilification, threats, criminalization and attacks targeting individuals who cooperate with the UN. Individuals perceived as opposed to the Government are often subjected to verbal attacks on media, including social media, where they are stigmatized as "coup mongers, terrorists or traitors to the country." Many have gone into exile or otherwise self-censored. The Assistant Secretary-General for Human Rights addressed concerns, including individual cases, in writing to the Government on 9 December 2019.

87. On 19 November 2019, the Spokesperson for the High Commissioner for Human Rights expressed concern at the detention of, and charges against, prominent human rights defenders **Ms. Amaya Coppens** and **Ms. Olga Valle**, in particular the possibility that the detention of Ms. Coppens could be considered an act of reprisal for speaking up about the human rights situation in Nicaragua and reaching out to UN officials and mechanisms[65]. Ms. Valle is a member of social movement Articulación de Movimientos Sociales, and Ms. Coppens is a student leader, who was detained in the context of the 2018 protests in the city of León and released in June 2019 under the Amnesty Law. Both Ms. Coppens and Ms. Valle had travelled to Geneva in September 2019 to meet with the High Commissioner and engaged with UN human rights mechanisms, a photo of which was posted on social media.

88. In August 2019, the Working Group on Arbitrary Detention found Ms. Coppens' detention in the context of the 2018 protests arbitrary (A/HRC/WGAD/2019/43, para. 60, 66, 85, 90, 93) and called on the Government to provide her compensation and other reparations (paras. 94–95). On 21 January 2020, special procedures mandate holders raised concern about the situation of Ms. Coppens and Ms. Valle and noted that the harassment and acts of violence against them could be connected to their cooperation with the UN (NIC 1/2020)[66]. The mandate holders addressed physical violence as well as discriminatory remarks and threats of rape that women in the group suffered, as well as Ms. Coppens' conditions of

[61] International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Request for the indication of provisional measures (November 2019), https://www.icj-cij.org/files/case-related/178/178-20191118-PRE-01-00-EN.pdf.

[62] UN News, "Aung San Suu Kyi appears at ICJ as UN rights expert urges greater protection for Myanmar activists," (10 December 2019), https://news.un.org/en/story/2019/12/1053121.

[63] OHCHR, "Myanmar: UN expert calls for tolerance and safety from reprisals after online threats to activists" (10 December 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25411&LangID=E.

[64] International Court of Justice, Conclusion of the public hearings on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), (No. 2019/54, 12 December 2019), https://www.icj-cij.org/files/case-related/178/178-20191212-PRE-01-00-EN.pdf.

[65] OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights, (19 November 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25313&LangID=E.

[66] Oral updates and introduction to country reports of the Secretary-General and the High Commissioner, (27 February 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25624&LangID=E.

detention. In December 2019, it was reported to OHCHR that two close relatives of Ms. Coppens were physically assaulted by a group of armed individuals and that her house was attacked when she was released from prison.

89. It was reported to OHCHR that, on 21 June 2019, two police officers in civilian clothing arrived at the entrance of the residential complex of **Ms. Vilma Nuñez de Escorcia**, of the Centro Nicaragüense de Derechos Humanos (CENIDH), to ask questions about her to the residential guards. One month earlier, on 22 May 2019, Ms. Nuñez de Escorcia had met with the High Commissioner for Human Rights in Panama, a meeting made public through social media, and in July 2019, the Deputy High Commissioner for Human Rights noted with concern the situation of nine civil society organizations (including CENIDH) whose legal personality was suspended and assets seized at the end of 2018[67]. The High Commissioner addressed their situation in her 2019 report (A/HRC/42/18, para. 20). On 31 July 2019, mandate holders reiterated their concern at the lack of progress in the case that they had previously addressed in March 2019 (NIC 1/2019; and NIC 4/2019).

90. On 7 September 2019, **Mr. Aníbal Toruño**, who had recently returned to Nicaragua from exile, found threatening graffiti on the walls of his house and those of **Radio Darío**, of which he is the owner. It is believed that the graffiti was linked to action taken by the UN related to his case, in an effort to silence and intimidate him. Two weeks earlier, on 26 August 2019, special procedures mandate holders and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights had issued a press release highlighting that Radio Darío workers in León had been the victims of harassment, threats, arbitrary detention and acts of violence, and that their facilities had been raided and attacked by pro-Government elements[68]. Mandate holders had also addressed the situation of Mr. Toruño and Radio Darío on 19 August 2019 to the authorities (NIC 5/2019).

91. It was reported to OHCHR that **Ms. Josefa Esterlina Meza**, member of the Asociación Madres de Abril (AMA), was intimidated and questioned by migration authorities following her trip to Geneva in September 2019, where she engaged with the UN, including meeting the High Commissioner for Human Rights. AMA represents mothers and relatives of people who lost their lives as a result of State repression. On 18 September 2019, days after her return to Nicaragua, Ms. Meza was questioned about the reason for her trip to Switzerland at the Peñas Blancas border crossing with Costa Rica, where she was photographed without her consent by migration officers. In March 2020, she travelled to Geneva to engage with UN representatives and participate in an NGO side event on Nicaragua on the margins of the Human Rights Council. The COVID-19 crisis interrupted her trip and, as of May 2020, she had not been able to return home. There were fears that she could be subject to acts of reprisals when the returns to Nicaragua.

92. On 17 May 2019, Nicaragua participated in the UPR and received a recommendation that all human rights defenders who engage with multilateral institutions and international and regional human rights bodies can do so without fear of persecution or violence and that any allegations or instances of reprisals are promptly investigated (A/HRC/42/16, 125.163), which the Government did not accept (A/HRC/42/16/Add.1).

## 27. Pakistan

93. In its July 2019 report the Working Group on Enforced or Involuntary Disappearances noted concerns at the information received on cases of reprisals against relatives, and civil society actors working on their behalf, in particular recent testimonies indicating that the authorities have exerted pressure on relatives of victims of enforced disappearances (see A/HRC/WGEID/116/1, Annex III) to persuade them not to pursue their cases before the Working Group (A/HRC/42/40, para. 81).

[67] Update on Nicaragua at the 41st Session to the Human Rights Council, (10 July 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24814&LangID=E.

[68] OHCHR, "Nicaragua must stop reprisals against journalists, say human rights experts," (26 August 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24920&LangID=E.

94. During the reporting period, OHCHR received information that relatives and key witnesses to the 2014 disappearance of **Mr. Asadullah Faiz Mohammed** have been the subject of threats and harassment by authorities since the case was brought to the attention of the Working Group in 2014. Under its standard procedure, the Working Group sent a letter regarding allegations that Mr. Asadullah was "abducted on 18 March 2014 by frontier corps personnel…from the CGS colony satellite town, Quetta, Balochistan" (A/HRC/WGEID/104/1, para. 94). According to information received, close relatives of Mr. Asadullah Faiz Mohammed have subsequently been questioned by army authorities on whether they had filed a case with the UN, and other relatives and the key witness have received frequent calls pressuring them to withdraw testimony and stop any kind of activity regarding the case, including inquiries with the UN.

## 28. Philippines

95. During the reporting period, multiple statements were delivered by Government officials regarding civil society actors engaging with the Human Rights Council on the situation in the Philippines. During the High-level Segment and other sessions of the 43rd session in March 2020, officials made statements that some human rights defenders who support the Council's attention to the situation in the Philippines are terrorists or are associated with, or supporting, terrorist groups, including the NGO Karapatan (see Annex II). In their statements, Government officials accused civil society actors of "masquerading as defenders of human rights," of channelling "funding support (…) towards actors professing terrorism," and serving "hidden agendas of deceit and violence on the ground."[69]

96. It was reported to OHCHR that, on 27 June 2019, during an informal consultation on a Human Rights Council resolution on the situation in the Philippines (res 41/2), a current member of CEDAW associated with the Department of Foreign Affairs of the Philippines took the floor to speak as a "human rights defender from the Philippines." The CEDAW member addressed civil society representatives from the Philippines who had come to the Council as "treacherous," and urged them to "behave in a proper way." She referred to a lack of accountability on the part of those sharing and feeding information, and the lack of sanctions against those who criticize human rights without evidence. On 2 July 2019, the incident was brought to the attention of the CEDAW Chairperson, who addressed it internally, and recalled the Addis Ababa guidelines on independence and impartiality of treaty body members in her closing remarks of the 73rd session[70].

97. On 11 July 2019, the Human Rights Council called upon the Government to cooperate with OHCHR and the mechanisms of the Human Rights Council, including by facilitating

[69] http://webtv.un.org/search/id-sr-on-cultural-rights-18th-meeting-43rd-regular-session-human-rights-council-/6138316455001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5#player; http://webtv.un.org/search/id-sr-on-human-rights-defenders-18th-meeting-43rd-regular-session-human-rights-council-/6138318888001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5#player; http://webtv.un.org/search/id-sr-on-countering-terrorism-19th-meeting-43rd-regular-session-human-rights-council/6138504413001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5#player, http://webtv.un.org/search/item3-general-debate-contd-24th-meeting-43rd-regular-session-human-rights-council/6139744985001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=4#player , http://webtv.un.org/search/item4-general-debate-contd-27th-meeting-43rd-regular-session-human-rights-council/6140216917001/?term=&lan=english&cat=regular%2043rd%20session&sort=date&page=3#player; http://webtv.un.org/search/-id-sr-on-minority-issues-29th-meeting-43rd-regular-session-human-rights-council/6140554348001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=2#player, http://webtv.un.org/search/philippines-high-level-segment-7th-meeting-43rd-regular-session-human-rights-council-/6136070359001/?term=43rd%20regular%20session%20human%20rights%20council&lan=English&cat=Meetings%2FEvents&sort=date&page=8.

[70] https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fOCR%2f73%2f28620&Lang=en, para. 12.

country visits and preventing and refraining from all acts of intimidation or retaliation (A/HRC/RES/41/2, para. 2). The High Commissioner, in a report prepared following a request from the Council, called on the Government to ensure there are no reprisals against those persons and entities which engaged with OHCHR for the report (A/HRC/44/22, para. 87(d)(ii)).

98. The High Commissioner stated that, for decades now, "red-tagging" or labelling individuals and groups as communists or terrorists has been a persistent and powerful threat to civil society and freedom of expression (A/HRC/44/22, paras. 49, 51), which has been addressed in previous reports of the Secretary-General in relation to civil society and indigenous peoples' cooperation with the UN (A/HRC/42/30, Annex II, paras. 81–84; A/HRC/39/41, para. 62 and Annex I, paras. 86–89)[71].

99. On 23 July 2020, the Government responded in detail to the note verbale in connection to the present report, drawing attention to the vibrant civil society in the country which is exploited by terrorist organizations purporting to be "human rights defenders", who are able to access funding to serve violent agendas in communities on the ground. Regarding the alleged "red-tagging" of organizations as terrorist or communist, the Government stressed that OHCHR's data gathering and analysis methodology needs to be more transparent and take into account the local political context. It noted that the long history of the Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF)'s exploitation and instrumentalization of human rights spaces is well-known and documented.

100. The Government stated that the remarks by the CEDAW member were made in her independent capacity as a human rights defender, and that qualifying her remarks as a reprisal undermines her right to express her independent positions. The Government stated that it has no policy of censoring, interfering with, or monitoring the activities of independent human rights experts, human rights defenders, and civil society actors.

## 29. Poland

101. On 4 March 2020, the Special Rapporteur in the field of cultural rights, following her visit to Poland, expressed concerns that some professionals in the cultural field were beginning to engage in self-censorship to protect themselves and their institutions (A/HRC/43/50/Add.1, para. 24). The Government of Poland at the Human Rights Council regretted that the report's conclusions had been drawn based on "one-sided statements by unspecified interlocutors, unsupported by any concrete evidence."[72] In her response, the Special Rapporteur stated that mandate holders "often do not disclose the names of the sources of their information, particularly when people fear reprisals" and that "in the cultural sector in Poland there was some fear of being seen talking to me because of fear of reprisals."[73] She named, for example, reprisals with regard to employment in the cultural sector or being able to receive funding.

## 30. Russian Federation

102. On 14 January 2020, special procedures mandate holders expressed concern at "raids, seizures of property, prosecution, dissolution and interdiction" relating to multiple human rights and indigenous peoples' organizations (RUS 9/2019), including the **Center for Support of the Indigenous Peoples of the North (CSIPN)**, within the framework of the

[71] OHCHR, "Philippines: UN report details widespread human rights violations and persistent impunity," (4 June 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924&LangID=E.

[72] Inter-active dialogue with the Special Rapporteur in the field of Cultural Rights, 18th Meeting, 43rd Regular Session Human Rights Council, 3 March 2020, at http://webtv.un.org/search/id-sr-on-cultural-rights-18th-meeting-43rd-regular-session-human-rights-council-/6138316455001/?term=&lan=english&cat=Regular%2043rd%20session&sort=date&page=5.

[73] Ibid.

'Foreign Agent Law' (see also Annex II). CSIPN and its director have reportedly been targeted for their engagement with the UN (see Annex II).

103. It was reported to OHCHR that the closure of CSIPN will have significant implications for the participation of indigenous peoples from Siberia and the Russian North and Far East in UN activities. It was reportedly one of the last few indigenous organizations in the region with accreditation to the Economic and Social Council (ECOSOC)[74] and was accredited, held observer status or otherwise engaged with other UN entities[75]. On 6 November 2019, the Moscow City Court upheld the request of the Ministry of Justice for the dissolution of CSIPN, reportedly based on the organization's failure to comply with certain administrative formalities, which mandate holders "considered to be disproportionate punishment for administrative irregularities of this kind (RUS/9/2019)."

104. On 30 March 2020, the Government[76] indicated that the central directorate of the Ministry of Justice found a number of gross violations of the legislation on non-profit organizations. On this basis, on 12 August 2019, the central directorate filed an administrative action with the Moscow City Court calling for the organization to be disbanded. On 6 November 2019, the Court adopted a decision to dissolve the organization, which filed an appeal against the decision of the Moscow City Court. On 27 July 2020, the Government responded to the note verbale in connection to the present report, further noting that on 23 April 2020, the Ministry of Justice decided to exclude CSIPN from the Unified State Register of Legal Entities. The Gagarinsky District Court of Moscow on 22 June 2020 terminated administrative proceedings due to the liquidation of the administrative plaintiff. The Government refutes that CSIPN is persecuted for its cooperation with the UN, and notes that 60 organizations in the Russian Federation have ECOSOC status, including some working on indigenous rights.

## 31. Saudi Arabia

105. Multiple UN[77] actors identified alleged intimidation and reprisals, including arbitrary detention, ill-treatment, torture, and harassment targeting Saudi civil society representatives cooperating, having cooperated, or seeking to cooperate with the UN. The present report includes allegations of reprisals concerning ten individuals in detention. Additional cases have not been included due to fear of further reprisals. On 3 July 2019, a group of Member States in the Human Rights Council reiterated their "serious concerns regarding all acts of intimidation or reprisal against human rights defenders and investigative journalists seeking to engage or engaging with the UN," providing examples in Saudi Arabia and elsewhere[78].

106. On 19 December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing. In January 2020, the Government responded, reiterating information on the charges imposed on individuals addressed by multiple UN actors.

[74] ECOSOC "special" status 2014, https://esango.un.org/civilsociety/consultativeStatusSummary.do?profileCode=629838.

[75] United Nations Educational, Scientific and Cultural Organization, Environment Assembly of the United Nations Environment Programme, Food and Agriculture Organization, and Conference of the Parties of the Convention on Biological Diversity.

[76] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35210.

[77] See also A/HRC/42/30 (paras. 73–74, Annex I, paras., 91–95 and Annex II, paras. 92–95); A/HRC/39/41 (paras. 65–66, Annex I, paras. 95–99 and Annex II, paras. 49–50); and A/HRC/36/31 (para. 49, Annex I, paras. 68–69).

[78] Statement by the Netherlands on behalf of Belgium, Netherlands and Luxemburg, 41st session of the Human Rights Council, General Debate, item 5 (3 July 2019), http://webtv.un.org/search/item5-general-debate-23rd-meeting-41st-regular-session-human-rights-council/6055385648001/?term=&lan=english&cat=Regular%2041st%20session&sort=date&page=7#player.

107. On 15 July 2019, special procedures mandate holders expressed their most serious concern at the executions of 37 individuals on 23 April 2019[79], including **Mr. Munir Al-Adam**[80], whose execution took place while his detention was under consideration by the Working Group on Arbitrary Detention (SAU 9/2019)[81]. Mr. Al-Adam, a juvenile with disabilities when detained, was one of 14 individuals charged by the General Bureau for Investigation and Prosecution (since July 2017, the General Prosecution Office) in relation to pro-democracy protests, with a count of "joining a terrorist cell within the country that disobeyed the King and to disturb the peace," which requested the death penalty against each of them.

108. The mandate holders raised concern that Mr. Al-Adam may have been subject to reprisals during his incarceration and while a communication was pending before the special procedures (SAU 9/2019). On 2 August 2018, they had specifically requested that the Government ensure his physical and mental integrity, and had raised concerns that Mr. Al-Adam was reportedly subjected to acts of torture and ill-treatment while in detention (A/HRC/WGAD/2019/26, para. 72)[82]. The Working Group, in its opinion issued in November 2019 after the execution, noted that they considered the detention of Mr. Al-Adam arbitrary (A/HRC/WGAD/2019/26, paras. 92, 97, 106, 112, and 114(b)) and "observe[d] that while a situation of arbitrary detention can be remedied by releasing and according appropriate reparations to the detainee, bringing someone back from death is not possible" (para. 72).

109. On 12 September 2019, the Government[83] stated that the allegations are false and based on uncorroborated and unfounded information, that Mr. Al-Adam was part of a terrorist group, and had engaged in activities resulting in casualties, fatalities and the destruction of public and private property. It stated that he was not subject to ill-treatment and torture, was not denied medical care or legal representation, was not subject to any reprisals when incarcerated, and had previously informed that he was not considered a person with a disability, following an examination of the Human Rights Commission (A/HRC/WGAD/2019/26, para. 69). It noted that he had been sentenced to final judgements upheld by the Appeal Court and Supreme Court and a royal order was issued for their enforcement.

110. In its November 2019 opinion[84], the Working Group on Arbitrary Detention stated that **Mr. Abdulaziz Youssef Mohamed al-Shubaili**, of the Saudi Civil and Political Rights Association (ACPRA), was being detained arbitrarily (paras. 76, 83, 90, 95), and raised particular concerns about the Government's reprisals against him for reporting to the UN human rights mechanisms (para. 93). The Working Group called on the authorities to ensure his immediate release and provide him compensation and other reparations (para. 100). In December 2017, special procedures mandate holders had raised serious concern about his detention in September 2017 (SAU 12/2017). He had reportedly been summoned multiple times to the Bureau of Investigation and Prosecution in Qasim for interrogation in 2013 due to his human rights monitoring. On 29 May 2016, Mr. al-Shubaili was sentenced to eight years in prison based on article 6 of the Anti-Cyber Crime Law, and the Specialized Criminal Court imposed an eight-year social media and travel ban.

111. In March 2018, the Government stated that Mr. al-Shubaili was imprisoned pursuant to a final judgment of offences committed under the Repression of Cybercrime Act, explicitly defaming the loyalty and faith of the Council of Senior Scholars and disparaging the judiciary[85]. In its response of 18 September 2019 to the Working Group's questions before

[79] See also, OHCHR, "Bachelet strongly condemns mass executions in Saudi Arabia," (24 April 2019) https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24510&LangID=E.

[80] Also spelled Munir Aal Adam.

[81] Opinion No. 26/2019 adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, concerning Mounir Abdullah Ahmad Aal Adam (Saudi Arabia), 24 April–3 May 2019.

[82] See also SAU 7/2017, SAU 5/2016.

[83] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34866.

[84] Opinion No. 71/2019 adopted by the Working Group on Arbitrary Detention at its eighty-sixth session, concerning Issa al-Nukheifi, Abdulaziz Youssef Mohamed al-Shubaili and Issa Hamid al-Hamid (Saudi Arabia), 18–22 November 2019.

[85] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33966.

its deliberation, the Government stated that Mr. al-Shubaili was arrested, tried and convicted in accordance with domestic laws and procedures (A/HRC/WGAD/2019/71, para. 56).

112. In its opinion adopted in November 2019, in which it addressed cases concerning engagement with the Special Rapporteur on extreme poverty and human rights and other UN human rights mechanisms (see Annex II)[86], the Working Group on Arbitrary Detention noted that "(i)n its 28-year history, (it) has found Saudi Arabia in violation of its international human rights obligations in about 60 cases" (A/HRC/WGAD/2019/71, para. 97). The Working Group expressed concern that "this indicates a systemic problem with arbitrary detention in Saudi Arabia which amounts to a serious violation of international law".

## 32. South Sudan

113. The United Nations Mission in the Republic of South Sudan (UNMISS) and OHCHR have received information that government security operatives, particularly the National Security Services (NSS) and the Military Intelligence department of South Sudan People's Defence Forces, continue to threaten, arbitrarily arrest, detain and ill-treat individuals and organizations for their cooperation or perceived cooperation with the UN[87]. Further, access issues impact the peacekeeping mission's ability to monitor and report human rights violations and UNMISS asserts that, when reporting in some cases, "numbers are likely under-representative of the full scale of the crisis."[88] Names and details of those concerned cannot be put forward for fear of further reprisals.

114. During the reporting period, UNMISS received reports of six[89] incidents targeting persons perceived as informing or providing information on human rights violations. On one occasion, NSS personnel harassed, arbitrarily arrested and detained for several hours four local community members, who provided information on human rights violations and abuses to the UN. They were released after receiving a warning not to share any information with again.

115. In other situations, NSS elements intimidated and coerced local authorities into revealing information on meetings held with UN entities. Dressed in plain clothes, they reportedly also infiltrated meetings, community gatherings, or awareness-raising activities organized by the UN, to monitor and intimidate participants. In one particular instance, two male civilians were arbitrarily arrested and detained by the NSS after they had expressed their views in a UN-led forum on peace. In another reported incident, representatives of the Military Intelligence department arbitrarily arrested, detained and ill-treated a civilian after the individual had complained about human rights violations by government forces during a public forum facilitated by the UN.

116. Local community leaders and traditional authorities are also reportedly subject to intimidation and reprisals. For instance, a community leader received death threats from government security forces after holding a closed meeting with UNMISS on the implementation of the revitalized peace agreement. Two civilians also received death threats from unidentified armed elements after sharing with UNMISS the case of human rights violations against a minor.

117. As in past reporting periods, incidents of intimidation or reprisal against individuals cooperating with UN are believed to be underreported due to widespread self-censorship. In

[86] Opinion No. 71/2019 adopted by the Working Group on Arbitrary Detention at its eighty-sixth session, concerning Issa al-Nukheifi, Mr. Abdulaziz Youssef Mohamed al-Shubaili and Issa Hamid al-Hamid (Saudi Arabia), 18–22 November 2019.

[87] See also A/HRC/42/30, Annex II, paras. 96–98; A/HRC/39/41, Annex I, paras. 100–102.

[88] See for example UNMISS, Conflict-related Violations and Abuses in Central Equatoria, September 2018-April 2019 (July 2019), para. 116, https://unmiss.unmissions.org/sites/default/files/final_-_human_rights_division_report_on_central_equatoria_-_3_july_2019_0.pdf.

[89] Three incidents involving four victims (Western Equatoria); one incident involving two victims (Eastern Equatoria); one incident involving four victims (Western Bahr el Ghazal); and one incident involving one victim (Central Equatoria).

the context of COVID-19, several sources have reported that they did not feel comfortable to discuss sensitive issues over the phone with the UN, out of fear of being monitored.

118. In a March 2020 resolution, the Security Council "strongly condemned the continued obstruction of UNMISS by the Government of South Sudan (GoSS) and opposition groups, including … restrictions on patrols and UNMISS efforts to … monitor human rights conditions" (S/RES/2514(2020)). Many of these restrictions were reported by the Secretary-General as violations of the Status of Forces Agreement (SOFA)[90].

119. Pertaining to meetings that UNMISS holds with partners on its premises, the Security Council "condemn[ed] in the strongest terms attacks on and threats made to UNMISS personnel and United Nations facilities … [and] demand[ed] that all parties … immediately desist and refrain from any violence against those gathered at United Nations facilities (para. 25)." In relation to the Security Council sanctions committee, the Council urged all parties and Member States to ensure cooperation with the Panel of Experts on South Sudan including "unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate (para. 24)."

## 33. Sri Lanka

120. OHCHR received continued allegations of surveillance of civil society organizations, human rights defenders and families of victims of violations, including repeated visits by police and intelligence services, questioning organizations about, inter alia, their staff and activities related to the UN[91]. In her February 2020 report, the High Commissioner for Human Rights noted that harassment or surveillance of human rights defenders and victims of human rights violations increased during 2019 and "in some cases, Sri Lankans who travelled to Geneva to attend sessions of the Human Rights Council were questioned about the motives of their trips, either at the airport or during visits by the police to their homes upon their return" (A/HRC/43/19, para. 32). The High Commissioner "urged the authorities to immediately end the intimidating visits by State agents and all forms of surveillance and harassment of and reprisals against human rights defenders, social actors and victims of human rights violations and their families" (A/HRC/43/19, para. 39).

121. Allegations were also reported to OHCHR that several participants at the 43rd session of the Human Rights Council were questioned by authorities before and after travelling to Geneva, and several organizations reported incidents of surveillance during the Human Rights Council session and its side events in March 2020. In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing.

122. Following his July 2019 visit to Sri Lanka, the Special Rapporteur on the rights to freedom of peaceful assembly and association condemned surveillance of members of civil society, including that he witnessed, and reminded the Government that it has an obligation to ensure that no acts of reprisal occur against those who wish to interact with UN human rights mechanisms[92]. The Special Rapporteur stated that before, during and after his consultations with civil society in Sri Lanka, participants at the meetings reported "receiving intimidating phone calls, demanding information on other participants, topics discussed and route plans." The Special Rapporteur further noted that during a consultation in Trincomalee, "presumed intelligence personnel in civilian clothing were observed monitoring participants outside of the meeting place. In another location, military personnel took note of our vehicles' number plates."[93]

[90] See S/2019/491, paras. 76–82; S/2019/722, paras. 87–91; S/2019/936, paras. 59, 86–91; and S/2020/145, paras. 87–92.

[91] See also A/HRC/36/31 (paras. 52–53 and Annex I, paras. 72–74) and A/HRC/42/30 (para. 75 and Annex I, para. 96).

[92] End of mission statement, Clément Nyaletsossi Voulé, Special Rapporteur on the rights to freedom of peaceful assembly and association visit to Sri Lanka (26 July 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24818&LangID=E.

[93] Ibid.

123. On 8 July 2020, the Government responded to the note verbale sent in connection to the present report. Regarding alleged "intimidating visits", "surveillance", "complaints of harassment" and "reprisals", it invited the parties concerned to make formal complaints to law enforcement authorities, or to independent national institutions such as the Human Rights Commission or the National Police Commission, so that action can be taken to investigate the alleged incidents. The Government stated its commitment to ensuring that complaints received are investigated and prosecuted. It reiterated that, apart from routine security operations in the interest of national security, particularly after the devastating Easter Sunday terrorist attacks of 21 April 2019, the Security Forces and intelligence agencies are not engaged in monitoring any specific group in the country.

## 34. Thailand

124. On 25 September 2019, special procedures mandate holders raised concern about the alleged enforced disappearance of **Mr. Od Sayavong**, a Lao refugee recognized by UNHCR living in Bangkok (THA 8/2019; see also LAO 2/2019). On 15 March 2019, Mr. Sayavong met with the Special Rapporteur on extreme poverty and human rights in Bangkok, and that day posted on Facebook a photo of himself in front of the UN office in Bangkok. Friends of Mr. Sayavong filed a complaint about the disappearance and discussed details of Mr. Sayavong's whereabouts with the Bangkok police (see LAO 2/2019 and THA 8/2019). The mandate holders raised concerns that the cooperation of Mr. Sayavong with the Special Rapporteur may have possibly contributed to his alleged disappearance and, if this were the case, it may be considered an act of reprisal by Lao authorities[94]. They urged the Government of Thailand to clarify the steps taken to locate Mr. Sayavong, in particular given his refugee status[95]. The fate and whereabouts of Mr. Sayavong remain unknown.

125. On 18 July 2019, the Special Rapporteur on the situation of human rights in Myanmar completed her mission to Myanmar's neighbouring countries, noting "While I was in Thailand, I had to abort part of my visit due to interference. This is very serious and not to be taken lightly."[96] She thanked the Government for facilitating her visit, but noted that any harassment, reprisals and intimidation against people who cooperate with her mandate and other UN mechanisms is unacceptable. She stated that "It is of great concern to me that Myanmar appears to be increasing pressure and engaging the Governments of neighbouring countries in its efforts to violate rights and avoid scrutiny. This includes obstructing me in carrying out my mandate."[97]

126. On 23 July 2020, the Government responded to the note verbale sent in connection to the present report, providing an update on an investigation launched after a complaint was filed by Mr. Od Sayavong's friend on 2 September 2019. The Royal Thai Police interviewed Mr. Sayavong's relatives, friends, and acquaintances, as well as examined security camera footage, call records and financial transactions, but have not yet found any useful evidence or clues that would clarify his fate and whereabouts. The Department of Special Investigation has also taken up the case since 11 February 2020. Meanwhile, the National Committee for Managing Cases Relating to Torture and Enforced Disappearance has kept Mr. Sayavong's family and legal representatives abreast of any progress on the investigation, and helped them seek appropriate remedy with the relevant authorities.

127. Concerning the allegations by the Special Rapporteur on the situation in Myanmar about pressure on neighbouring countries, the Government indicated that representatives from the relevant Thai agencies had met and discussed with the Special Rapporteur, both in Bangkok and Geneva, and tried to address her concerns, even with limited specific

[94] OHCHR, "Thailand/Lao PDR: UN experts concerned by disappearance of Lao human rights defender" (1 October 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25087&LangID=E.

[95] Ibid.

[96] End of mission statement to Thailand and Malaysia, Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar (18 July 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24832&LangID=E.

[97] Ibid.

information about the incident. The National Intelligence Agency and the Internal Security Operations Command (ISOC) also looked into the matter extensively in August 2019 but found no solid evidence. Without more specific details from the Special Rapporteur, the allegations could not be investigated further.

## 35. Turkey

128. On 9 December 2019, special procedures mandate holders addressed the legal action, including the imposition of an international travel ban, against **Ms. Nurcan Kaya**, a minority rights defender in Turkey, who had cooperated with the UN. The mandate holders regretted the Court's decision to impose an international travel ban on Ms. Kaya, which prevented her from participating in international events, including those organized by the UN human rights mechanisms (TUR 11/2019). On 9 October 2019, Ms. Kaya had posted on social media a criticism of the Turkish military campaign in Syria. On 27 October 2019, Ms. Kaya was apprehended and detained for several hours by the Turkish police at Istanbul airport, as she was about to board her flight to Tunis to participate as a panellist in an international conference organized by the Special Rapporteur on minority issues. She was also prevented from being a panellist at the November 2019 Forum on Minority Issues in Geneva.

129. On 5 February 2020, the Government responded[98], stating that no individual or group is subject to investigation or judicial prosecution for legal activities. The First Police Court of Istanbul initiated a judicial investigation concerning Ms. Kaya for a crime of "incitement to hatred and hostility" in connection to a Tweet with hostile language about a military operation by Turkey in Syria. On 13 July 2020, the Government responded to the note verbale sent in connection to the present report, indicating that the travel ban for Ms. Kaya was lifted on 13 January 2020. It noted that on 8 June 2020, the case was adjudicated and Ms. Nurcan will no longer be prosecuted, as there is no criminal behaviour in her action. Ms. Kaya's application to the Constitutional Court, dated 9 December 2019, is still under review.

## 36. Uzbekistan

130. On 25 September 2019, the Special Rapporteur on the independence of judges and lawyers, at the end of his visit to Uzbekistan, regretted that some defence lawyers and civil society activists had reported being subject to intimidation prior to or following their meetings with him. He "denounce[d] *any* form of reprisal and intimidation against individuals and institutions as a result of their lawful cooperation with [his] mandate" and called on "the Government to take all appropriate measures to ensure the physical and mental integrity of civil society representatives who interacted with [him], and to carry out an investigation on these acts of reprisals."[99] In his April 2020 report, the Special Rapporteur regretted such acts and incidents, allegedly carried out by representatives of the State Security Services (A/HRC/44/47/Add.1, para. 4).

131. On 2 December 2019, the Special Rapporteur addressed the alleged surveillance, questioning, and intimidation of **Mr. Dilmurod Madaliev**, **Mr. Akhmadjon Madmarov**, **Mr. Ganikhon Mamatkhonov**, and **Mr. Akzam Turgunov**, civil society representatives who engaged with him during the visit (UZB 5/2019). The Special Rapporteur received additional information and credible testimony of acts of intimidation and reprisals against other individuals who met or tried to meet with him during his visit, which he was not able to raise in detail due to protection concerns.

132. Mr. Madaliev, Mr. Madmarov and Mr. Mamatkhonov are human rights defenders. Mr. Madmarov and Mr. Mamatkhonov are also former political prisoners. On 21 September 2019, they took part in a meeting of civil society representatives with the Special Rapporteur in Fergana. The Special Rapporteur received reports that plain-clothes security officers were outside the hotel premises where the meeting was held. Following the meeting, Mr. Madaliev

[98] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35149.

[99] Preliminary observations, Mr. Diego García-Sayán, visit to Uzbekistan (19–25 September 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25043&LangID=E.

was allegedly approached by an unidentified officer of the anti-terrorism police unit, who asked him to provide information about the content of the meeting and individuals who attended. Mr. Mamatkhonov was reportedly followed by a car on his way home without being approached or questioned directly (see also UZB 6/2008[100]; 2/2014[101]).

133. Mr. Turgunov is a human rights defender and former political prisoner (see also UZB 15/2008; UZB 18/2008)[102]. On 22 September 2019, Mr. Turgunov met with the Special Rapporteur. Before the meeting, he allegedly received a telephone call from an unidentified officer of the State Security Service asking him to explain the reason of the meeting and the kind of information he intended to share. It is unclear how the State Security Service became aware of this meeting. It is reported that Mr. Turgunov is routinely subjected to surveillance, particularly when he meets with foreigners or is invited to participate in activities by international organizations.

134. On 28 November 2019, the Committee against Torture, in its concluding observations on the fifth periodic report of Uzbekistan, welcomed the release of a substantial number of human rights defenders and journalists since September 2016, including Mr. Turgunov[103] (CAT/C/UZB/CO/5, para. 16)[104]. Nonetheless, it expressed concern that a number of them, including Mr. Turgunov, had "been denied permission to establish a non-governmental organization with the objective of petitioning the authorities to investigate past allegations of torture and ill-treatment and to provide redress to victims, and at reports that they have faced intimidation and harassment for attempting to do so (para. 17)."

135. The Committee recommended the State party to "ensure that human rights defenders and journalists, including those sharing information with UN human rights mechanisms, are able to work safely and effectively in the State party, and review and revise laws and procedures governing the registration and operation of non-governmental organizations in the State party, ensuring they do not face reprisals" (CAT/C/UZB/CO/5, para. 18 (c)). The Committee further recommended that the State party "grant access to United Nations special procedures mandate holders who have requested visits and encourages it to invite the Special Rapporteur on torture as affirmed in the constructive dialogue" (CAT/C/UZB/CO/5, para. 67).

136. On 22 June 2020, the Government responded to the note verbale sent in connection to the present report, stating that the Prosecutor's Office in Fergana conducted a preliminary inquiry into the cases of Mr. Mamatkhanov and Mr. Madaliev, and that Mr. Madaliyev was not subjected to any pressure from law enforcement agencies. Regarding Mr. Mamathanov, the Government stated he cannot assert that he was pursued by law enforcement officers or other persons. The Government indicates that Mr. Mamatkhanov and Mr. Madaliyev did not present any other specific facts about pressure or interference of law enforcement officials in their human rights activities. On 24 January 2020, the Prosecutor's Office decided not to initiate criminal proceedings due to the lack of corpus delicti in the actions of law enforcement officials.

137. Regarding the case of Mr. Turgunov, the Government stated the Prosecutor's Office of Almazar District of Tashkent conducted a preliminary inquiry during which repeated unsuccessful attempts were made to contact him. During the inquiry, the facts of intimidation or reprisal of Mr. Turgunov by law enforcement agencies were not established. Based on this, on 19 February 2020, the Prosecutor's Office decided not to initiate a criminal case due to the lack of corpus delicti in anyone's actions.

## 37. Venezuela (Bolivarian Republic of)

138. The High Commissioner for Human Rights addressed intimidation and reprisals in the context of the preparation of her July 2019 report in which OHCHR took appropriate

[100] A/HRC/10/12/Add.1, paras. 2672–2673.
[101] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32642.
[102] See Government response: A/HRC/13/22/Add.1, paras. 2389–2401.
[103] Also spelled Agzam Turgunov.
[104] See also CAT/C/UZB/CO/4, para. 8.

measures to protect the identity of its sources (A/HRC/41/18, para. 6)[105]. She noted that members of the political opposition, human rights activists and journalists, among others, are frequently labelled as "traitors" and "destabilizing agents" including by high-level authorities, and stated that this rhetoric is widely disseminated through pro-government media such as the weekly television programme "Con el Mazo Dando" (see Annex II) presented by the President of the National Constituent Assembly (A/HRC/41/18, paras. 34–36). In many cases names of those affected or additional information cannot be included due to fear of further reprisals. In December 2019, the Assistant Secretary-General addressed patterns of intimidation and reprisals to the Government in writing.

139. On 9 September 2019, during her oral update, the High Commissioner expressed concern that some civil society organizations and their representatives that collaborated with OHCHR had been "victims of public denouncements and threats by senior officials," following the report's publication. She underlined that reprisals for having cooperated with the UN are unacceptable and urged the authorities to take preventative measures[106].

140. Further, it was reported to OHCHR that the increased attention by the UN on the human rights situation in Venezuela has been accompanied by a parallel increase in restrictions, attacks and pressure on independent civil society actors, human rights defenders, health workers, and journalists, who have been threatened with legal action and accused of providing false information demonizing the country, being funded from abroad, and acting on behalf of hostile foreign interests. The High Commissioner also raised that some have reportedly also been discredited as criminals[107].

141. In a September 2019 resolution, the Human Rights Council urged the authorities to engage with the UN human rights system. This includes the full and timely implementation of all commitments made during the June 2019 visit of the High Commissioner, in particular to allow OHCHR to maintain a presence in country, and its staff, both in the field and headquarters, to have full, unrestricted and unmonitored access. It also includes ensuring that all individuals have unhindered access to, and can communicate with, the UN and other human rights entities without fear of reprisal, intimidation or attack (A/HRC/RES/42/25, para. 28).

## 38. Viet Nam

142. On 22 January 2020, special procedures mandate holders expressed concern at the reported confiscation of **Ms. Dinh Thi Phuong Thao**'s passport by the Vietnamese authorities (VNM 5/2019). She is a human rights defender and pro-democracy activist, who has been involved with VOICE, a Vietnamese civil society organization. Ms. Dinh Thi Phuong Thao left Viet Nam in 2016 but continued to campaign for the promotion of human rights in the country, engaging with various UN human rights mechanisms. On 15 November 2019, Ms. Dinh Thi Phuong Thao travelled to Viet Nam for the first time since 2016. Upon her arrival at Hanoi International Airport, security officers from the Ministry of Public Security reportedly apprehended her, and held her in an interrogation room for eight hours without access to a lawyer and unable to contact family members. She was released later that day without charges. However, her passport was confiscated by the Vietnamese authorities and she is prevented from leaving the country, returning to her place of residence and pursuing her human rights work. Ms. Thao faced an online campaign, allegedly run by pro-government commentators, attacking her work.

143. On 18 March 2020, the Government responded to the communication stating that the allegations were inaccurate, mostly drawn from unsubstantiated information and did not reflect the nature of the case. The Government informed that, in 2015, Ms. Dinh Thi Phuong Thao received an administrative citation for inciting people to disrupt social order. The Government stated that, in 2019, while entering the country, Ms. Thao was questioned by the

[105] Human Rights Council resolution 39/1.

[106] Oral Update on the Human Rights Situation in Venezuela, 9 September 2019, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24958&LangID=E.

[107] Ibid.

police about activities related to a terrorist group. According to the Government, authorities had neither withdrawn nor confiscated her passport[108].

144. On 31 March 2020, special procedures mandate holders expressed concern at the alleged arbitrary arrest and potential enforced disappearance on 26 March 2020 of **Ms. Truong Thi Ha**, a Vietnamese lawyer and woman human rights defender, in what appeared to be a reprisal for her cooperation with the UN (VNM 1/2020). In November 2019, she participated in a workshop organized by the Special Rapporteur on the right to freedom of peaceful assembly and association in Geneva, where she voiced her fear of reprisals, and subsequently engaged with the UN over the next several months. On 25 March 2020, Ms. Truong intended to return to Viet Nam for the first time after her interaction at the UN, and was due to cross the land border at Cha Lo Border Gate, Dân Hoá into Viet Nam. As part of the measures to address the COVID-19 pandemic, Ms. Truong was reportedly quarantined with other Vietnamese nationals for two weeks at a government center in Quang Binh where border control authorities confiscated her identification card, driver's license and passport, as well as her personal belongings. She was released on 13 April 2020 without her passport and other belongings.

145. On 25 May 2020, the Government[109] stated that the allegations were drawn from unsubstantiated sources, the information was not accurate, and that Ms. Truong was not subject to reprisals. The Government noted that authorities put in place a mandatory COVID-19 quarantine of all individuals entering Viet Nam as of 21 March 2020, and stated that when Ms. Truong entered Viet Nam at the Cha Lo Border Gate of Quang Binh Province on 26 March 2020, she was asked to provide personal identity documents, contact tracing information and a health declaration and travel record. She was quarantined until 11 April 2020, plus an additional two days due to a high temperature, and then delivered by bus to her permanent residence in Viet Nam on 13 April 2020. The Government stated that she had 4 SIM cards but no personal communication devices, and borrowed other quarantined individuals' phone to contact family.

146. On 30 April 2020, special procedures mandate holders addressed alleged acts of intimidation and reprisals in the form of threats, harassment, travel restrictions, surveillance, and acts of violence against members of independent religious communities and human rights defenders, who sought to participate, or participated, in the 2019 annual international conference in Bangkok on freedom of religion or belief in Southeast Asia. The conference included interaction with and training by OHCHR (VNM 2/2020). Allegations of police warnings, confiscation of passport and prevention of travel, detention and interrogation, as well as harassment of close relatives of a number of human rights advocates from Viet Nam invited to attend the 2018 conference in Bangkok with the Special Rapporteur on freedom of religion and belief was addressed previously (A/HRC/42/30, Annex II, para. 112).

147. **Ms. Nguyen Xuan Mai**, **Mr. Pham Tan Hoang Hai**, **Mr. Nguyen Van Thiet**, **Mr. Tran Ngoc Suong** and **Ms. Luong Thi No**, who had participated in the previous conferences (see also Annex II), were reportedly banned from travelling to Bangkok from 28 October to 1 November 2019, under an order of the Ministry of Public Security or local police authorities. **Mr. Nguyen Anh Phụng**, who had initially planned to attend the conference, was reportedly interrogated at home for additional information on the conference and he ultimately did not attend (VNM 2/2020).

148. Members of various religious communities, **Mr. Huynh Ngoc Truong** (Catholic from Con Dau Parish), **Ms. Nguyen Thi Hoai Phuong** (Con Dau Parish), **Ms. Nguyen Pham Ai Thuy** (Con Dau Parish), **Ms. Ngo Thi Lien** (Con Dau Parish), **Mr. Thich Thien Phuc** (Buddhist) and **Mr. Nay Y Ni** (Montagnard Christian) travelled from Viet Nam and participated in the 2019 conference in Bangkok. During the conference, they attended a training delivered by OHCHR on how to submit complaints to the special procedures (VNM 2/2020).

149. On 6 November 2019, upon their return to Da Nang International Airport, Mr. Huynh Ngoc Truong, Ms. Nguyen Thi Hoai Phuong, Ms. Nguyen Pham Ai Thuy, Ms. Ngo Thi Lien

[108] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35202.
[109] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35311.

and Mr. Thich Thien Phuc were reportedly stopped by security officers and separately subjected to intense interrogation about their participation in the conference, including what the conference was about, who the organizers and participants were, how they funded their travel, and what they had shared or done at the conference (VNM 2/2020).

150. Mr. Nay Y Ni was reportedly subjected to interrogation on 8 and 9 November 2019 upon his return from Bangkok, and the authorities searched his room on 13 November 2019. Subsequently, on 18 November 2019, he lost his employment at Bình Dương hospital (VNM 2/2020).

151. On 14 November 2019, in the context of an eviction of residents in the village of Con Dau Parish based on an order issued in 2011, many police officers surrounded the houses of Mr. Huynh Ngoc Truong and Ms. Nguyen Thi Hoai Phuong. Fearing that it was an act of reprisal for having participated in the 2019 conference in Bangkok, they went to Lao Bao border in Quang Tri Province and attempted to cross to the Lao People's Democratic Republic for safety. However, Mr. Huynh Ngoc Truong was detained and interrogated by the police before crossing the border. When he was taken by a police officer to a nearby hotel to spend the night, he was brutally attacked by a group of men until he fainted. They only stopped when a police officer intervened. On 30 November 2019, Mr. Huynh Ngoc Truong was again detained on a bus to the Cambodian border at Moc Bai and interrogated for twelve hours about his past activities defending the religious freedom of his parishioners, and about the 2019 conference in Bangkok (VNM 2/2020).

152. On 13 July 2020, the Government responded in detail to the note verbale in connection to the present report. Regarding the situation of Ms. Truong Thi Ha, it informed that during her time in mandatory health quarantine, she received the same treatment as others; her rights were respected, including having her health monitored, staying in touch with her family, posting and sharing updates about her situation on Facebook and provided with adequate accommodation and meals. Currently, Ms. Truong Thi Ha is free and not a subject of any criminal detention or prosecution. On 19 June 2020, the Working Group on Enforced or Involuntary Disappearances decided to consider the case clarified.

153. Concerning the case of Ms. Dinh Thi Phuong Thao, the Vietnamese police suspected that she had attended training courses organized by Viet Tan, a terrorist group founded in 1982 in Thailand. In 2019, when returning to Viet Nam, Ms. Dinh Thi Phuong Thao was asked by the police to provide details on her activities relating to the terrorist group Viet Tan, not because of her cooperation with the UN, its representatives and mechanisms. Vietnamese authorities neither withdrew nor confiscated her passport.

154. Regarding the individuals attending the 2019 annual international conference in Bangkok on freedom of religion or belief in Southeast Asia, the Government stated that relevant authorities do not "intimidate" or "harass" individuals because they attend an international workshop or conference. It further stated that information indicating that "members of independent religious communities and human rights defenders" faced acts of intimidation and reprisals, in the forms of threats, harassment, travel restrictions, surveillance, and acts of violence before and after attending the 2019 annual international conference in Bangkok on freedom of religion or belief, is untrue.

## 39. Yemen

155. In its August 2019 report to the Human Rights Council, the Group of Eminent International and Regional Experts on Yemen (GEE)[110] regretted that the Government did not respond to its multiple requests for permission to enter the country, thereby preventing access to victims and information (A/HRC/42/17, para.7). The GEE denounced the environment of fear created by some of the parties to the conflict that caused witnesses, victims and organizations to reconsider their cooperation with it and noted the lack of safe spaces for victims and witnesses to speak privately with investigators had a detrimental impact on its work (para. 7).

[110] Human Rights Council resolution 36/31.

156. In its report, the GEE highlighted that it had received numerous reports of human rights defenders being banned by the de facto authorities from travelling outside the country, or being interrogated when returning from activities abroad. The GEE investigated violations in 2018 and 2019 against human rights defenders, including women rights defenders, but victims requested that information related to their cases remain confidential for fear of reprisals. The GEE also referred to a fear of reprisals by victims and local witnesses as one important factor frustrating its investigations of reported incidents throughout the country (A/HRC/42/CPR.1, paras. 395, 494, 577, and 609).

157. OHCHR received information on alleged acts of reprisals against **Mr. Akram Al-Shawafi**, of **Watch for Human Rights**, who has documented human rights violations, particularly in Taizz governorate, since 2015. Between October 2019 and March 2020, Mr. Al-Shawafi engaged with the GEE, and with the Security Council sanctions committee. The cases submitted to the GEE included documented violations against civilians, including cases of child sexual abuse and rape, as well as arbitrary detention of civilians in illegal prisons, and the issuing of arbitrary death sentences. OHCHR was informed that Watch for Human Rights has been smeared on social media, and Mr. Akram Al-Shawafi has been accused of collaborating with international bodies and offending the Yemeni military force.

158. The offices of the organization in Taizz were reportedly raided by the forces of the internationally recognized Government of Yemen, who threatened staff members and closed it in October 2019. The same month, as well as in April 2020, there were two stigmatization campaigns on social media, including Facebook, by supporters of the internationally recognized Government of Yemen, accusing Mr. Al-Shawafi and the organization of being biased and paid by de-facto authorities. In November 2019, a staff member of the organization was kidnapped and tortured for more than ten days by unknown individuals reportedly affiliated with the de facto authorities. During his captivity, the staff member was questioned about the work of the organization and told to leave Taizz governorate.

## 40. State of Palestine

159. In November and December 2019, several Palestinian and international women's organizations and activists in the occupied Palestinian territory were subject to intimidation and threats for their support for the Convention on the Elimination of Discrimination against Women (CEDAW), and actual or perceived engagement with CEDAW's Committee, which reviewed the occupied Palestinian territory in July 2018. On 15 November 2019, the non-governmental political and religious movement, Hizb ut Tahrir publicly announced the launch of a campaign against CEDAW in the State of Palestine, noting on its website that "CEDAW is the crime of the century against the Muslim woman." On 20 November 2019, it publicized the organization of a meeting it was holding for women in Hebron as part of that campaign, one of multiple activities in the West Bank.

160. Following the November 2019 statement, OHCHR received information that many social media posts were shared, for example on Facebook, criticizing and delegitimizing Palestinian and international women's organizations.

161. On 21 December 2019, some clan leaders in Hebron, South West Bank, made a public statement against CEDAW in the media, calling for the closure of women's organizations working on the fulfilment of the tr eaty's obligations.

# Annex II

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

### 1. Bahrain

1. The case of **Ms. Hajar Mansoor Hasan** was included in the 2018 and 2019 reports of the Secretary-General on allegations of arbitrary detention and abuse due to her family ties with **Mr. Sayed Ahmed Al-Wadaei** (A/HRC/39/41, Annex I, para. 5; A/HRC/42/30, Annex II, paras. 3–6). The Working Group on Arbitrary Detention found the detention of Mr. Al-Wadaei's relatives, including that of Ms. Mansoor Hasan, to be arbitrary and in reprisal for his cooperation with the UN and based on their family ties with him (WGAD/2018/51, paras. 85, 93 and 96). The case of **Ms. Medina Ali**, at the time Ms. Mansoor Hasan's cellmate, was also included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex II, para. 3).

2. On 1 November 2019, special procedures mandate holders addressed the continued imprisonment and abuse against Ms. Mansoor Hasan and Ms. Ali (BHR 3/2019). In mid-September 2019, both women were reportedly denied the right to participate in the commemorative Ashura rites with the other inmates, and their requests for Ashura books were rejected. Mandate holders noted that around those dates, the 2019 report of the Secretary-General (A/HRC/42/30) was made public and discussed at the 42nd session of the Human Rights Council.

3. Mandate holders also raised concern about further targeting after the cases of Ms. Mansoor Hasan and Ms. Ali were discussed at an NGO side event on the margins of the Council in September 2019, broadcast online by the organisers, and a report including their cases was launched on the situation of female political prisoners in Bahrain. The National Institution for Human Rights (NIHR) issued a statement denying the allegations and, around those dates, Ms. Mansoor Hasan and Ms. Ali were barred from communicating with other inmates who were threatened with punishment if they attempted communication (BHR 3/2019).

4. On 29 December 2019, the Government[1] noted that the General Directorate of Reform and Rehabilitation allows all inmates to fulfil their religious obligations, as long as they do not undermine security and order and that they follow the rules governing such practices. The Government stated that oversight mechanisms undertake regular and periodic visits to detention centers. On 15 December 2019, under Act No. 18 of 2017 on alternative penalties and measures, a judge approved the release from prison of Ms. Ali on 16 December 2019. On 5 March 2020, Ms. Mansoor Hasan was released after the completion of her sentence.

5. The case of **Mr. Nabeel Rajab**, of the Bahrain Center for Human Rights and the Gulf Centre for Human Rights, was included in the 2017, 2018 and 2019 reports of the Secretary-General in relation to his cooperation with the Human Rights Council (A/HRC/36/31, para. 23 and Annex I, para. 6; A/HCR/39/41, Annex II, para. 9; A/HRC/42/30, Annex II para. 8). Mr. Rajab was detained in 2016, and in August 2018 the Working Group on Arbitrary Detention found his detention arbitrary and referred the case to the Assistant Secretary-General for Human Rights (A/HRC/WGAD/2018/13, paras. 40–44).

6. On 1 November 2019, special procedures mandate holders expressed concern at the continued imprisonment and alleged deteriorating health of Mr. Rajab (BHR 3/2019). On 17 September 2019, the Manama High Court of Appeal rejected Mr. Rajab's appeal to overturn previous court decisions and replace his prison sentences with a non-custodial measure. Mandate holders also addressed Mr. Rajab's conditions of detention, including being kept in an overcrowded cell and isolated from other imprisoned human rights defenders

[1] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35089.

(BHR 3/2019). On 31 December 2019, the Government[2] affirmed Mr. Rajab's health is continually monitored and provided a log for medical visits from 19 October to 3 December 2019. On 9 June 2020, Mr. Rajab was released pursuant to Act No. 18 of 2017 on Penalties and Alternative Measures. He will serve a non-custodial sentence for the remaining three years and has been reportedly forbidden from making statements to the media.

7. On 9 July 2020, the Government responded to the note verbale sent in connection with the present report affirming information on the charges and sentencing of individual cases. In particular it noted the release of Ms. Mansoor Hasan at the completion of her sentence. The Government affirmed the independence and integrity of the NIHR, stating that the alleged threats against Ms. Medina Ali are false. It highlighted the role of correctional and rehabilitation centres and the various national redress mechanisms, and affirmed the rights of those in detention to religious rituals.

## 2. Bangladesh

8. The case of human rights organization Odhikar and its Secretary Advocate, Mr. Adilur Rahman Khan, was included in the 2011 (A/HRC/18/19 paras. 25–26) and 2019 (A/HRC/42/30, para. 40 and Annex II, paras. 11–12) reports of the Secretary-General on alleged accusations of anti-State and anti-Government activities following their engagement in the first cycle of the UPR of Bangladesh in 2009. Odhikar's bank account was frozen under the Foreign Donations (Voluntary Activities) Regulations Bill of 2016.

9. It was reported to OHCHR that, as of May 2020, Odhikar's bank accounts remain frozen, preventing the organization from making banking transactions or receiving any funds, therefore severely limiting its capacity to operate. Similarly, Odhikar's application to the NGO Affairs Bureau for the renewal of its registration remains pending since 2014. On 13 May 2019, Odhikar filed a Writ Petition (no. 5402/2019) to the High Court Division of the Supreme Court, which called upon the NGO Affairs Bureau to explain the non-renewal of Odikhar's registration from 2015 onwards, to which there has been no response.

## 3. Burundi

10. The cases of human rights lawyers **Mr. Armel Niyongere**, **Mr. Dieudonné Bashirahishize**, **Mr. Vital Nshimirimana** and **Mr. Lambert Nigarura** were included in the 2019, 2018 and 2017 reports of the Secretary-General (A/HRC/42/30, Annex II, paras. 13–14; A/HRC/39/41, Annex II, paras. 12–13; and A/HRC/36/31, para. 24, Annex I, paras. 11–15). Three of the human rights lawyers were disbarred and one suspended by the Court of Appeal at the request of the Attorney General, following their cooperation with the Committee against Torture during the Committee's consideration of a special report on Burundi in July 2016. The Committee has addressed the Government in writing on three occasions[3], and as of May 2020, no reply had been received to the Committee's letters and the lawyers remain disbarred or suspended. The decision of the Court of Appeal has yet to be communicated to the four lawyers, thus still preventing them from making an appeal.

## 4. Cameroon

11. The case of **Ms. Maximilienne Ngo Mbe**, of the Central Africa Human Rights Defenders Network (REDHAC), was included in the 2019 (A/HRC/42/30, Annex II, paras. 15–16) and 2018 (A/HRC/39/41, para. 31, Annex I, paras. 7–8) reports of the Secretary-General on allegations of threats, attacks, and surveillance following her

[2] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35089.

[3] Letter of 21 February 2017 https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_RLE_BDI_26799_F.pdf, and letter of 12 August 2016 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fRLE%2fBDI%2f24879&Lang=en.

cooperation with the Human Rights Committee[4]. On 15 April 2020 and 28 April 2020, special procedures mandate holders renewed their concerns about the ongoing intimidation, threats and attacks against Ms. Ngo Mbe and REDHAC (CMR 1/2020)[5].

12. On 26 January 2020, the headquarters of REDHAC in Douala were the target of a suspected arson attack causing serious damage to the building and archives of the organization. On 9 March 2020, a high-ranking Government official during a press conference accused REDHAC, other NGOs and media outlets of accepting money to produce false reports to destabilize the country.

## 5. China

13. The case of **Ms. Li Xiaoling**, who had engaged with UN human rights mechanisms, was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 45 and Annex I, paras. 13–14). Following her conviction in November 2018 by the Zhuhai City Xiangzhou District Court of "picking quarrels and provoking trouble," Ms. Li Xiaoling was released on probation on 3 December 2018, and during the reporting period continued to serve her sentence at home. It was reported to OHCHR that she is under surveillance and her movements are strictly controlled. She allegedly continues to be fitted with an electronic bracelet which tracks her movements and records her voice, and she is barred from communication without police permission.

14. The case of human rights lawyer **Ms. Li Yuhan**, who had engaged with UN human rights mechanisms and whose detention was considered arbitrary by the Working Group on Arbitrary Detention [6], was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 45 and Annex I, paras. 13, 15). It was reported to OHCHR that during the reporting period, Ms. Li Yuhan has been held in Shenyang City No.1 Detention Center, still in pre-trial detention since May 2019 on charges of "picking quarrels and provoking trouble" since being seized by the police on 9 October 2017. She has reportedly not been able to meet her lawyers since January 2020 before the COVID-19 outbreak.

15. The case of human rights lawyer **Mr. Liu Zhengqing**, who had engaged with UN human rights mechanisms, was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 45 and Annex I, paras. 13, 16) on allegations of disbarment for that engagement (CHN 13/2011)[7]. During the reporting period, it was reported to OHCHR that Mr. Liu Zhengqing remained unemployed as he is still disbarred and is unable to represent clients in court.

16. The case of **Ms. Xu Yan**, who had engaged with UN human rights mechanisms, was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 45 and Annex I, paras. 13, 17) in relation to her interrogation for her campaign for the release of her detained husband, Mr. Yu Wensheng, a human rights lawyer whose case was addressed by the Working Group on Arbitrary Detention (A/HRC/HRC/WGAD/2018/62)[8] and other special procedure mandate holders (CHN 5/2018)[9]. It has been reported to OHCHR that, during the reporting period, the attempts of Ms. Xu Yan to visit her husband, or receive information about him, were blocked by the authorities, and that her phone and computer are monitored. In the current reporting period, she reportedly continued to remain subjected to surveillance and unable to leave her home or travel abroad.

17. The case of **Mr. Zhen Jianghua**, who had engaged with UN human rights mechanisms, was included in the 2019 report of the Secretary-General (A/HRC/42/30,

[4] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34200.

[5] OHCHR, "Cameroon must protect human rights defenders," (28 April 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25835&LangID=E.

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

[7] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30914.

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

[9] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33962.

para. 45 and Annex I, paras. 13, 18) after being convicted of "inciting subversion of state power" and sentenced to two years in prison, following a closed-door trial (CHN 2/2018)[10]. In its October 2019 report, the Working Group noted that it found the detention of Mr. Zhen Jianghua arbitrary and recommended that he be released and provided compensation and other reparations (A/HRC/WGAD/2019/20, paras. 68, 77, 87, 91, 95)[11]. On 8 November 2019, he was released at the completion of his sentence.

18. The case of the international non-governmental organization **Chinese Human Rights Defenders** (CHRD) was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 46 and Annex I, para. 19) on allegations of intimidation and harassment for sharing information with the UN, as well as for training human rights defenders seeking to cooperate with the UN. In December 2019 and January 2020, Chinese state media criticized CHRD's research submitted to the Committee on the Elimination of Racial Discrimination (CERD) in 2018.

19. The case of **Ms. Chen Jianfang**, a human rights defender, was included in the 2014 and 2019 reports of the Secretary-General (A/HRC/27/38, para. 17; A/HRC/42/30, para. 46 and Annex II, para. 18) on allegations of intimidation and reprisal for her campaign for civil society participation in the UPR, including a tribute to Ms. Cao Shunli[12] on the fifth anniversary of her death (CHN 11/2013)[13]. On 19 August 2019, special procedures mandate holders raised concern about Ms. Chen Jianfang's alleged arbitrary detention and enforced disappearance (CHN 16/2019). According to reports received by OHCHR, on 20 March 2019, the Shanghai Public Security Bureau arrested Ms. Chen Jianfang and her husband and took them to an unknown location. Ms. Chen Jianfang's husband was released on bail on 3 April 2019, while she was detained in an unknown location. Their house was put under surveillance by police officers in plain clothes, who have reportedly put pressure on family members not to speak publicly about Ms. Chen Jianfang's case. Ms. Chen Jianfang was held on charges of "inciting subversion of state power," later changed to the more serious charge of "subversion of state power." On 2 July 2019, authorities from the Pudong New District Procuratorate reportedly refused to recognize her legal counsel. Mandate holders noted that, in August 2019, authorities had refused to disclose the place of Ms. Chen's detention and her whereabouts were unknown (CHN 16/2019).

20. On 10 October 2019, the Government responded[14], stating that on 20 March 2019 Ms. Chen Jianfang was the subject of criminal coercive measures (arrest) carried out by the Shanghai Public Security Agency, in accordance with the law, because she was suspected of subversion of the political power of the State. The Government stated that, after an investigation, she fully confessed to the offence. On 22 May 2019, the Pudong New Area Procurator's Office in Shanghai approved her arrest, in accordance with the law, and, on 30 August 2019, her case was transferred to the Shanghai No. 1 Intermediate People's Court for prosecution. The Government stated that she is now in detention at the Shanghai municipal detention center, and her case is currently being heard.

21. The case of **Ms. Wang Yu**, a lawyer, was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, para. 46 and Annex II, para. 19; A/HRC/39/41, Annex I, paras. 10–12) on allegations of arrest and charges of "subversion of state power," (CHN 6/2015)[15], including in connection to her role in the case of Ms. Cao Shunli (see above). It was reported to OHCHR that Ms. Wang Yu continued to face surveillance and harassment from police and judicial bureau officials during the reporting period, and her passport continues to be confiscated since July 2015.

22. The cases of **Mr. Qin Yongmin**, and his wife, **Ms. Zhao Suli**, were included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, para. 46 and Annex II,

[10] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33943.
[11] Opinion No. 20/2019 adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, concerning Mr. Zhen Jianghua and Qin Yongmin (China), 24 April–3 May 2019.
[12] A/HRC/42/30, Annex II, paras. 17–19; A/HRC/39/41, Annex I, para.10–11; A/HRC/33/19, para. 39; A/HRC/30/29, Annex I, para. 1; and A/HRC/27/38, paras. 17–19.
[13] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32042.
[14] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34911.
[15] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32826.

para. 20; A/HRC/39/41, Annex I, paras. 13–14). During the reporting period, Mr. Qin Yongmin reportedly remained in prison in Qianjiang City, Hubei Province, serving his 13-year prison sentence on charges brought in July 2018 on "subversion of state power," which reportedly also accused Mr. Qin Yongmin of promotion of engagement with UN human rights mechanisms. His family has reportedly been unable to contact him since the COVID-19 outbreak, and, prior to the outbreak, he had not been allowed to make phone calls and his family received only sporadic letters from him. Ms. Zhao Suli reportedly continues to remain under de facto house arrest, and when she leaves her home she is reportedly followed by police.

23. The cases of **Mr. Mi Chongbiao** and his wife **Ms. Li Kezhen** were included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, para. 46 and Annex II, para. 21; A/HRC/39/41, Annex I, paras. 15–16) after Mr. Mi Chongbiao posted a complaint online that was submitted to the Human Rights Council. In the reporting period, the couple reportedly continue to face restrictions on their freedom of movement. Plain clothes police officers reportedly wait outside their house and follow them when they leave their house.

24. The case of **Ms. Li Wenzu** was included in the 2019 and 2017 reports of the Secretary-General (A/HRC/42/30, para. 46 and Annex II, para. 22; A/HRC/36/31, Annex I, paras. 20–21) on allegations of her arbitrary arrest and detention following her cooperation with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016 (CHN 9/2016)[16]. During the reporting period, Ms. Li Wenzu had reportedly been restricted by police in her movements and, in December 2019, she was reportedly followed by police when going to the Embassy of France in Beijing to accept a human rights prize on behalf of her husband, Mr. Wang Quanzhang, whose case was taken up by the Working Group on Arbitrary Detention[17]. On 5 April 2020, her husband, was reportedly released from prison following the completion of his sentence. He was initially blocked from returning home to Beijing by Shandong authorities, despite completing a 14-day COVID-19 quarantine and repeatedly testing negative for the virus, until 27 April 2019 when his wife had a medical emergency. He has since been reunited with his family in Beijing.

25. The case of **Ms. Wang Qiaoling** was included in the 2019 and 2017 reports of the Secretary-General (A/HRC/42/30, para. 46 and Annex II, paras. 23–24; A/HRC/36/31, Annex I, paras. 20–21) on allegations of intimidation and harassment for her cooperation with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016 (A/HRC/34/75, CHN 9/2016)[18]. During the reporting period, Ms. Wang Qiaoling noted suspicious activity around her home by unknown actors, while her husband, **Mr. Li Heping** arrested in 2015[19] (CHN 6/2015)[20], continues to serve his sentence on charges of "subversion of state power" (CHN 3/2017)[21] with restricted freedom of movement, and remains disbarred.

26. The case of lawyer **Mr. Jiang Tianyong** was included in the 2019, 2018 and 2017 reports of the Secretary-General on allegations of intimidation and harassment for his cooperation with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016[22] (A/HRC/42/30, para. 46 and Annex II, para. 25–26; A/HRC/39/41, Annex II, paras. 14–16; and A/HRC/36/31, Annex I, paras. 22–24) and was

[16] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33318.

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

[18] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33318.

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

[20] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32826.

[21] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33449.

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

the subject of actions by special procedures mandate holders (CHN 9/2019[23] and CHN 13/2016, CHN 15/2016[24]; CHN 3/2017[25])[26].

27. On 24 September 2019, special procedures mandate holders[27] called upon China to immediately end harassment and surveillance of Mr. Jiang Tianyong. They stated that "Despite his release, Mr. Jiang is not a free man. He remains under constant surveillance by the authorities and his movement is severely restricted. He continues to be punished, along with his family and friends, with harassment and intimidation by the authorities." They further stated that "while this is being done on the ground … he has been deprived of his political rights for three years, [and] such treatment is both gratuitously punitive and legally unjustified."[28] The experts also expressed concern about Mr. Jiang Tianyong's lack of access to appropriate medical care, especially in view of his deteriorating health.

28. It was reported to OHCHR that following the issuance of the September 2019 press statement by special procedures, national security officers from the Xinyang City Public Security Bureau in Henan Province harassed Mr. Jiang Tianyong and his parents at their home. During the reporting period, he continued to be restricted in his movement, only allowed to leave home accompanied by police, and he and his family were allegedly subject to police harassment.

29. The case of **Mr. Dolkun Isa** was included in the 2019 and 2017 reports of the Secretary-General (A/HRC/42/30, para. 46 and Annex II, paras. 27, 32; A/HRC/36/31, para. 29) on allegations of attempts by the Government to prevent his participation in UN fora (CHN 13/2018)[29]. It was reported to OHCHR that during the reporting period additional attempts were made to prevent the participation of Mr. Dolkun Isa in UN fora, including sessions of the Human Rights Council in Geneva.

30. On 17 August 2020, the Government responded in detail to the note verbale sent in connection to the present report. Regarding the situation of Ms. Chen Jianfang, it informed that she was accused of inciting subversion of State power on 30 August 2019, and a case was filed with the First Intermediate People's Court of Shanghai, which is ongoing. As for Mr. Li Heping, he was sentenced to three years in prison for subversion of the State on 28 April 2017, with four years of probation and four years of deprivation of political rights. Mr. Li Heping did not lodge an appeal within the specified period and, in May 2018, he was disbarred.

31. Regarding Ms. Li Yuhan, she was detained in November 2017 and charged with fraud and provocative and disturbing acts; she was disbarred in 2018. The People's Court of Heping District, as the court of first instance, is currently hearing the case. Judicial authorities have dealt with her case in accordance with the law and that no "abuses" or "tortures" have taken place. Concerning Mr. Qin Yongmin, the Government stated that his rights to receive visitors and to send and receive mail are protected in prison in accordance with the law. His third elder brother and wife have visited him in prison. Since the outbreak of the coronavirus disease (COVID-19) in January 2020, however, the prison has suspended such visits.

32. Regarding Mr. Liu Zhengqing, he was disbarred in January 2019 by the Guangdong Provincial Department of Justice for remarks he made when acting as a defence counsel, which had endangered national security and constituted malicious slander against other people. Concerning Mr. Wang Quanzhang, a former lawyer, he was sentenced on 28 January 2019 to four years and six months in prison and deprivation of political rights for five years

[23] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34846.
[24] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33355.
[25] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33449.
[26] See also Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.
[27] OHCHR, "China: Harassment of human rights lawyer Jiang Tianyong must stop, say UN experts," (24 September 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25046&LangID=E.
[28] Ibid.
[29] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34273.

for subversion of State power, and in December 2019, he was disbarred by the Beijing Municipal Bureau of Justice on the grounds of his conviction of a deliberate crime.

33. Regarding the disbarring of lawyers, the Government stated that more than 480,000 lawyers function as a key force for governing the country according to the law. The vast majority of Chinese lawyers are able to practice in accordance with laws and regulations. A handful, however, have violated professional ethics and the discipline expected of legal practitioners and, even worse, have committed crimes. As in most countries, lawyers who violate laws and regulations may be punished, which in itself is a requirement of the rule of law to help safeguard the overall interests of lawyers, create a favourable environment for legal practice and promote the advancement of the rule of law, and the healthy development of the legal profession in China.

34. The Government also addressed the situations reported in the 2019 report of the Secretary-General pertaining to the following individuals, noting that it did not have updated or new information on their cases: Ms. Li Xiaoling, Ms. Xu Yan, Mr. Zhen Jianghua, Ms. Cao Shunli, Ms. Wang Yu, Mr. Mi Chongbiao, Ms. Li Wenzu, Ms. Wang Qiaoling, Mr. Jiang Tianyong, and Mr. Dolkun Isa. The Government stated that it inquired about the allegations pertaining to non-governmental organization Chinese Human Rights Defenders and found no relevant information in this regard.

## 6. Colombia

35. The case of **Mr. Wilmer Orlando Anteliz Gonzalez**, a protected witness in a criminal investigation by the National Prosecutor's Office, was included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex I, para. 25) on allegations of disciplinary investigations, demotions, unsolicited transfers, death threats and lack of adequate protection measures for cooperating with OHCHR in Colombia. During the reporting period, Mr. Anteliz has allegedly continued to be subject to reprisals, including intimidation against his subordinates to produce false testimonies against him, as part of a smear campaign purportedly directed by high ranking officials of the National Police. Some of the acts of surveillance, threats and harassment of subordinates and their families were denounced formally to the Attorney General's Office in October 2019. Names and details of those affected cannot be provided for fear of reprisals.

36. The case of **Mr. Germán Graciano Posso**, member and legal representative of the Peace Community of San José de Apartadó, was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, Annex II, paras. 33–35; A/HRC/39/41, para. 33 and Annex I, para. 18) regarding criminalisation, death threats and an assassination attempt following his participation in the 2017 Forum on Business and Human Rights (COL 1/2018)[30]. On 28 January 2019, the Constitutional Court requested a review of the legal action and, in parallel, the local court requested the temporary suspension of the ruling. Until the Constitutional Court rules on the matter, no legal action can be taken against the Peace Community or its legal representative and, as of 30 April 2020, Mr. Graciano Posso's arrest order remained suspended.

37. On 13 July 2020, the Government responded to the note verbale sent in connection to the present report. Regarding the case of Lieutenant Anteliz, it informed that the National Police does not have record of the case where he is a witness in a criminal investigation by the National Prosecutor's Office, and provided a list of ongoing disciplinary investigations. The Government also provided detailed information on the protection measures afforded to Lieutenant Anteliz, according to the assessment of risk associated with his active service.

38. Regarding the case of Mr. Graciano Posso, the Government explained their rationale for the action initiated by the 17th Brigade of the Colombian Army for its military personnel and the specifics of the legal proceedings. It stated that the allegations by the Peace Community of San José de Apartadó are without proof and, under no circumstance does the

[30] End of mission statement, Special Rapporteur on the situation of human rights defenders, Michel Forst, Visit to Colombia, 20 November to 3 December 2018 (page 7), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23960&LangID=E.

Brigade intend to violate their right to freedom of expression. The Government stated that it intends to protect the name and honour of the members of the National Army affected by accusations lacking probative value.

## 7. Cuba

39. The situation of **Mr. Juan Antonio Madrazo Luna**, member of the Comité Ciudadanos por la Integración Racial (CIR), was included in the 2019 and 2018 (A/HRC/42/30, Annex II, paras. 36–37; A/HRC/39/41, Annex I, para. 25) reports of the Secretary-General on allegations of travel restrictions that prevented his engagement with CERD and the UPR session in 2018. On 3 July 2019, a group of Member States in the Human Rights Council drew attention to his case[31]. Between 30 September and 3 October 2019, Mr. Madrazo Luna travelled to Geneva where he met with representatives of OHCHR, civil society and diplomatic missions and participated in a public event, broadcast live on social media. He returned to Cuba and on 27 October 2019, was reportedly subject to a travel ban at Havana airport when attempting to again leave Cuba. Authorities informed him that he had no permission to leave the country, but did not provide a reason for the decision.

40. The situation of **Mr. José Ernesto Morales Estrada** of the organization Consejería Jurídica e Instrucción Cívica was included in the 2018 report of the Secretary-General on allegations of interrogation, threats and travel ban following his engagement with CERD and the Forum on Minority Issues (A/HRC/39/41, Annex I, paras. 22–23). Between 30 September and 3 October 2019, Mr. Morales Estrada participated in meetings in Geneva with representatives of OHCHR, civil society and diplomatic missions, as well as a public event, broadcast live on social media. It was reported to OHCHR that, following his return to Cuba on 15 November 2019, his home was visited by State Security agents attempting to arrest him. They left when he insisted to see an arrest warrant, but he was told to report to the police station the following day where he was informed that he was being investigated following a complaint filed against him. He was informed that he could be detained for up to three days during the investigation phase.

41. On 19 August 2020, the Government responded to the note verbale in connection to the present report stating that the allegations are not only unfounded but are based on fabricated testimonies with motivations outside the cause of human rights. The Government rejected as false the allegations that restrictions or prohibitions on departure from the country apply to Mr. Madrazo Luna and Mr. Morales Estrada. On the contrary, the immigration records show many trips abroad of both individuals during the past few years some of them for participating in international events and meetings in different countries. The allegations of harassment after their return to the national territory from Spain in October 2019 are also false as are the allegations of alleged subpoenas to police units and intimidation by the customs authorities.

## 8. Djibouti

42. The case of **Mr. Kadar Abdi Ibrahim**, of the Mouvement pour la démocratie et la liberté (MoDEL) was included in the 2019 (A/HRC/42/30, Annex II, paras. 40–41) and 2018 (A/HRC/39/41, para. 37 and Annex I, para. 31) reports of the Secretary-General related to his engagement with the UPR review of Djibouti in May 2018 (DJI 1/2018)[32].

43. It was reported to OHCHR that, as of May 2020, Mr. Ibrahim's passport remains confiscated by the Service de Documentation et Sedimentation (SDS), to whom Mr. Ibrahim had made multiple inquiries. He is reportedly prevented from directly engaging with partners

[31] Statement by the Netherlands on behalf of Belgium, Netherlands and Luxemburg, 41st session of the Human Rights Council, General Debate, item 5 (3 July 2019), http://webtv.un.org/search/item5-general-debate-23rd-meeting-41st-regular-session-human-rights-council/6055385648001/?term=&lan=english&cat=Regular%2041st%20session&sort=date&page=7#player.

[32] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34341.

and actors outside the country, including the UN. In August 2019, Mr. Ibrahim sent another letter to the SDS, followed by an in-person visit to its headquarters a week later, but was refused a request to meet with its Director.

## 9. Egypt

44. The case of **Mr. Ebrahim Abdelmonem Metwally Hegazy** of the Association of the Families of the Disappeared was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, para. 52 and Annex II, paras. 42–44; A/HRC/39/41 para. 38 and Annex I, paras. 32–35) on allegations of enforced disappearance and torture for his attempted cooperation with the Working Group on Enforced and Involuntary Disappearances[33]. On 14 August 2019, the Working Group on Arbitrary Detention found Mr. Metwally's detention arbitrary, noted that his detention amounts to an act of retaliation for cooperation with the UN, and considered it the appropriate remedy that the Government release Mr. Metwally immediately and provide him compensation and other reparations (A/HRC/WGAD/2019/41, paras. 34, 40, 46, 51, 56)[34].

45. In September 2019, at the Human Rights Council, a Member State expressed deep concern about the case of Mr. Metwally[35]. On 13 November 2019, special procedures mandate holders raised concern about the continued detention of Mr. Metwally, which they stated was "in apparent contradiction with the Cairo Criminal Court's acquittal verdict" in October 2019 (EGY 12/2019). They expressed concern about his health status and noted that, on 12 March 2019, Mr. Metwally's lawyer filed a complaint to demand his transfer to the hospital for medical treatment of symptoms developed in detention, to no effect. On 14 October 2019, the Cairo Criminal Court held Mr. Metwally not guilty of the charges he was accused of and ordered his immediate release, but on 15 October 2019, he was returned to Tora Prison (EGY 12/2019).

46. On 20 November 2019, mandate holders stated that "on 5 November 2019, Mr. Metwally was notified of new charges which appear to be identical to those of which he was cleared," and that he therefore "seems to be a victim of double jeopardy."[36] According to reports, Mr. Metwally has continued to be held incommunicado and in solitary confinement in the Al Aqrab maximum security section of Tora Prison for most of the reporting period, without family visits. On 16 March 2020, his pre-trial detention was renewed once again in absentia and on 25 March 2020, his relatives filed a complaint with the public prosecutor requesting his release.

47. The situation of **Mr. Ahmed Mefreh Ali Elsaeidy** of the Committee for Justice (CFJ) was included in the 2014 report of the Secretary-General (A/HRC/27/38, para. 24) on allegations of intimidation, arrest and charges following information he submitted to the UN when he was country representative in Egypt for the NGO Alkarama (EGY 14/2013). The CFJ and Mr. Mefreh engaged in the 2019 UPR of Egypt by contributing to six joint submissions, made publicly available[37]. On 13 November 2019, CFJ organized an NGO side event on the margins of the UPR and a press conference at the UN Palais des Nations. On 14 November 2019, a representative of the Egyptian National Council for Human Rights who participated in the UPR of Egypt accused Mr. Mefreh on an internet-based news website 'Cairo24', of being present at the UN as part of the "Muslim Brotherhood's delegation aimed

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

[34] Opinion 41/2019 adopted by the Working Group on Arbitrary Detention at its eighty-fifth session, concerning Ebrahim Abdelmonem Metwally Hegazy (Egypt), 12–16 August 2019.

[35] http://webtv.un.org/meetings-events/watch/id-asg-on-sg-report-on-reprisals-22nd-meeting-42nd-regular-session-human-rights-council/6087685267001/?term=#player.

[36] OHCHR, "Egypt must free human rights lawyer detained in "double jeopardy" case, say UN experts," (20 November 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25323&LangID=E.

[37] https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPREGStakeholdersInfoS34.aspx.

to disrupt the UPR of Egypt." On 15 November 2019, identical content was published by at least six online news outlets.

48. The case of **Dr. Ahmed Shawky Abdelsattar Mohamed Amasha** was included in the 2017, 2018, and 2019 reports of the Secretary-General (A/HRC/36/31, para. 33 and Annex I, para. 34; A/HRC/39/41, Annex II, paras. 17–18, 21; A/HRC/42/30, Annex II, paras. 45–46) on allegations of abduction, detention, torture following information he submitted to the UN. In November 2017, the Working Group on Arbitrary Detention found his detention arbitrary and requested the Government to ensure his immediate release[38]. According to information received, on 10 September 2019, the Cairo Criminal Court ordered the provisional release of Dr. Amasha. Despite this decision, he remained in detention at Damietta Prison until 4 October 2019, when he was released on bail and required to report to the police station twice a week. It has been subsequently reported to OHCHR that, in June 2020, Dr. Amasha was arrested by police officers and his fate and whereabouts remained unknown. The case was brought to the attention of the Working Group on Enforced or Involuntary Disappearances.

49. The situation of **Mr. Bahey El Din Hassan**, of the Cairo Institute for Human Rights Studies, was included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex II, para. 50) on allegations of criminal charges, travel ban and assets freeze for his cooperation with the UN (EGY 16/2017). Mr. El Din Hassan reportedly continues to face attacks, harassment and death threats resulting from his sustained engagement with UN. On 19 September 2019, he was sentenced in absentia to three years in prison, as well as given a fine of LE 20,000 (USD 1,200) by the Cairo Felony Court (Case No. 5530/2019) related to a Twitter commentary he posted related to the Public Prosecution. His legal representatives filed a motion to the Public Prosecutor calling for threats that constitute incitement to murder to be investigated, on which reportedly no action has been taken.

50. Egyptian legislation impacting individual and civil society groups' ability to cooperate with the UN was addressed by multiple UN actors and included in the 2017 (A/HRC/36/31, para. 32 and Annex I, para. 33), 2018 (A/HRC/39/41, Annex I, paras. 19, 22) and 2019 (A/HRC/42/30, Annex II, paras. 48–50) reports of the Secretary-General. The subsequent passing of a new law in August 2019 (Law 149/2019 on Regulating Activities of Nongovernmental Organizations) similarly restricts foreign funding and cooperation with foreign entities (articles 14, 19, 27, and 48) and continues to raise concerns with regard to international participation.

51. It was further reported that as a consequence of the new NGO Law 149/2019 requiring Ministerial approval for organizations to "join, affiliate, participate, cooperate and engage with foreign organizations in activities" (art.19), some independent civil society organizations based in Egypt exercised self-censorship and decided not to travel to Geneva to engage in the 2019 UPR process for fear of reprisals. In advance of the UPR of Egypt in October 2019 the Assistant Secretary-General for Human Rights addressed concerns in writing to the Government (see also Annex I).

52. On 28 February 2020, special procedures mandate holders raised concern that Law 149/2019 "employ[s] similar language to restrict the funding of and action by NGOs in the interest of national security" and that in tandem with other laws limiting internet access, regulating internet content and censoring the media, it "restricts the rights of human rights defenders and those voicing dissent" and "constitutes a disproportionate interference" (EGY 4/2020). On 8 April 2020 the Government noted that the amendments to the law were under consideration[39].

53. On 9 April 2020, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism expressed concern about "legislative changes covering anti-terrorism, protests, association and NGOs" which "include extending the definition of 'terrorist entity' and applying new measures against individuals, businesses, media outlets, and trade unions and provide for life sentences and capital

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

[39] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35224.

punishment for funding terrorism." She noted that journalists, human rights defenders, opposition parties and public-sector workers are also threatened[40] (see also A/HRC/42/30, Annex II, para. 47).

## 10. Guatemala

54. Alleged acts of reprisals against judges, lawyers and prosecutors for their cooperation with the International Commission against Impunity in Guatemala (CICIG) were included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 54–55, Annex I paras. 40–45) after special procedures mandate holders addressed multiple legal impeachment proceedings (antejuicios) and public stigmatization and vilification campaigns against judicial and civil society actors cooperating with CICIG.

55. In September 2019, the High Commissioner for Human Rights reported that Congress created a commission of inquiry to investigate alleged "illegal and arbitrary" acts by CICIG (A/HRC/43/3/Add.1, para. 39). During the period under review, OHCHR received reports that, in relation to the CICIG, three human rights defenders, 14 judges and magistrates, and 23 public prosecutors were the subject of unfounded criticism, on-line vilification, and intimidation during the hearings, and were mentioned in this commission's final report. This included **Ms. Helen Mack**, from the Myrna Mack Foundation, whose case was included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex I, para. 43). She was allegedly subject to attacks and legal actions, related to her participation in an injunction request before the Constitutional Court regarding the unilateral termination by the Government of Guatemala of the CICIG agreement with the UN[41].

56. Reprisals and intimidation against judicial actors and civil society were included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 54–55, Annex I paras. 40–45). As noted by the High Commissioner in her July 2019 report, the pattern of attacks, reprisals and intimidation against judges and public prosecutors persisted in 2019, in particular against those presiding over cases related to transitional justice and corruption (A/HRC/43/3/Add.1, para. 33). Alleged acts of reprisals against Constitutional Court judges **Mr. José Francisco de Mata Vela**, **Mr. Bonerge Mejía** and **Ms. Gloria Porras** were included in the 2019 report of the Secretary-General regarding their work for the CICIG (A/HRC/42/30, para. 54, Annex I para. 41), and they continued to be targeted in the reporting period.

57. On 18 July 2019, special procedures mandate holders expressed concern at reported acts of intimidation, attacks and reprisals from State and non-state actors against High-Risk Court judges **Mr. Pablo Xitumul de Paz** and **Ms. Erika Lorena Aifán Dávila** linked to their decisions on high impact and emblematic cases (GTM 6/2019). In October 2019, Ms. Aifán Davila was granted precautionary measures by the IACHR[42]. On 25 September 2019, the Government provided information on cases against Mr. Xitimul de Paz, as well as on measures to ensure the protection of both judges and ongoing related investigations[43].

58. Similarly, it was reported to OHCHR that intimidation and reprisals against public prosecutors cooperating with CICIG, in particular the Special Prosecutor's Office against Impunity, and Chief Prosecutor **Mr. Juan Francisco Sandoval**, have increased. Two of these prosecutors resigned during the reporting period, following a reported increase in threats and intimidation received, related to their work in high-profile corruption cases in which the CICIG intervened. On 8 April 2020, the Inter-American Court of Human Rights

[40] OHCHR, "Egypt's updated terrorism law opens the door to more rights abuses, says UN expert" (9 April 2020), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25787&LangID=E.

[41] See joint report OHCHR-Procurador de los Derechos Humanos, "La situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad" (2019), paras. 28 and 74. http://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/Informe_personas_defensoras.pdf.

[42] IACHR, resolution 55/2019, precautionary measure 682-18, October 2019, http://oas.org/es/cidh/decisiones/pdf/2019/55-19MC682-18-GU.pdf.

[43] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34899.

issued urgent protection measures in favour of three prosecutors of the Special Prosecutor's Office against Impunity[44].

59. Judges in the High-Risk Courts have reportedly faced various attacks linked to their work, including requests to lift their immunity so they can be criminally prosecuted, smear campaigns in social media, and the appointment of support personnel who leaked information and documents from the courtrooms (A/HRC/43/3/Add.1, para. 36). In October 2019, the Inter-American Commission of Human Rights (IACHR) issued precautionary measures in favour of the 5 magistrates of the Constitutional Court[45].

60. On 10 January 2020, it was publicly noted that the Secretary-General was informed of the issuance of a report by a congressional committee in Guatemala on the work of the CICIG, and he called on the Guatemalan authorities to protect the rights and ensure the safety and security of former Commission staff, as well as justice operators and human rights defenders who work in support of the rule of law in Guatemala (SG/SM/19935)[46].

61. The situation of the **national human rights institution** (Procurador de los Derechos Humanos) and that of its Ombudsperson, **Mr. Augusto Jordán Rodas Andrade**, was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, Annex II, para 52; A/HRC/39/41, para. 41 and Annex I para. 42) on reported attempts to undermine the independence and effectiveness of the institution because of its cooperation with the CICIG, as well as smear campaigns against Mr. Rodas Andrade and attempts to remove him from office.

62. According to information received by OHCHR, the Procurador has continued to face cuts in its budget, threatening its ability to carry out its mandate. The budget cut made by the Congress for 2019 corresponded to 20 percent of its operations budget and prevented the institution from paying its employees from December 2019 to February 2020. In July 2019, the Constitutional Court ordered the immediate disbursement of funds, but Congress has reportedly delayed the procedures. While the 2019 budget situation was finally solved, reportedly the same budget cuts are in force for 2020. Further, attempts to remove Mr. Rodas Andrade from office have continued; for example, in October 2019, Congress filed a criminal complaint against him for abuse of authority, usurpation of functions, and breach of duties.

63. On 23 July 2020, the Government responded to the note verbale sent in connection to the present report, noting that the newly elected President of Guatemala has created the Presidential Commission against Corruption. In this sense, the Government affirmed that the termination of CICIG's functions has not prevented the competent national organs from continuing with the processes initiated to ensure access to justice.

64. The Government rejected allegations of stigmatization campaigns and reprisals against the Magistrates of the Constitutional Court, Judges of the Supreme Court of Justice as well as human rights defenders. It stated that there is a regulatory framework that allows actions by judicial actors who might feel intimidated, threatened, or denigrated. The Government stated that the rights of human rights defenders have not been limited, and shared information on complaints registered for cases of smear campaigns or stigmatization against defenders, as per the records of the Public Ministry. Regarding alleged reprisals against the national human rights institution, the Government informed that it has acted freely without restriction to its functions, and that this should not be confused with the actions of people who may feel aggrieved by its resolutions, declarations or actions.

[44] President of the Inter-American Court of Human Rights, resolution, 8 April 2020, http://www.corteidh.or.cr/docs/medidas/ruizfuentes_se_01.pdf.

[45] IACHR, resolution 56/2019, precautionary measure 28-19, October 2019, http://oas.org/es/cidh/decisiones/pdf/2019/56-19MC28-19-GU.pdf.

[46] UN, "International Commission against Impunity in Guatemala Contributes to Eradicating Corruption, Impunity, Says Secretary-General," (10 January 2020), https://www.un.org/press/en/2020/sgsm19935.doc.htm.

## 11. Honduras

65. The case of **Ms. Hedme Castro**, from ACI-PARTICIPA, and her relatives, was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, Annex II, para. 53; A/HRC/39/41, para. 44 and Annex I, paras. 45–47) on allegations of stigmatization, surveillance, threats and attacks for her cooperation with the Human Rights Committee and the Human Rights Council (HND 2/2019).

66. In July 2019 the Government[47] noted that in April 2017, the case had been admitted to the National Protection Mechanism for Human Rights Defenders, Journalists, Media Workers and Justice System Actors, and a risk assessment was initiated for Ms. Castro and ACI-PARTICIPA; on 21 October 2019, it concluded that Ms. Castro was at serious risk.

67. According to information received by OHCHR, incidents of surveillance, harassment and threats have continued during the reporting period. On 19 July 2019, OHCHR participated in a meeting with Ms. Castro and the Director of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Workers and Justice System Actors to support her request for emergency protection measures. On 1 August 2019, Ms. Castro filed a complaint to the Office of the Prosecutor for incidents of police surveillance and harassment, to which there has been no response. The situation has obstructed Ms. Castro's human rights work and is severely affecting the well-being of her close relatives and co-workers.

## 12. Hungary

68. The case of the **Hungarian Helsinki Committee**, a civil society organization working on migration and asylum-related issues, was included in the 2018 report of the Secretary-General in connection to its engagement with the Human Rights Committee in 2018 (A/HRC/39/41, Annex I, paras. 53–55, 58–59). In July 2019, the Special Rapporteur on the human rights of migrants visited Hungary and regretted that, in the past years, civil society organizations working on migrants' rights have experienced multiple obstacles in carrying out their work, such as those resulting from legislative amendments, financial restrictions and other operational and practical measures taken by the Government[48] (see also A/HRC/42/30, para. 57 and Annex I, paras. 47–52) and that, as a result, some civil society organizations have been deterred from cooperating with UN entities assisting migrants and refugees (A/HRC/44/42/Add.1, para. 55).

69. The Special Rapporteur referred specifically to a November 2019 ruling of the Supreme Court of Hungary on a 2017 national consultation questionnaire, which contained false allegations about the Hungarian Helsinki Committee pertaining to its work and advocacy on migrants' rights (para. 55). It is reported to OHCHR that this kind of targeting of the organization is related to its ongoing advocacy with the UN and other international bodies. The Supreme Court established that the Government had damaged the reputation of the Hungarian Helsinki Committee and ordered the Office of the Prime Minister to pay 2 million Hungarian Forints (about USD 6,500) in damages to the NGO. The Court also ruled that the Government should publish an apology to the Committee, both through the National Press Service and on the home page of the official Government website, visible for 30 days.

70. On 24 July 2020, the Government responded to the note verbale sent in connection to the present report stating that it complies with all of its obligations under international law, including by proving access to transit zones for civil society organizations providing humanitarian assistance in agreement with the Government. It provided details on organizations that have been granted access to the facilities, and stressed that the National Directorate-General for Aliens Policing continues to be open to cooperation with civil society organizations and other entities.

[47] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34786.

[48] End of visit statement of the UN Special Rapporteur on the human rights of migrants, Budapest, 17 July 2019, at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24830&LangID=E.

71. In regards to the Hungarian Helsinki Committee, the Government provided details of the decision of the Constitutional Court concerning the constitutionality of the provisions of the Criminal Code, relating to the conformity with the Fundamental Law and annulling Section 353/A of the Act C of 2012 on the Criminal Code (facilitation and support of illegal immigration). The response of the Government does not reflect on allegations of intimidation and reprisals concerning civil society organizations assisting migrants and refugees that may have been deterred from cooperating with the UN entities or been subject to smear campaigns, administrative or criminal investigations and reputational damage.

## 13. India

72. Allegations of reprisals against the Centre for Social Development (CSD) in Manipur and its staff, including its secretary **Mr. Nobokishore Urikhimbam**, were included in the 2018 and 2019 reports of the Secretary-General (A/HRC/42/30, Annex II, para. 57; A/HRC/39/41, para. 50 and Annex I paras. 63–65) on allegations of surveillance and freezing of their bank account for cooperation with the UN. On 11 September 2019, special procedures mandate holders (IND 18/2019) raised concern about the suspension of registration of CSD, and the surveillance, threats and attacks against its staff and their family members. It was reported to OHCHR that in October 2019 the CSD's license under the Foreign Contribution (Regulation) Act of 2010 (FCRA), which had been suspended, had been reinstated.

73. Mandate holders drew particular attention to the 4 July 2019 attempted shooting of Mr. Urikhimbam's daughter, which appeared to be linked to his work in defence of human rights and his engagement with the UN (IND 18/2019). On 5 July 2019, the family of the victim filed a complaint at the Singjamei Police Station and, two weeks later, a First Information Report was registered by the police. Due to a fear of further reprisals, the mandate holders noted that Mr. Urikhimbam cancelled a trip to Geneva to represent CSD and United NGOs Mission Manipur in discussions on the margins of the July 2019 session of the Human Rights Committee, and also in September 2019 to attend the Human Rights Council. As of May 2020, it was reported to OHCHR that the alleged perpetrators of the attempted shooting of Mr. Urikhimbam's daughter had not been identified.

74. A July 2019 OHCHR report on Indian-administered Kashmir and Pakistan-administered Kashmir noted reprisals against **Jammu and Kashmir Coalition of Civil Society (JKCCS)**, which regularly cooperates with the UN. This report stated that, hours after the release of OHCHR's previous June 2018 report, content defaming JKCCS and its coordinator, **Mr. Khurram Parvez**, was spread on social media by a group that claimed to have ISIS affiliation, including death threats against Mr. Parvez and his family (para. 136)[49]. The situation of **Jammu and Kashmir Coalition of Civil Society JKCCS**, and its coordinator, **Mr. Khurram Parvez** and other members of the coalition were included in the 2017, 2018 and 2019 reports of the Secretary-General (A/HRC/36/31, para. 36; A/HRC/39/41, Annex II, paras. 23–24; A/HRC/42/30, para. 58 and Annex II, para. 59). It was also reported to OHCHR that additional sources for OHCHR's reports, including victims of torture, were reportedly questioned about their testimonies but names are withheld due to a fear of further reprisals.

75. It was reported to OHCHR that Mr. Parvez, who in the past has been subject to travel bans, arbitrary arrest and detention in relation to his cooperation with the UN, was informed in August 2019 that he was prohibited from traveling internationally because he was placed on an "Exit Fly List." It was further reported that Mr. Parvez was called in for "routine verification" by police in February 2020 and, as of May 2020, three "First Information Reports" filed by police in 2016 before a court in Srinagar were still unresolved.

76. On 31 July 2020, the Government responded in detail to the note verbale sent in connection to the present report. Regarding the situation of CSD in Manipur, the Government stated that the FCRA has been enacted to regulate the acceptance and utilization of foreign

[49] OHCHR, Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019 (July 2019), https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf.

contribution or foreign hospitality by individuals or associations or companies to ensure that funds are not used for purposes detrimental to India's national interests. The FCRA registration of CSD was suspended as it has been assessed and found to be in violation of this Act. Regarding the preventive detention of Mr. Parvez, the Government stated that it has been drawn from the cases registered against him Under Section (U/S) 151, 107 Code of Criminal Procedures (CRPC) for his activities against the public order in the past few years. The Government noted that a person who is under investigation for a criminal case registered against him under law is required to cooperate with the investigating agencies, and should not try to leave the country till the investigations are completed.

## 14. Iran (Islamic Republic of)

77. The 2019 report of the Secretary-General (A/HRC/42/30, para. 59 and Annex I, para. 54–55) noted that journalists of the British Broadcasting Corporation (BBC) Persian service were allegedly subject to stigmatization and threats against family members for their statements at the Human Rights Council (see also IRN 29/2017; A/HRC/37/68, para. 34)[50].

78. In his July 2019 report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran drew attention to the reprisals faced by staff and family of the BBC Persian service, in particular female staff, through personal and gendered attacks on social media (A/74/188, para. 25), addressed on 5 March 2020 by special procedures mandate holders (IRN 4/2020). On 11 March 2020, they noted that "Journalists working for the BBC Persian Service and other Farsi-language news outlets outside Iran have faced threats, criminal investigations, unlawful surveillance, freezing of assets, defamation and harassment by Iranian authorities. Several journalists have also been targeted for going public about the harassment and seeking protection from the UN."[51]

## 15. Israel

79. The case of **Mr. Omar Shakir**, of Human Rights Watch, was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, para. 62 and Annex II, para. 65; A/HRC/39/41, para. 53 and Annex I, para. 68). On 8 November 2019, special procedures mandate holders criticized a decision by the Israeli Supreme Court upholding the Government's decision to revoke the work visa of Mr. Shakir[52]. The order was based, inter alia, on allegations that Mr. Shakir would support a boycott of Israel, including alleged statements by Mr. Shakir in support of a database produced by the UN[53] on businesses that operate in Israeli settlements[54].

80. On 5 November 2019, following appeals, the Israeli Supreme Court ruled to deport Mr. Shakir from the occupied Palestinian territory. A January 2020 report of the High Commissioner for Human Rights noted that "the Court stated that Mr. Shakir's past activism with the boycott, divestment and sanctions movement and his work with Human Rights Watch constituted calls for boycotts against Israel, all of which were aimed at Israeli settlements" (A/HRC/43/70, para. 66). It further noted that "the Court held that the meaning of "a public call for boycott against Israel" under the Entry into Israel (Amendment No. 28) Law that would allow for entry to be denied "includes boycott that is based on the

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

[51] OHCHR, "Iran: targeting of journalists threatens freedom of press, say UN experts" (11 March 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25706&LangID=E.

[52] OHCHR, "UN experts condemn Israeli decision to expel Omar Shakir of Human Rights Watch," (8 November 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25265&LangID=E.

[53] Human Rights Council resolution 31/36.

[54] See also OHCHR, "UN experts call on Israel not to overturn deportation of Human Rights Watch director," (25 April 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24516&LangID=E.

identification of the Israeli control in the [occupied Palestinian] territories as a violation of international law" (para. 66).

81. The 2019 report of the Secretary-General (A/HRC/42/30, paras. 61–62, Annex I, paras. 62–66, Annex II, paras. 63–65) addressed intimidation and reprisals of civil society at UN events in relation to their cooperation with UN human rights mechanisms. Special procedures mandate holders noted incidents involving harassment against civil society representatives during the 40th session of the Human Rights Council in Geneva (ISR 8/2019), and it was reported to OHCHR that similar incidents occurred during the 41st and 42nd sessions of the Human Rights Council and that representatives of civil society had been followed and their actions recorded.

82. Intimidation was also reported in relation to the December 2019 review of Israel by CERD. Representatives of **Al-Haq**, **Al Mezan Center for Human Rights** (see also ISR 12/2019), and the **Cairo Institute for Human Rights Studies**, who had submitted a joint submission to CERD for the review that was made public[55], reportedly faced allegations that their organizations had links to terror groups from other organizations participating in the review.

## 16. Mexico

83. The 2019 (A/HRC/42/30, Annex II, paras. 69–70), 2018 (A/HRC/39/41, Annex II, paras. 33–36) and 2017 (A/HRC/36/31, para. 41, and Annex I, paras. 49–52) reports of the Secretary-General included alleged reprisals against the four complainants in the case of *Ramirez et al. v. Mexico* (2015) where the Committee against Torture found violations of different provisions of the Convention against Torture (CAT/C/55/D/500/2012). In 2017, 2018 and 2019, the Committee requested protective measures for **Mr. Ramiro López Vázquez**, **Mr. Ramiro Ramírez Martínez**, **Mr. Rodrigo Ramírez Martínez** and **Mr. Orlando Santaolaya Villarreal** related to allegations that, subsequent to the Committee's decision on their case, the complainants had suffered acts of intimidation and harassment by the authorities.

84. On 15 July 2019, the State party submitted information regarding the investigation into the circumstances of the arrest of the complainants by military personnel. The Government noted that on 12 April 2019, the amparo proceedings initiated by the victims for allegedly harmful acts were dismissed, and there are pending investigations into crimes under federal law to prevent and punish torture. The four victims have been registered in the National Registry of Victims and have the right to receive assistance, protection, and reparation. According to the State party, the complainants have had access to health assessments, medical and psychological assistance as well as legal assistance. Regarding the alleged harassment and criminalization of the victims, the State party admits that no investigation has taken place; however, the victims may submit a complaint to the Ministry of Justice, if necessary.

85. In view of the information provided by the State party, the Committee considered its decision as partially implemented and decided to keep the follow-up dialogue ongoing (CAT/C/67/3, paras. 4–11), including by sending a letter on 16 October 2019 expressing concern at reports that Mr. Rodrigo Ramírez Martínez had been mistreated and extorted by the national gendarmerie on 8 September of 2019[56]. It requested the State party to immediately adopt the necessary protection measures, to carry out a prompt, independent and impartial investigation, to redact criminal records and provide official proof of the cancellation of such records to avoid future reprisals, and to provide full reparation to the victims. In November 2019, it was reported to OHCHR that Mexico did not comply with the protection measures requested by the Committee, and that Mr. Santaolaya Villarreal was in poor health due to conditions of detention.

[55] https://tbinternet.ohchr.org/Treaties/cerd/Shared%20Documents/isr/int_cerd_NGO_ISR_39700_E.pdf.
[56] https://tbinternet.ohchr.org/Treaties/cat/Shared%20documents/mex/int_cat_rle_mex_8985_s.pdf.

86. On 3 December 2019 (CAT/C/68/3, paras. 11–14)[57], the Committee considered that the follow-up comments and observations had demonstrated a lack of implementation, raised concerns about repeated allegations of reprisals, and decided to keep the follow-up dialogue ongoing, including a renewed request for protection measures (A/75/44, para. 65). In February 2020, Mr. Ramiro Ramírez Martínez won a judicial appeal and was released without charges. Thus, Mr. Orlando Santaolaya Villareal is the only one of the four complainants who remains in detention.

87. On 4 August 2020, the Government responded to the note verbale in connection to the present report indicating that it does not have additional information or action registered regarding the above-mentioned cases.

## 17. Morocco

88. The case of **Mr. Ennaâma Asfari** was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/ 42/30, Annex II para. 73; A/HRC/39/41, para. 57 and Annex I, para. 77) on alleged deterioration of detention conditions following the decision of the Committee against Torture on his case in 2016 (CAT/C/59/D/606/2014). Reported reprisals in the form of an entry ban against **Ms. Claude Mangin-Asfari**, the wife of Mr. Asfari, were also included in the 2019 report of the Secretary-General.

89. In July 2019, while noting positive developments in the form of visits by his wife, the Chair of the Committee Against Torture requested the State party to refrain from reprisals against Mr. Asfari, invited observations on the implementation of the remedy that the Committee had previously communicated to the Government, and decided to keep the follow-up dialogue ongoing (CAT/C/67/3, paras. 12–13). On 6 August 2019, the Government in a meeting with the Committee stated that Mr. Asfari had refused to cooperate with judicial authorities on the investigation of the allegations of torture, and that he was held in an individual cell, not in solitary confinement, is in contact with other inmates and has family visits and phone calls. The State party denied that the complainant or his wife, Ms. Mangin, had faced any reprisals (CAT/C/68/3, paras. 22–26). At its 68th Session, the Committee decided to keep the follow-up dialogue ongoing, and, given the absence of meaningful progress, to request Morocco to allow for a follow-up visit to monitor the lack of implementation of its decision in this case, including with regard to the detention conditions of the complainant (A/74/44, para. 65).

90. The case of **Ms. Naziha el-Khalidi** was included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex I, para. 74) on allegations of interrogation following action of special procedures mandate holders on her case[58]. On 4 June 2019, mandate holders expressed their concern about the interrogation of Ms. el-Khalidi following their first communication (MAR 2/2019). On 5 August 2019, the Government refuted the allegations that the questioning by police was an act of reprisals against Ms. el-Khalidi, rather indicating it was part of an investigation into the reported ill-treatment during her arrest, which had come to their attention through the first communication by mandate holders[59].

91. It has been reported to OHCHR that on 8 July 2019, Ms. el-Khalidi was convicted in absentia by the Court of First Instance of Laayoun for practicing journalism without accreditation (article 381 of the Penal Code). The sentence included a fine of 4,000 Moroccan dirhams (about USD 400) and the confiscation of her mobile phone seized by the police during her 2018 arrest. During the reporting period, Ms. el-Khalidi has been the subject of a vilification campaign through sexist and gender-biased posts on social media from an account known to target Sahrawi human rights defenders and journalists, and her close relatives receive notifications of these postings on their cell phones. Some posts have allegedly included intimate photos and private messages taken from her seized mobile phone.

92. On 17 July 2020, the Government responded in detail to the note verbale in connection to the present report. The Government reiterated the information provided to the Committee

[57] https://www.ohchr.org/EN/HRBodies/CAT/Pages/FUReports.aspx.
[58] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34727.
[59] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34811.

against Torture pertaining to Mr. Asfari, including that which was presented during the August 2019 meeting between the Permanent Representative and Committee. The Government stated that Mr. Asfari and his wife are not subject to acts of reprisal and provided information about the conditions of detention of Mr. Asfari. The Government categorically refuted the allegations that Ms. el-Khalidi was the subject of an online smear campaign, and informed that she has not brought any complaints about such allegations to national administrative or judicial instances.

## 18. Myanmar

93. The case of **Mr. Aung Ko Htwe** was included in the 2019 (A/HRC/42/30, Annex II, paras. 77–78) and 2018 reports of the Secretary-General (A/HRC/39/41, para. 60 and Annex I, paras. 80–82). The Governing Body of the International Labour Organization had raised concerns about the apparent reprisals against complainants in forced labour cases, such as that of Mr. Aung Ko Htwe (see GB.332/INS/8, para. 16)[60], which was also addressed by the Special Rapporteur on the situation of human rights in Myanmar (see A/HRC/37/70, para. 15)[61].

94. In March 2020, the Special Rapporteur on the situation of human rights in Myanmar reported that she had sent a list of questions to the Government, to which she had not received a response (A/HRC/43/59, para. 2). The questions included a request to provide information about ongoing cases such as that of **Ms. Nay Zar Tun**, including the status of proceedings and whether the defendants have legal representation (A/HRC/43/59, Annex II, para. 11(a)). Ms. Nay Zar Tun, along with two other individuals, was reportedly jailed and faced two charges for defamation in Yangon related to her campaigning efforts for the release of her brother, Mr. Aung Ko Htwe, who was sentenced in March 2018 to two years in prison with hard labour. It was reported to OHCHR that Mr. Aung Ko Htwe was released in September 2019. Ms. Nay Zar Tun was released on 9 April 2020, followed by the other two individuals.

## 19. Nicaragua

95. The 2019 report of the Secretary-General noted that, from June 2018 to May 2019, OHCHR documented 23 cases of harassment and persecution against those who regularly share information with OHCHR, 17 of whom consented to be named in the report while others did not owing to a fear of further reprisals (A/HRC/42/30, para. 69 and Annex I, paras. 78–84). One of these individuals, **Mr. Marcos Carmona** (A/HRC/42/30, paras. 69 and Annex I, para. 78)[62], of the Comisión Permanente de Derechos Humanos (CPDH), and other members of CPDH, were reportedly subjected to repeated threats, harassment and intimidation during the reporting period, in particular by police officers.

96. Between June and September 2019, police officers on multiple occasions reportedly surrounded the premises of CPDH and intimidated those who tried to file complaints of possible human rights violations. In September 2019, a female lawyer who provided legal assistance to victims in the context of the protests went into exile after receiving threats against her sons on social media, and after unknown pro-government actors vandalized her house with graffiti. On 12 July 2019, the Inter-American Court on Human Rights issued provisional measures for Mr. Carmona and members of the CPDH[63].

97. On 11 September 2019, **Mr. Jonathan López**, a prominent student leader previously detained in relation to his cooperation with the UN (A/HRC/42/30, paras. 69–70 and Annex I, paras. 78, 81–83), met with the High Commissioner in Geneva with others detained in

[60] ILO, Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session, 2013 (7 February 2018), https://www.ilo.org/gb/GBSessions/previous-sessions/GB329/ins/WCMS_545827/lang--en/index.htm.

[61] ILO, Supplementary Understanding between the Government of Myanmar and ILO, 2007, https://www.ilo.org/yangon/info/meetingdocs/WCMS_106131/lang--en/index.htm.

[62] Listed in 2019 report of the Secretary-General in error as Mr. Cardona.

[63] http://www.corteidh.or.cr/docs/medidas/integrantes_centro_ni_se_01.pdf.

relation to the 2018 protests and released under the Amnesty Law. It was reported to OHCHR that, upon his return to Nicaragua on 26 September 2019, Mr. López was summoned to police premises in the city of Granada and interrogated, including about his travel to Geneva. On 26 March and 15 April 2020, Mr. López was allegedly subjected to further acts of harassment and intimidation by police officers at his house. On 9 December 2019, the Assistant Secretary-General for Human Rights, who had met Mr. López and Mr. Carmona in Costa Rica on 7 October 2019, addressed allegations of intimidation and reprisals with the authorities in writing.

## 20. Philippines

98. Alleged reprisals in the form of surveillance, public stigmatization and calls for resignation of the current Chair and staff of the **Commission on Human Rights of the Philippines** (PHL 12/2017), and the arbitrary detention of its former Chair, were included in the 2019 (A/HRC/42/30, Annex II paras. 79–80) and 2018 reports of the Secretary-General (A/HRC/39/41, paras. 61–62 and Annex I, paras. 84–85). In particular, the High Commissioner in her July 2019 report (A/HRC/44/22, para. 58) noted that former Chair and Senator, **Ms. Leila de Lima**, arbitrarily detained for three years, is among the women officials critical of Government policy who faced reprisals[64].

99. During the reporting period, OHCHR received information that the Commission continued to be the target of threats, intimidation and public questioning, given its support to, and engagement with, the UN. When the Human Rights Council voted in favour of the resolution on the human rights situation in the Philippines in July 2019 (A/HRC/RES/41/2), newspaper articles reportedly condemned statements by the Commission which had advocated for the implementation of the resolution and had called for the Government to cooperate with OHCHR. In November 2019, during the Senate's public deliberations on the Commission's proposed 2020 budget, legislators accused the Commission of favouring criminals. The Senate President reportedly raised questions concerning international organizations with which the Commission had engaged, and requested the list of such organizations to be submitted to the Senate.

100. The **Karapatan Alliance for the Advancement of People's Rights**, a national alliance of human rights organizations, was included in the 2019 report of the Secretary-General, in connection with alleged intimidation and reprisals for its engagement with the UN (A/HRC/42/30, Annex II, para.83). On 15 April 2020, special procedures mandate holders addressed concerns to the Government about alleged killings of two members of the Karapatan alliance as well as office raids, arbitrary detention and legal cases against Karapatan secretariat members and staff (PHL 1/2020) from May 2019 to March 2020. They detail a pattern of the targeting of multiple organizations and individuals, stating that "it is believed that all…incidents are reprisals for the advocacy work conducted by Karapatan, RMP and Gabriela at the national and international level, including before the UN Human Rights Council" (PHIL 1/2020).

101. In particular, they referred to ongoing patterns of harassment, including death and rape threats against **Ms. Cristina Palabay**, Secretary General of Karapatan, who led delegations of human rights defenders to the 41st, 42nd and 43rd sessions of the Human Rights Council, including to support the adoption of resolution 41/2 on the Philippines (see also PHL 7/2019). On 9 December 2019, Karapatan sent a submission to OHCHR and held a press conference. The following day, Ms. Palabay received several text messages with death and rape threats, and threats on social media, including from the accounts of the Philippine National Police, Armed Forces of the Philippines and the National Task Force to End Local Communist Armed Conflict. Mandate holders expressed grave concern at the apparent retaliation against members of the Karapatan alliance for their human rights activities, including their engagement with the Human Rights Council (PHIL 1/2020).

[64] https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_61.pdf; See also PHL 5/2017; A/HRC/40/60/Add.1; A/HRC/40/52.

102. On 23 July 2020, the Government responded in detail to the note verbale in connection to the present report. The Government stressed that the Commission on Human Rights enjoys its continued support and that its budget has even increased. Views expressed during the Senate's budget debate should not be considered as reprisals, as they are part of free political debate. The reply did not provide new details about the situation of detained former Chair and Senator Ms. Leila de Lima.

103. Regarding the alleged killing of two members of the Karapatan alliance, the Government stated that it will address this allegation as soon as information is received from relevant agencies. Concerning the alleged office raids and arbitrary arrest of Karapatan staff members, the Government stated that the intervention by law enforcement was based on two valid search warrants and the operation resulted in the confiscation of various firearms and live ammunitions. The five individuals concerned were lawfully arrested and had access to members of their families as well as legal counsel. The Government provided details about the petition brought against the President and several high-ranking government officials by three NGOs, Karapatan, Gabriela and Rural Missionaries of the Philippines. It reiterated that the allegations of harassment, intimidation and threats against Karapatan are baseless.

## 21. Poland

104. The case of **Mr. Adam Bodnar**, Poland's Commissioner on Human Rights (ombudsperson), was included in the 2019 report of the Secretary-General on allegations of public stigmatization and attempts to remove him from office related to his cooperation with the Human Rights Committee (A/HRC/42/30, Annex I, paras. 89–90). In August 2019, the Committee against Torture expressed concern that Mr. Bodnar was reportedly called upon to resign by one of the Deputy Ministers of Justice on 24 July 2019, the day after the consideration of the seventh periodic report of Poland, which the Committee reviewed at its 67th session. The Office of Poland's Commissioner for Human Rights had provided an alternative report that was posted on the session's web page[65]. The Committee expressed concern that the call for resignation may amount to reprisals against Mr. Bodnar, which would "constitute interference by the Executive in the functions of an institution established by the Legislature" (CAT/C/POL/CO/7, para 23 (c), (d)).

## 22. Russian Federation

105. The 2019 report of the Secretary-General (A/HRC/42/30, Annex II, para. 88) included that, in the context of the September 2018 UPR of the Russian Federation, States made recommendations regarding restrictive legislation, in particular, laws on "foreign agents" and "undesirable" organizations (A/HRC/39/13, paras. 147.61–67; 147.83–95). On 27 February 2020, in her statement to the Human Rights Council, the High Commissioner for Human Rights noted that "new amendments to the 2012 legislation on civil society known as the 'foreign agent law,' have further expanded its application to individuals who distribute foreign media, or publish material, while also receiving money from outside the country. It will have chilling effect on the exercise of freedom of expression and other forms of participation by the public in decision-making."[66]

106. Alleged acts of intimidation and reprisal against CSIPN's (see Annex I) director, **Mr. Rodion Sulyandziga**, in the form of confiscation of passport and prevention of travel to the UN World Conference on Indigenous Peoples, were addressed in October 2014 by special procedures mandate holders (RUS 8/2014; A/HRC/39/17, para. 69). On 29 July 2020, the Government responded to the note verbale in connection to the present report, stating that CSIPN and Mr. Sulyandziga had not been persecuted for cooperation with the UN (see Annex I). Previously the Government had confirmed that Mr. Sulyandziga's passport was

[65] https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fINP%2fPOL%2f35300&Lang=en.

[66] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25621&LangID=E.

seized by the passport control unit of the Federal Security Service at Sheremetyevo International Airport because of cases against him for violating the borders regime[67].

107. In reference to the national legislative framework, the Government stated that citizens' right to association is guaranteed in Article 30 of the Constitution, and there is extensive legislation regulating citizens' exercise of this right, including Federal Law No. 82-FZ of May 19, 1995 "On Public Associations," the Civil Code of the Russian Federation, Federal Law of January 12, 1996 No. 7-ФЗ "On non-commercial organizations" and other regulations. Inclusion in the register of non-profit organizations performing the functions of a foreign agent does not prevent them from obtaining financial support from foreign and international organizations, foreign citizens and stateless persons, and thus it does not place them in a discriminatory position compared to non-profit organizations that do not receive foreign funding.

## 23. Saudi Arabia

108. The case of **Mr. Abdullah Al Hamid**[68], of the Saudi Association for Civil and Political Rights (ACPRA), which filed local lawsuits against the Ministry of Interior and reported human rights violations to the Human Rights Council and to special procedures (SAU 5/2013), was included in the 2013 report of the Secretary-General (A/HRC/24/29, para. 32). Mr. Al Hamid died in custody on 24 April 2020, while serving a six-year sentence of imprisonment for, inter-alia, "disseminating false information to foreign groups" (A/HRC/WGAD/2015/38, para. 75). The Working Group on Arbitrary Detention had found his detention arbitrary[69] and urged his release[70].

109. According to information reported to OHCHR, on 9 April 2020, Mr. Al Hamid suffered a stroke in Al Ha'ir prison, entered a coma, and was moved to King Saud Medical City, where he remained in critical condition. The stroke reportedly resulted from poor detention conditions and the systematic denial of adequate medical care by the prison authorities. Mr. Al Hamid was reportedly denied phone calls and visits on several occasions, and the prison authorities refused to let him inform anyone outside the prison about his declining health. In January 2020, a doctor advised Mr. Al Hamid that he urgently needed a heart catheterization operation, but the prison administration delayed the operation by several months, and he was not allowed to remain in hospital while awaiting the operation that had been projected for mid-2020.

110. The case of **Ms. Loujain Al-Hathloul**, who had been arrested after engaging with CEDAW, was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 73 and Annex I, paras. 91–93)[71]. On 27 September 2019, special procedures mandate holders urged Saudi Arabia to release Ms. Al-Hathloul, whose arrest 500 days prior they noted was partly based on her engagement with CEDAW. They also stated that "it is shockingly hypocritical that Ms. Al-Hathloul remains in prison for campaigning to change laws which have since been amended."[72] On 6 December 2019, the CEDAW Chair and Committee Focal Point on Reprisals again wrote a confidential letter to the Government[73] and on 28 February

[67] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32215.

[68] Also spelled al-Hamid.

[69] Opinion No. 38/2015 adopted by the Working Group on Arbitrary Detention at its seventy-third session, concerning Abdullah al-Hamid (Saudi Arabia), 31 August-4 September 2015, para. 69.

[70] OHCHR, "One year on: UN group renews call for Saudi Arabia to release human rights activists," (17 November 2016), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20886&LangID=E.

[71] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34611.

[72] OHCHR, "Saudi Arabia: UN experts urge freedom for Loujain Al-Hathloul after 500 days in prison," (27 September 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25074&LangID=E.

[73] Previous letters from CEDAW: 25 May 2018, 20 July 2018, 7 August 2018, 13 November 2018, and 20 November 2018.

2020, the Committee publicly urged Saudi Arabia to release her from prolonged pre-trial detention, and ensure without further delay her right to a fair trial[74].

111. On 13 August 2019, it was reported in the media that Saudi state security had visited her in prison in order to negotiate a deal, whereby Ms. Al-Hathloul would be released from prison in return for making a video statement denying that she was tortured, but that she rejected this proposal. Ms. Al Hathloul has reportedly been placed in solitary confinement and had only limited access to her family. She appeared before the Criminal Court in Riyadh on 30 January 2020 and 12 February 2020, but further hearing dates have reportedly been indefinitely postponed, initially related to the COVID-19 outbreak. Prosecutors are reportedly calling for the maximum penalty under article 6 of the Cybercrime Law and pursuing the following charges: "undermining public order, religious values, good morals and private life" and "communicating with journalists, UN human rights bodies and human rights organizations" and other groups described as "hostile to the state."

112. The case of **Ms. Samar Badawi** was included in the 2015 and 2019 reports of the Secretary-General on allegations of threats and interrogations following her statement at the Human Rights Council in 2014[75] (A/HRC/30/29, para. 36 and A/HRC/42/30, para. 73–74, Annex I, para. 91, and Annex II, para. 95)[76]. It was reported to OHCHR that Ms. Badawi appeared before the Criminal Court in Riyadh on 27 June 2019, without legal representation, for the first time since her arrest in July 2018. Throughout the subsequent trial, Ms. Badawi's hearings have been regularly postponed. She had been scheduled to attend a hearing on 18 March 2020, but that and further hearing dates have been indefinitely postponed due to the COVID-19 outbreak. Prosecutors have reportedly called for the maximum penalty under article 6 of the Cybercrime Law and pursuing the following charges: "undermining public order, religious values, good morals and private life" and "communicating with journalists, UN human rights bodies and human rights organisations" and other groups described as "hostile to the state."

113. The case of **Mr. Yahya Al-Assiri**, of the Saudi human rights organization ALQST, was included in the 2019 report of the Secretary-General on allegations of death threats and on-line harassment for his statement during the UPR adoption in March 2019 (A/HRC/42/30, para. 74 and Annex I, para. 95). Some of the women human rights defenders detained in 2018[77] were reportedly subsequently interrogated about Mr. Al-Assiri, including explicitly regarding his engagement with the Human Rights Council, and have been questioned about information they may have provided to him. During this reporting period, OHCHR received information that Mr. Al-Assiri's name appeared on the charge sheets of the cases of Ms. Al- Hathloul, Ms. Badawi and other women's rights activists, who are currently being held because of their cooperation with the UN (see Annex II, above).

114. The case of **Mr. Mohammad Fahad Al Qahtani**, of the Saudi Association for Civil and Political Rights (ACRPA), was included in the 2012, 2013 and 2019 reports of the Secretary-General (A/HRC/21/18, paras. 35–37; A/HRC/24/29, para. 42; and A/HRC/42/30, para. 74 and Annex II, para. 92). It was reported to OHCHR that, in February 2020, while serving 10 years of imprisonment (and a 10-year travel ban) for having provided false

[74] OHCHR, "Saudi Arabia: UN women's rights committee urges Loujain Al-Hathloul's release from detention," (28 February 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25635&LangID=E. See also CEDAW statement, INT_CEDAW_STA_9045_E (27 February 2020), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/9045&Lang=en.

[75] OHCHR "Saudi Arabia must immediately release all women's rights defenders, say UN experts," (12 October 2018), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23719&LangID=E.

[76] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34383 https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34518.

[77] OHCHR, "Saudi Arabia must immediately free women human rights defenders held in crackdown, say UN experts," (27 June 2018), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23270&LangID=E.

information to outside sources, including the UN human rights mechanisms, he has been denied contact with his family and has been transferred to another prison ward.

115. The case of **Mr. Essa Al Nukheifi**[78], a human rights defender, was included in the 2019 and 2018 reports of the Secretary-General (A/HRC/42/30, para. 74 and Annex II, para. 93; A/HRC/39/41, para. 65 and Annex I, paras. 95–96, 98) following his six-year sentence of imprisonment, with a six-year travel and social media ban upon release, for cooperation with the visit of the Special Rapporteur on extreme poverty and human rights to Saudi Arabia in January 2017 (SAU 2/2017)[79]. In its November 2019 opinion, the Working Group on Arbitrary Detention stated that Mr. Al Nukheifi was being detained arbitrarily (A/HRC/WGAD/2019/71, paras. 76, 83, 90, 95), and raised particular concern about the Government's reprisals against Mr. Al Nukheifi for his consultation with the Special Rapporteur on extreme poverty (para. 93). The Working Group called on the authorities to ensure his immediate release and provide him compensation and other reparations (para. 100)[80].

116. On 8 April 2019, Mr. Al Nukheifi requested to be transferred from Mecca General Prison, where he was being held, to Jizan prison to be able to see his family, including his 80-year-old mother, which was denied. In August 2019, Mr. Al Nukheifi was instead transferred to Al Ha'ir prison in Riyadh, reportedly for a re-trial. It was reported to OHCHR that this trial would not proceed. Information from July 2019 suggested that Mr. Al Nukheifi has allegedly been subjected to on-going ill-treatment, including being stripped of his clothes and having his hands and feet shackled (A/HRC/WGAD/2019/71, para. 11).

117. The case of **Mr. Issa Hamid Al-Hamid**, human rights defender and member of the Saudi Civil and Political Rights Association (ACPRA), was included in the 2018 and 2017 reports of the Secretary-General (A/HRC/39/41, Annex II, paras. 49–50; A/HRC/36/31, para. 49 and Annex I, paras. 68–69)[81]. In its November 2019 opinion, the Working Group on Arbitrary Detention stated that Mr. Al-Hamid was being detained arbitrarily (A/HRC/WGAD/2019/71, paras. 76, 83, 90, 95), and noted with concern the Government's reprisals against Mr. Al-Hamid for his reporting to UN human rights mechanisms (para. 93). The Working Group called on the authorities to ensure his immediate release and to provide him compensation and other reparations (para. 100). Mr Al-Hamid is serving an 11-year sentence for having, inter-alia, "communicated with international organizations in order to harm the image of the State." In its response of 18 September 2019 to the Working Group's questions, the Government stated that Mr. Al-Nukheifi and Mr. Al-Hamid were duly arrested, tried and convicted in accordance with domestic laws and procedures (A/HRC/WGAD/2019/71, para. 56).

118. The case of **Mr. Fawzan Mohsen Awad Al Harbi**, human rights defender and member of ACPRA, was included in the 2014 and 2019 reports of the Secretary-General on allegations of arrest and detention in connection to his cooperation with the UN (A/HRC/27/38, para. 30 and A/HRC/42/30, para. 74 and Annex II, para. 94). As of May 2020, he was serving a 10-year prison term at Al Malaz prison in Riyadh (to be followed by a travel ban of 10 years). The case of Mr. Al Harbi's wife, **Ms. Amal Al Harbi**, was mentioned in the 2019 report of the Secretary-General (A/HRC/42/30, Annex II, para. 94). It was reported to OHCHR in May 2020 that she was released from Dhahban Prison in May 2019, having been arrested in July 2018 reportedly for campaigning for the release of her husband.

## 24. Thailand

119. The 2017 (A/HRC/36/31, para. 57 and Annex I, paras. 80–81), 2018 (A/HRC/39/41, Annex II paras. 51–53) and 2019 (A/HRC/42/30, Annex II, para. 101) reports of the

[78] Also spelled Issa Al Nukheifi.

[79] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33466.

[80] Opinion No. 71/2019 adopted by the Working Group on Arbitrary Detention at its eighty-sixth session, concerning Issa al-Nukheifi, Mr. Abdulaziz Youssef Mohamed al-Shubaili and Issa Hamid al-Hamid (Saudi Arabia), 18–22 November 2019.

[81] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33296.

Secretary-General drew attention to intimidation and an online smear campaign against human rights defenders, including individual recipients of a grant of the UN Voluntary Fund for Victims of Torture, notably **Ms. Angkhana Neelapaijit**, **Ms. Pornpen Khongkachonkiet** and **Ms. Anchana Heemmina** (THA 6/2017)[82].

120. In the reporting period, the cyber harassment of political activists and defenders reporting alleged human rights violations in the Southern Border Provinces who continue to cooperate with the UN continued, with photos of Ms. Neelapaijit, Ms. Khongkachonkeit and Ms. Heeminah surfacing online with disparaging comments. Given their visibility, it is reported that these and other women defenders in particular faced online attacks and their human rights reporting and advocacy were discredited. Information was received that they were targeted for questioning the militarization and use of ill-treatment and torture by State forces, and accused of sympathizing with armed groups.

121. Further, it was brought to the attention of OHCHR that, during a 25 February 2020 public debate in the Thai Parliament covered by the media, a Member of Parliament presented multiple pieces of evidence from 2017 to 2019 that the online harassment against human rights defenders was organized and funded by a civilian security agency reportedly controlled by the military.

122. The case of **Ms. Sirikan Charoensiri**, of Thai Lawyers for Human Rights, was included in the 2018 (A/HRC/39/41, para.70 and Annex I, paras. 105–106) and 2019 (A/HRC/42/30, Annex II, para. 100) reports of the Secretary-General on allegations of criminal charges linked to her participation at the Human Rights Council in September 2016 (THA 2/2017)[83]. It was reported that, on 26 August 2019, the charges against Ms. Charoensiri of "concealing evidence" and "non-compliance of an official order" had been dropped by the Attorney General. Additional criminal charges, such as that of sedition and false reporting, which carry a potential sentence of 7 years and 5 years, respectively, have been under police investigation since 2016.

123. On 23 July 2020, the Government responded to the note verbale sent in connection to the present report. The Government stated that both cases filed by Ms. Angkhana Neelapaijit are still under investigation, and that the Royal Thai Police has been regularly monitoring social media to check for any online harassment against her. Since 2018, no further online content directly attacking Ms. Neelapaijit has been found. According to the records of the Department of Special Investigation, Ms. Khongkachonkiet and Ms. Heemmina decided not to file criminal charges, but the relevant government agencies have accepted their request to help them identify possible online perpetrators. Meanwhile, the Government is currently revising domestic legislation in order to give better protection to human rights defenders.

124. Regarding allegations that the online harassment against human rights defenders was organized and funded by a civilian security agency reportedly controlled by the military, the Government confirmed that on 27 February 2020, the Spokesperson of the Internal Security Operations Command (ISOC) had responded to the allegation, arguing that the allocated budget was not used for activities aimed at harassing individuals with opposing views, but for activities aimed at promoting better understanding and addressing misperception among the general public, regarding the work of relevant agencies, access to justice and human rights issues in the Southern Border Provinces.

125. Concerning the case of Ms. Charoensiri, the Government reiterated that the criminal charges against her are in no way linked to her participation at the Human Rights Council in September 2016, and provided an update that the sedition charge has been forwarded by the Samranrat Metropolitan Police Station to the Royal Thai Police Headquarters in April 2020, and will be considered in due course. The Ministry of Foreign Affairs is still awaiting confirmation from the Royal Thai Police on whether to proceed with the other pending charges.

[82] https://tbinternet.ohchr.org/Treaties/cat/Shared%20documents/tha/int_CAT_RLE_THA_18048_E.pdf.

[83] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33464. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33629.

## 25. United Arab Emirates

126. The case of **Mr. Ahmed Mansoor** was included in the 2019 (A/HRC/42/30, para. 79 and Annex II, paras. 103–104), 2018 (A/HRC/39/41, Annex II, para. 55), 2017 (A/HRC/36/31, para. 60 and Annex I, paras. 86–87) and 2014 (A/HRC/27/38, para. 38) reports of the Secretary-General on allegations of physical attacks, death threats, surveillance and travel ban following his collaboration with the Human Rights Council and its mechanisms and the treaty bodies. Mr. Mansoor is currently serving a ten-year sentence upheld by the State Security Chamber of the Federal Supreme Court in January 2019, which was addressed by the Spokesperson for the High Commissioner for Human Rights[84].

127. In protest of his detention conditions, Mr. Mansoor reportedly began a second hunger strike at Al-Sadr prison in September 2019[85]. He had reportedly been subject to torture and ill-treatment in solitary confinement, which left visible marks on his face and body. The conditions of his detention are reportedly poor, and he lacks basic necessities and adequate medical care. It was reported to OHCHR that, as of mid-January 2020, Mr. Mansoor was still on a hunger strike, but that in May 2020 his state of health and conditions of detention were unknown.

128. The cases of **Ms. Alya Abdulnoor**, **Ms. Maryam Soulayman Al-Ballushi** and **Ms. Amina Alabduli** were included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 79 and Annex I, paras. 105–109). It was reported to OHCHR that their conditions had worsened after information was transmitted to the UN, and allegations of torture and ill-treatment in detention, and lack of appropriate medical treatment for the three women were raised by special procedures (ARE 2/2019)[86]. Ms. Abdulnoor died in custody on 4 May 2019, despite pleas from the UN for assistance[87].

129. It was reported to OHCHR that, on 30 July 2019, Ms. Al-Ballushi and Ms. Alabduli were brought before the Federal State Security prosecutor for three new charges under Federal Law No.5 of 2012 on Combating Cybercrimes, relating to their efforts to raise awareness about their cases. The charges included “leaking wrong information,” “affecting the reputation of the UAE and Al Wathba prison negatively,” and “causing problems between countries.” Neither Ms. Al-Ballushi nor Ms. Alabduli reportedly have had access to legal counsel in relation to these charges. It was further reported that in February 2020, Ms. Al-Ballushi and Ms. Alabduli were placed in solitary confinement every Sunday, Monday and Thursday (the days when they had been previously able to contact their families) in retaliation for their refusal to provide authorities with a recorded confession intended for broadcast on Emirati television. On 23 February 2020, despite their poor health, they began a hunger strike in protest of their conditions and treatment.

130. On 17 March 2020, special procedures mandate holders urged the Emirati authorities to investigate and reform detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment, citing the cases of the three women[88]. The urgent call followed allegations that Ms. Al-Ballushi, accused of “financing terrorism” because of her donation to a Syrian family, attempted suicide due to degrading conditions in the Al-Wathba prison in Abu Dhabi (see ARE 2/2019). The mandate holders stated that “Ms. Al-Ballushi

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

[85] OHCHR, “UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor, (7 May 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24571&LangID=E.

[86] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34572.

[87] OHCHR, “UAE: Terminally ill prisoner, Alia Abdulnoor, must be released to “live final days in dignity,” say experts” (26 February 2019), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24214&LangID=E and OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (7 May 2019), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24570&LangID=E.

[88] OHCHR, “United Arab Emirates: UN human rights experts call for urgent reforms of degrading conditions of detention,” (17 March 2020), https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25726&LangID=E.

has also been subjected to reprisals following the official communication we sent to the UAE authorities."[89]

131. The case of **Mr. Ahmad Ali Mekkaoui**, a Lebanese citizen, was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 78 and Annex I, paras. 103–104) after he allegedly faced reprisals following the issuance of an opinion of the Working Group on Arbitrary Detention, which found his detention arbitrary in August 2017 (A/HRC/WGAD/2017/47, paras. 23, 34). The opinion of the Working Group was publicized on television. It was reported to OHCHR that, at the time of writing, Mr. Mekkaoui remained forbidden to make phone calls to his family, a measure in place since April 2019. His last contact with his family was when he was visited in person by a relative in October 2019. Since the COVID-19 outbreak in early 2020, he has been denied contact with family, who have not been able to obtain information on his condition, fate or whereabouts.

132. The case of **Mr. Mohamad Ismat Mohamad Shaker Az** was included in the 2018 and 2019 reports of the Secretary-General (A/HRC/39/41, Annex II, para. 56, 58; A/HRC/42/31, para. 79 and Annex II, paras. 107–108) concerning his treatment, including being placed in solitary confinement, following an opinion issued by the Working Group on Arbitrary Detention who found his detention arbitrary (ARE 6/2017)[90]. It was reported to OHCHR that as of May 2020, Mr. Shaker Az's family last had telephone contact with him in August 2019. Since then, they have been denied contact and have not been able to obtain information on his condition, fate or whereabouts, despite requests to prison authorities.

133. On 14 July 2020, the Government responded to the note verbale sent in connection to the present report, refuting that Ms. Soulayman Al-Ballushi, Ms. Alabduli, Mr. Mekkaoui, Mr. Shaker Az have been subject to arbitrary detention or torture, or been placed in solitary confinement. The Government indicated that all have received the necessary health care and that while family visits were suspended due to COVID-19, all individuals have the right to phone calls. It noted that Ms. Abdulnoor was serving her sentence for abetting terrorism because of her support to Al Qaeda when the breast cancer she had before incarceration worsened, and she died in custody under the care of the State. The Government refutes the allegations pertaining to Mr. Mansoor, who they state has received regular medical care and meals and the alleged hunger strike is not true.

## 26. Uzbekistan

134. The case of **Ms. Elena Urlaeva**[91], of the Human Rights Defenders Alliance of Uzbekistan, was included in the 2018 and 2017 reports of the Secretary-General (A/HRC/39/41, Annex II, paras 59–61; A/HRC/36/31, Annex I, paras. 88–89) on allegations of arrest and forced confinement in a psychiatric hospital to prevent her from engaging with the ILO (UZB 1/2017)[92].

135. On 28 November 2019, the Committee against Torture, in its concluding observations on the fifth periodic report of Uzbekistan, noted with concern the allegations received that human rights defenders and journalists are being involuntarily committed to psychiatric hospitals in order to prevent them from conducting their work, and referred to the case of Ms. Urlaeva (CAT/C/UZB/CO/5, para. 17). OHCHR received reports that, on 5 November 2019, Ms. Urlaeva and a co-worker were forcibly arrested in Chirchik Hakimiat during a cotton harvesting monitoring activity that was part of a joint project with the ILO. On 12 November 2019, the Administrative Court of Chirchik city ruled that both individuals had committed administrative offences under Article 183 "Hooliganism" and Article 194 "Disobedience to Police Officers" of the Code on Administrative Responsibility, and they were both fined. Ms. Urlaeva and her co-worker could not attend the trial as they reportedly received the notification on 19 November 2019.

[89] Ibid.

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

[91] Also spelled Elena Urlayeva.

[92] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33483.

136. On 22 June 2020, the Government responded to the note verbale sent in connection to the present report, indicating that Ms. Urlaeva was not in the list of participants of the video conference of 5 November 2019 in Chirchik city Administration but she tried to force her way into the premises ignoring the requests of the Administration employees. The Administrative Court of Chirchik city notified Ms. Urlaeva about the time and location of the hearing, however, due to her absence without reason and no requests for postponement, the trial was held in absentia, and she was accused on 24 January 2020 of committing an administrative offence. Following Ms. Urlaeva's appeal, the Tashkent Regional Administrative Court reviewed the case and cancelled the decision, returning the case to the Chirchik city Administration for an additional inquiry. The Government stated that Ms. Urlaeva is registered since 2001 in Tashkent Psychiatric Hospital No. 2 with a mental health condition, and since 2006 is legally incapacitated by decision of the Mirabad Interdistrict Civil Court. Taking into account Article 20 of the Code of Administrative Responsibility, on 10 March 2020 a decision was made to terminate administrative proceedings against Ms. Urlaeva.

## 27. Venezuela (Bolivarian Republic of)

137. The case of the **Programa Venezolano de Educación y Acción en Derechos Humanos (Provea)**, a civil society organization which has regularly engaged with the UN, was included in the 2019 report of the Secretary-General, following its cooperation with OHCHR's March 2019 visit to Venezuela (A/HRC/42/30, Annex I, para. 115). On 11 July 2019, following the release of OHCHR's report, a high-level Government official rejected the report on his Twitter account and stated that Provea was one of the report's sources. He encouraged the National Constituent Assembly to "legislate without fear the work of NGOs in Venezuela," to "determine the origin of their funding," and their "false pro-human rights missions."

138. Further, on 19 February 2020, the President of the National Constituent Assembly (NCA) announced in the weekly public television programme "Con el Mazo Dando" that the NCA would initiate a revision of laws on foreign funding of NGOs and private individuals, specifically referring to Provea. This public reference to Provea was made a week before the beginning of the 43rd session of the Human Rights Council in Geneva, where Provea's participation was made known on social media. (see also A/HRC/39/41, Annex I, para. 120).

139. The case of judge **Ms. Maria Lourdes Afiuni** was included in the 2019 report of the Secretary-General (A/HRC/42/30, para. 82 and Annex II, para. 109), as well as in previous reports since 2010 (A/HRC/14/19, paras 45–47; A/HRC/27/38, para. 46; A/HRC/30/29, Annex para. 7; A/HRC/33/19, para. 45) for her arrest, imprisonment and ill-treatment following a decision passed in her capacity as judge on the basis of a Working Group on Arbitrary Detention opinion (No. 10/2009). On 5 July 2019, the High Commissioner for Human Rights noted that Ms. Afiuni was provided a conditional release[93].

140. In its July 2019 report to the Human Rights Council, the Working Group expressed concern at the March 2019 sentencing of Ms. Afuini, which it considers "a measure of reprisal." It reiterated its call to the Government to "quash this sentence and provide her with effective and adequate reparations" (A/HRC/42/39, para. 27). According to information received by OHCHR, on 18 October 2019, Ms. Afiuni's conviction for corruption and her five-year sentence was upheld by the Court of Appeal, and her case is pending before the Supreme Tribunal of Justice. She is not allowed to leave the country, communicate with the press or use social media.

141. The case of **Mr. Fernando Albán**, a political opposition figure of the Primero Justicia party, was included in the 2019 report of the Secretary-General (AHRC/42/30, Annex I, paras. 116–117), following his detention and death in custody, after returning from New York to meet with different actors on the margins of the General Assembly. OHCHR received

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

reports indicating that Mr. Albán's reported suicide was unlikely, including related to the restrictions of movement applied to prisoners under the custody of SEBIN (para. 117). It was reported to OHCHR that, as a result of an investigation by the Attorney General's Office, on 2 September 2019 two officers of the Bolivarian National Intelligence Services (SEBIN) were indicted for breaking custody protocols where Mr. Albán was being held. The Attorney-General's Office argued the two SEBIN officers decided without consultation to take off the handcuffs of Mr. Albán, which allowed him to throw himself through a window of the 10th floor of the SEBIN headquarters and commit suicide.

## 28. Viet Nam

142. The case of journalist **Mr. Pham Chi Dung** was included in the 2014 report of the Secretary-General (A/HRC/27/38, para. 40) after he was prevented from traveling to Geneva in February 2014 to participate in a side event on the second cycle of the UPR of Viet Nam (VNM 5/2014)[94].

143. On 22 January 2020, special procedures mandate holders addressed the reported detention of Mr. Pham Chi Dung (VNM 5/2019) after he publicly expressed human rights concerns, following the visit of a November 2019 European Parliament Committee on Trade (INTA) delegation to Viet Nam. On 21 November 2019, Mr. Pham Chi Dung was reportedly arrested and brought to his house, where a search was conducted. Police reportedly forced him to log onto his computer and print documents that could be related to his advocacy. Mr. Pham Chi Dung was reportedly held under Article 117 of the Vietnamese Penal Code related to "making, storing or disseminating information, documents, materials and items against the Socialist Republic of Viet Nam," a crime carrying between 10–20 years imprisonment.

144. On 18 March 2020, the Government stated that the allegations were inaccurate, mostly drawn from unsubstantiated information and did not reflect the nature of the case. The Government provided information regarding Mr. Pham Chi Dung's detention, including the legal basis for his arrest, his right to legal counsel and family visits, as well as his conditions of detention[95].

145. The case of **Mr. Nguyen Bac Truyen**, was included in the 2019 and 2016 reports of the Secretary-General (A/HRC/42/30, Annex II, para 110; A/HRC/30/29, para. 42) on allegations of arrest and detention following the 2014 visit of the Special Rapporteur on freedom of religion and belief to the country (VNM 4/2014[96]; 11/2014[97]; 8/2016[98]; 6/2017[99]; 4/2018[100]). On 26 June 2019, the Government provided information to OHCHR that Mr. Nguyen Bac Truyen has participated in establishing an organization aimed at overthrowing the Government, and his conviction was because he broke the law, not because of reprisals after the 2014 visit of the Special Rapporteur. The Government indicated that Mr. Truyen was detained in An Dien prison, his health was normal and he had access to healthcare, family visits and letters. The Government stated that his request for a transfer could not be considered.

146. According to information received by OHCHR in May 2020, Mr. Nguyen Bac Truyen continues to serve an 11-year sentence for "activities attempting to overthrow the State", 1,600 kilometres away from his hometown where visits by relatives and legal counsel remain severely limited. Multiple requests to be transferred to Ho Chi Minh City have been denied. Since his arrest in July 2017, Mr. Nguyen Bac Truyen has reportedly not had a proper medical examination, faces restrictions of food and medical supplies, and his health condition has

[94] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31514.
[95] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35202.
[96] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32016.
[97] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32686.
[98] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33363.
[99] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33851.
[100] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34355.

deteriorated. A petition of 18 January 2020 to the Board of Supervisors at An Diem prison requesting a medical check reportedly remains unanswered.

147. On 13 July 2020, the Government responded in detail to the note verbale in connection to the present report. It refuted the allegations pertaining to Mr. Pham Chi Dung, noting that in August 2019, the police started an initial investigation on his activities to create, store and distribute information, documents and materials against the State. The Government stated that on 18 November 2019, the police filed criminal charges, issued a temporary detention warrant and a search warrant against him, according to Article 117 of the Penal Code, and his arrest, detention and the search of his home observed due process of criminal proceedings.

148. Concerning the situation of Mr. Nguyen Bac Truyen, the Government refuted the claims that he has not had a proper medical examination, faces restriction of food and medical supplies, his health condition has deteriorated, and lacks family visits. In February 2020, representatives from the EU Delegation visited Mr. Truyen to enquire about his health and condition in prison. The Government stated as of February 2020, due to the COVID-19 pandemic, detention centers, including that of Mr. Truyen, denied family visits, but prisoners were still able to receive monthly packages from their families. They noted the restrictions have since been lifted.

## 29. Yemen

149. The case of the **Mwatana Organization for Human Rights** and members of its staff was included in the 2019 report of the Secretary-General (A/HRC/42/30, Annex I, para. 124) on allegations of detention and prevention of travel following engagement with the Security Council and UN human rights mechanisms (SAU 8/2018; YEM 4/2018). During the reporting period, OHCHR received reports of eight incidents of detention, intimidation and threats against Mwatana staff, field researchers and legal assistants, in relation to the organization's cooperation with the UN, including its public engagement with, and participation in, the 42nd session of the Human Rights Council. These incidents have allegedly been committed by de facto-authorities, Security Belt forces, and forces loyal to the President of Yemen. Names and details of those affected cannot be put forward for fear of further reprisals. In January 2020, in the context of their application for ECOSOC consultative status, a smear campaign against Mwatana was reportedly launched on social media, based on the reportedly false accusation that the organization had stolen money. High-ranking public officials in the internationally recognized Government of Yemen have reportedly been involved in this campaign on Twitter, accusing the organization of being affiliated with the Houthis.

## 30. State of Palestine

150. In the 2019 report of the Secretary-General (A/HRC/42/30, para. 86 and Annex I, para. 125) it was noted that in the West Bank several detainees reported to OHCHR having faced reprisals in 2018 after participating in interviews with the OHCHR office in the occupied Palestinian territory. Some detainees declined to speak to OHCHR regarding their treatment due to fear of reprisals. From August to November 2019, OHCHR continued to receive information about actions against detainees in the West Bank and Gaza who had been interviewed by OHCHR staff members. OHCHR has raised these concerns with the relevant authorities.