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## Conseil des droits de l'homme

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Points 2 et 5 de l'ordre du jour

**Rapport annuel du Haut-Commissaire des Nations Unies  
aux droits de l'homme et rapports du Haut-Commissariat  
et du Secrétaire général**

**Organismes et mécanismes de protection des droits de l'homme**

## **Coopération avec l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme\*, \*\***

### **Rapport du Secrétaire général**

#### *Résumé*

Dans le présent rapport, le Secrétaire général décrit les activités menées, les mesures prises et les bonnes pratiques appliquées dans le système des Nations Unies et ailleurs en ce qui concerne la lutte contre les actes d'intimidation et de représailles visant les personnes qui cherchent à coopérer ou ont coopéré avec l'Organisation des Nations Unies (ONU), ses représentants et ses mécanismes dans le domaine des droits de l'homme, formule des observations et des recommandations sur les moyens de combattre les actes d'intimidation et de représailles et de les prévenir, et rend compte des allégations d'intimidation et de représailles reçues au cours de la période considérée, soit du 1<sup>er</sup> mai 2020 au 30 avril 2021, ainsi que de la suite donnée aux affaires mentionnées dans les rapports précédents.

\* Le présent rapport a été soumis aux services de conférence après la date prévue pour que l'information la plus récente puisse y figurer.

\*\* Les annexes au présent document sont distribuées telles qu'elles ont été reçues, dans la langue de l'original seulement.



## I. Introduction

1. Dans sa résolution 12/2, le Conseil des droits de l'homme s'est déclaré préoccupé par la persistance des cas signalés d'intimidation et de représailles contre des particuliers et des groupes qui cherchent à coopérer ou ont coopéré avec l'ONU, ses représentants et ses mécanismes dans le domaine des droits de l'homme. Il a condamné tous les actes d'intimidation et de représailles commis par des gouvernements et des acteurs non étatiques et a invité le Secrétaire général à lui soumettre tous les ans un rapport sur les cas présumés de représailles et à formuler des recommandations sur les moyens de faire face à ce phénomène. Le présent document constitue le douzième rapport établi en application de la résolution 12/2<sup>1</sup>.

## II. Activités menées dans le cadre de la lutte contre les actes d'intimidation et de représailles

2. Les représailles et les mesures de rétorsion dirigées par des acteurs tant étatiques que non étatiques contre des personnes coopérant ou ayant coopéré avec un large éventail d'organismes des Nations Unies, au Siège ou sur le terrain, se sont poursuivies, de même que les actes d'intimidation visant à décourager toute coopération future avec ces organismes ou toute participation à leurs travaux. Au cours de la période considérée, des cas concrets ou des tendances ont été examinés au sein du système des Nations Unies par le Secrétariat, ses bureaux extérieurs et les missions de maintien de la paix ainsi que par l'Entité des Nations Unies pour l'égalité des sexes et l'autonomisation des femmes (ONU-Femmes), l'Assemblée générale, le Conseil de sécurité, le Conseil des droits de l'homme et les mécanismes des procédures spéciales du Conseil, les organes créés en vertu des instruments internationaux relatifs aux droits de l'homme, le forum politique de haut niveau pour le développement durable et le Comité chargé des organisations non gouvernementales.

3. La question des représailles a fait l'objet de plusieurs résolutions thématiques et résolutions consacrées à un pays particulier adoptées par l'Assemblée générale<sup>2</sup> et le Conseil des droits de l'homme<sup>3</sup>. Dans une déclaration conjointe prononcée en octobre 2020, 75 États membres de l'Assemblée générale se sont dits conscients du rôle crucial que jouaient la société civile et les défenseurs des droits de l'homme grâce à leur contribution enrichissante au processus décisionnel, soulignant que tout acte d'intimidation et de représailles limitait leur capacité de répondre aux attentes des personnes dont ils défendaient les intérêts<sup>4</sup>.

4. Plusieurs présidents successifs du Conseil des droits de l'homme ont examiné cinq cas présumés, dont deux incidents survenus en séance plénière au cours desquels des membres de délégations avaient lancé des accusations et des attaques personnelles contre des représentants d'organisations de la société civile. Dans sa déclaration liminaire, la Présidente du quinzième cycle a salué la contribution des représentants de la société civile aux travaux du Conseil, qui soutient, complète et enrichit ses débats et leur confère un caractère inclusif, et elle s'est engagée à garantir la sécurité du champ d'action de la société civile et à défendre les droits des organisations non gouvernementales et des défenseurs des droits de l'homme qui cherchent à coopérer avec le Conseil et ses mécanismes<sup>5</sup>. Parmi les 28 États dont le rapport a été examiné dans le cadre du troisième cycle de l'Examen périodique universel, un seul a fait l'objet d'une recommandation traitant expressément de la question des représailles<sup>6</sup>.

<sup>1</sup> Voir A/HRC/14/19, A/HRC/18/19, A/HRC/21/18, A/HRC/24/29 et A/HRC/24/29/Corr.1, A/HRC/27/38, A/HRC/30/29, A/HRC/33/19, A/HRC/36/31, A/HRC/39/41, A/HRC/42/30 et A/HRC/45/36.

<sup>2</sup> Résolutions 75/191 et 75/287 de l'Assemblée générale.

<sup>3</sup> Résolutions 43/20, 45/2, 45/12, 45/19, 45/33, 46/2 et 46/21 du Conseil des droits de l'homme.

<sup>4</sup> Voir [www.gov.uk/government/speeches/every-reprisal-diminishes-our-ability-to-deliver-for-the-people-we-serve](http://www.gov.uk/government/speeches/every-reprisal-diminishes-our-ability-to-deliver-for-the-people-we-serve).

<sup>5</sup> Voir

<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26728&LangID=E>.

<sup>6</sup> A/HRC/46/11, par. 84.51.

5. Le Bureau du Conseil des droits de l'homme a pris note de cas dans lesquels des propos pouvant être considérés comme une forme d'intimidation avaient été adressés à des organisations non gouvernementales pendant des consultations informelles tenues en ligne, soulignant que tous les actes d'intimidation et de représailles liés aux travaux du Conseil, qu'il s'agisse d'activités en ligne ou en présentiel, étaient inacceptables, et réaffirmant que toutes les délégations devaient s'abstenir de commettre de tels actes.

6. Les procédures spéciales du Conseil des droits de l'homme ont continué à consacrer des communications, des déclarations publiques, des rapports et des dialogues à la question des actes d'intimidation et de représailles visant des personnes qui avaient coopéré avec elles et avec le système en général<sup>7</sup>. Le présent rapport contient de nouvelles allégations tirées de 13 communications concernant neuf États (voir l'annexe I)<sup>8</sup> et des informations sur la suite donnée à des cas signalés précédemment, qui concernent 17 États (voir l'annexe II)<sup>9</sup>. Le Groupe de travail sur la détention arbitraire a noté qu'il continuait de recevoir des informations sur des représailles exercées contre des personnes qui avaient fait l'objet d'un appel urgent ou d'un avis ou dont les affaires avaient donné lieu à des recommandations de sa part<sup>10</sup>.

7. Dans sa note sur les représailles établie en vue de la réunion annuelle des présidents des organes créés en vertu d'instruments internationaux relatifs aux droits de l'homme de 2021, le Secrétariat a indiqué qu'en raison des restrictions visant à juguler la pandémie de maladie à coronavirus (COVID-19), il n'avait pas été possible d'organiser des réunions en présentiel pendant la majeure partie de l'année 2020 ; il a relevé par ailleurs que le nombre de cas signalés avait diminué<sup>11</sup>. Les organes conventionnels ont examiné des allégations et pris des mesures de prévention à l'égard de quatre États parties (par. 29, 30, 32, 42 et 37)<sup>12</sup>. Dans leurs listes de points et leurs listes de points établies avant la soumission des rapports, ils ont fait figurer des questions sur des cas de représailles ou sur la législation en vigueur ou nouvellement adoptée<sup>13</sup>.

8. Dans leur rapport à l'Assemblée générale, les facilitateurs<sup>14</sup> de l'examen du système des organes conventionnels de 2020 ont insisté sur la nécessité de définir une approche, des modalités d'échanges et des lignes directrices harmonisées concernant la coopération entre les organes conventionnels, d'une part, et les organisations de la société civile et les institutions nationales des droits de l'homme, d'autre part<sup>15</sup>, afin de lutter contre les représailles conformément aux Principes directeurs relatifs à l'intimidation ou aux représailles. Ils ont également insisté sur la nécessité de tirer parti de la technologie pour améliorer l'accessibilité et la transparence des travaux des organes conventionnels, notamment en diffusant systématiquement leurs séances sur le Web et en utilisant des outils de collaboration en ligne, afin de protéger les témoins<sup>16</sup>.

9. Le Fonds de contributions volontaires des Nations Unies pour les victimes de la torture a indiqué que les mesures restrictives et les mesures de rétorsion prises à l'égard d'organisations de la société civile l'empêchaient de fournir une assistance directe aux survivants de la torture comme le prévoit son mandat<sup>17</sup> et qu'il considérait les représailles comme une priorité thématique<sup>18</sup>. Exceptionnellement, les organisations qui ont de la

<sup>7</sup> A/HRC/46/61, par. 78 et 79.

<sup>8</sup> Bélarus, Inde, Indonésie, République démocratique populaire lao, Pakistan, Philippines, Venezuela (République bolivarienne du) et Viet Nam.

<sup>9</sup> Andorre, Bahreïn, Chine, Cuba, Égypte, Guatemala, Inde, Israël, Koweït, République démocratique populaire lao, Maldives, Philippines, Arabie saoudite, Thaïlande, Émirats arabes unis, Venezuela (République bolivarienne du) et Viet Nam.

<sup>10</sup> A/HRC/45/16, par. 29.

<sup>11</sup> HRI/MC/2021/2, par. 39 et 40.

<sup>12</sup> Bangladesh (A/HRC/45/36, annexe I, par. 11), Maldives, Mexique et Arabie saoudite.

<sup>13</sup> CAT/C/BHR/QPR/4, par. 10 et 11; CCPR/C/MDV/QPR/2, par. 23 ; et CCPR/C/RUS/Q/8, par. 20.

<sup>14</sup> Maroc et Suisse.

<sup>15</sup> A/75/601, par. 48.

<sup>16</sup> HRI/MC/2021/2, par. 45.

<sup>17</sup> Voir [https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Call/Guidelines\\_UN\\_Torture\\_Fund\\_2020\\_FR.pdf](https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Call/Guidelines_UN_Torture_Fund_2020_FR.pdf), chap. X

<sup>18</sup> Voir [https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Circular2022\\_FR.pdf](https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Circular2022_FR.pdf).

difficulté à recevoir ou à fournir toute l’assistance voulue aux victimes de la torture peuvent soumettre une demande de subvention d’urgence, notamment afin de financer l’auto-prise en charge et la sécurité personnelle et numérique.

10. Le Haut-Commissariat des Nations Unies aux droits de l’homme (HCDH) a mené des recherches sur les actes d’intimidation et de représailles consécutifs à une coopération avec le Conseil de sécurité et, dans ce contexte, il a recensé les échanges avec les organisations de la société civile et évalué le degré d’exposition au danger et les risques associés. Il a élaboré des guides sur les moyens de prévenir et de combattre les représailles avant, pendant et après une coopération avec le Conseil et a soutenu l’organisation d’une formation à la prévention et à la protection destinée aux États membres et au personnel de l’ONU.

11. Dans son rapport sur les institutions nationales pour la promotion et la protection des droits de l’homme, le Secrétaire général a pris note d’une affaire de représailles et souligné que les institutions nationales des droits de l’homme dotées du statut A étaient plus exposées que les autres en raison de leur visibilité au sein du système international de protection des droits de l’homme<sup>19</sup>.

12. Le Bureau de l’Envoyé du Secrétaire général pour la jeunesse, le Groupe de travail sur la protection de la Coalition mondiale sur la jeunesse, la paix et la sécurité et le HCDH ont mené des recherches sur la question de la protection des jeunes, notamment sur les moyens d’améliorer les mesures prises par l’ONU pour combattre les actes d’intimidation et de représailles visant les personnes qui coopèrent avec elle<sup>20</sup>. À l’occasion du Forum des jeunes du Conseil économique et social, le Rapporteur spécial sur les droits à la liberté de réunion pacifique et à la liberté d’association<sup>21</sup> a souligné qu’il importait de lutter contre les représailles exercées contre les jeunes qui coopèrent avec l’Organisation.

### **III. Coopération avec l’ONU dans le contexte de la pandémie de COVID-19 : répercussions sur certains groupes**

13. La coopération avec l’ONU a continué d’être considérablement perturbée par la pandémie de COVID-19 et par le report ou l’annulation d’activités qui devaient avoir lieu en présentiel au cours de la période considérée. Le passage à la tenue de réunions en ligne a continué d’entraîner des modifications importantes des méthodes de travail de l’Organisation. La Directrice du Service des organisations non gouvernementales du Département des affaires économiques et sociales du Secrétariat a constaté que l’accélération de la transition numérique au sein du Conseil économique et social et de ses organes subsidiaires avait contribué à accroître la participation des organisations de la société civile, celles-ci ayant désormais la possibilité de participer aux débats des organes des Nations Unies depuis n’importe quel point du globe. Toutefois, elle s’est dite préoccupée par le fait que, malgré les progrès technologiques rapides qui étaient accomplis, de nombreux acteurs non gouvernementaux n’avaient toujours pas accès aux technologies numériques sécurisées, soulignant que l’élargissement du fossé numérique risquait de marginaliser les plus vulnérables d’entre eux alors qu’il était essentiel qu’on puisse entendre leur voix à l’ONU<sup>22</sup>. En outre, certains représentants de la société civile ont signalé qu’ils n’étaient pas autorisés à participer à certaines réunions en ligne de l’ONU du fait notamment d’inégalités en matière d’accès aux inscriptions.

14. La soixante-cinquième session de la Commission de la condition de la femme s’est déroulée sous forme hybride<sup>23</sup>. Plus de 10 000 représentantes et représentants de plus de 850 organisations de la société civile dotées du statut consultatif auprès du Conseil économique et social se sont inscrites en ligne, ce qui a limité les interactions entre les parties prenantes, mais a permis à d’autres acteurs, dont des femmes et des jeunes, de participer à la

<sup>19</sup> Philippines. A/76/246, par. 97 et 99.

<sup>20</sup> Voir <https://www.un.org/youthenvoy/wp-content/uploads/2021/06/Global-Report-on-Protecting-Young-People-in-Civic-Space.pdf>.

<sup>21</sup> Voir <https://media.un.org/en/asset/k1a/k1ajw0z74e>.

<sup>22</sup> E/2021/32 (Part. I), par. 20.

<sup>23</sup> Voir <https://www.unwomen.org/fr/csw/csw65-2021>.

session. Plus de 25 000 personnes ont participé à environ 150 manifestations parallèles en ligne et à plus de 700 activités en ligne organisées en marge de la session par des organisations non gouvernementales.

15. Des représentants de peuples autochtones se sont dits préoccupés par la tenue de débats en ligne, cette modalité ne permettant pas à certains représentants de participer pleinement et efficacement aux discussions en raison de divers obstacles, dont la fracture numérique<sup>24</sup>. La dix-neuvième session de l’Instance permanente sur les questions autochtones, qui devait avoir lieu en avril 2020, a été annulée, et la vingtième session de cet organe s'est tenue en avril 2021, essentiellement en ligne<sup>25</sup>. En dépit de ces obstacles, l’Instance permanente a constaté que la tenue de consultations en ligne favorisait une plus grande participation et appelait l’adoption de mesures propres à réduire les inégalités telles que des aides visant à financer l'accès aux forfaits de données, au matériel, à l'électricité ainsi que les déplacements vers des lieux où la connexion Internet était plus stable<sup>26</sup>. En 2020, le Mécanisme d'experts sur les droits des peuples autochtones a invité le Conseil des droits de l'homme à s'engager à lever les obstacles à la participation en ligne des peuples autochtones et à examiner les affaires de représailles, notamment celles qui concernaient des personnes qui avaient assisté aux sessions du Mécanisme<sup>27</sup>.

16. En ce qui concerne les allégations publiquement signalées de représailles visant des femmes et des défenseurs des droits de l'homme dont il est fait état dans le rapport de 2020<sup>28</sup>, la tendance s'est poursuivie et, au cours de la période considérée, ces allégations concernaient plus de la moitié (soit 23) des 45 États mentionnés dans le rapport de 2020 et 21 des 45 États mentionnés dans le présent rapport. Les femmes continuent de signaler des incidents principalement dans les régions de l'Asie-Pacifique, du Moyen-Orient et de l'Afrique du Nord ainsi que dans les Amériques. Comme les années précédentes, la majorité des affaires qui n'ont pas été rendues publiques ou dans lesquelles l'anonymat de la victime a été préservé à des fins de protection ou pour d'autres raisons concernaient des femmes.

#### IV. Mesures prises et bonnes pratiques

17. Parmi les bonnes pratiques adoptées par les États pour prévenir et combattre les actes d'intimidation et de représailles qui avaient été mises en exergue<sup>29</sup> et qui ont de nouveau été mentionnées pendant la période considérée, on retiendra : les cadres législatifs garantissant l'accès aux organismes internationaux ; les activités visant à promouvoir et soutenir la coopération libre et sûre entre les organisations de la société civile et l'ONU ; les mesures visant à établir les responsabilités et à garantir l'accès à des voies de recours en cas d'allégations faisant état d'incidents ; les aides financières et les interventions d'agents diplomatiques en faveur des personnes menacées<sup>30</sup>. Deux États membres se sont engagés à renforcer les espaces de dialogue avec la société civile et les possibilités pour celle-ci de prendre part aux travaux du Conseil des droits de l'homme et de ses mécanismes et à lutter contre les représailles<sup>31</sup>.

18. Plusieurs actions sont actuellement menées au sein du système des Nations Unies afin de définir des bonnes pratiques et d'améliorer les mesures de protection, le recensement et le signalement des cas par le personnel. Le HCDH a apporté son soutien à l'adaptation par les entités des Nations Unies de lignes directrices, de protocoles et de formations visant à prévenir et à combattre les actes d'intimidation et de représailles, y compris d'une formation

<sup>24</sup> A/75/255, par. 37.

<sup>25</sup> Voir <https://www.un.org/development/desa/indigenouspeoples/unpfi-sessions-2/unpfi-20th-session.html>.

<sup>26</sup> E/2021/43, par. 34.

<sup>27</sup> A/HRC/46/72, par. 11, 24 et 77.

<sup>28</sup> A/HRC/45/36, par. 24.

<sup>29</sup> Voir <https://www.ohchr.org/fr/reprisals/good-practices-preventing-and-addressing-reprisals>.

<sup>30</sup> Résolution 42/28 du Conseil des droits de l'homme, par. 6.

<sup>31</sup> Mexique (A/75/231, par. 37) et Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (A/75/231, p. 3).

dans le domaine numérique. Il a dispensé une formation en ligne à 95 membres du personnel de terrain de l'ONU participant à des opérations de paix menées dans 10 pays.

19. Au nombre des bonnes pratiques liées aux opérations de paix, on retiendra le projet du Bureau des droits de l'homme de la Mission d'assistance des Nations Unies pour l'Iraq, qui vise à évaluer la pratique en matière de sécurité numérique suivie par les organisations non gouvernementales locales, dont celles qui coopèrent avec la Mission, et les orientations données par cette dernière aux fins du renforcement de la sécurité des communications. Le Bureau conjoint des droits de l'homme de la Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo (MONUSCO) dispose de ressources internes qui peuvent être débloquées pour fournir une aide d'urgence aux défenseurs des droits de l'homme menacés, notamment pour financer leur transfert. La Division des droits de l'homme et de la protection de la Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation au Mali (MINUSMA) gère un fonds similaire d'aide d'urgence permettant de venir en aide aux personnes qui se trouvent dans des zones à haut risque et de les transférer dans d'autres zones, notamment afin d'avoir des entretiens avec elles.

20. Le HCDH et le Haut-Commissariat des Nations Unies pour les réfugiés (HCR) ont organisé à l'intention du personnel du HCR deux webinaires sur la note d'orientation concernant la protection et la promotion de l'espace civique<sup>32</sup>, dont un volet était consacré aux représailles. Le HCDH a élaboré un document d'information destiné au public sur le soutien à apporter aux défenseuses des droits de l'homme, notamment lorsqu'elles coopèrent avec l'ONU<sup>33</sup>. À l'occasion du Forum Égalité Générations, le HCDH s'est engagé notamment à apporter un soutien accru aux réseaux et mouvements de protection des défenseuses des droits humains à l'horizon 2026, notamment en cas des représailles visant des personnes ayant coopéré avec l'ONU<sup>34</sup>.

21. Dans le cadre des préparatifs de sa consultation mondiale sur les dimensions de genre de l'extrémisme violent et des réponses antiterroristes<sup>35</sup>, ONU-Femmes a examiné les préoccupations concernant la protection des représentantes de la société civile exprimées par des participantes qui avaient collaboré avec l'Organisation et a élaboré des lignes directrices sur le devoir de précaution et la protection destinées aux défenseuses qui participent à des réunions publiques.

22. La Division des affaires du Conseil de sécurité du Secrétariat élabore actuellement un manuel à l'intention des experts qui aident les comités des sanctions à appliquer le principe « ne pas nuire » dans le cadre de leur collaboration avec des sources, en particulier lorsque celles-ci subissent des actes d'intimidation ou de représailles après leur avoir communiqué des informations, et lorsqu'ils prennent des mesures en réaction à ce type de faits et en rendent compte.

23. Le Comité des droits de l'enfant a adopté une procédure visant à garantir un cadre sûr et adapté aux enfants avec lesquels il a des échanges<sup>36</sup>. Le Comité des disparitions forcées<sup>37</sup> et le Comité pour l'élimination de la discrimination à l'égard des femmes<sup>38</sup> ont adopté des principes directeurs visant à prévenir et à combattre les actes d'intimidation et de représailles contre les personnes qui coopèrent avec eux.

24. Les représailles exercées contre les institutions nationales des droits de l'homme, notamment lorsqu'elles coopèrent avec l'ONU, continuent d'être régulièrement inscrites à l'ordre du jour du partenariat tripartite entre le HCDH, le Programme des Nations Unies pour le développement (PNUD) et l'Alliance mondiale des institutions nationales des droits de

<sup>32</sup> Voir [https://www.ohchr.org/Documents/Issues/CivicSpace/UN\\_Guidance\\_Note\\_FR.pdf](https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note_FR.pdf).

<sup>33</sup> Voir

[https://www.ohchr.org/Documents/Issues/Women/WRGS/Supporting\\_WHRDs\\_UN\\_System.pdf](https://www.ohchr.org/Documents/Issues/Women/WRGS/Supporting_WHRDs_UN_System.pdf).

<sup>34</sup> <https://www.unwomen.org/fr/news/in-focus/generation-equality-forum-paris>.

<sup>35</sup> Voir <https://www.unwomen.org/fr/digital-library/publications/2020/11/gendered-dimensions-of-violent-extremism-and-counterterrorism-responses>.

<sup>36</sup> HRI/MC/2021/2, par. 21. Voir également <https://www.ohchr.org/Documents/HRBodies/CRC/crc-child-safeguarding-procedure-2020.pdf>.

<sup>37</sup> CED/C/8.

<sup>38</sup> Voir <https://www.ohchr.org/Documents/HRBodies/CEDAW/ReprisalsGuidelines.docx>.

l'homme. Leurs lignes directrices, qui ont été élaborées en 2016, sont en cours de mise à jour compte tenu des changements apportés au nouveau système des coordonnatrices et coordonnateurs résidents des Nations Unies<sup>39</sup>.

25. La Banque mondiale<sup>40</sup> continue de suivre les allégations crédibles dont elle est saisie et d'y réagir conformément à la directive relative au Cadre environnemental et social concernant les mesures à prendre pour faire face aux risques auxquels sont exposés les individus ou les groupes défavorisés ou vulnérables et aux préjudices qu'ils sont susceptibles de subir. Le Panel d'inspection a été saisi de 150 plaintes concernant 128 projets, dont 73 (soit 57 %) contenaient des allégations de représailles ou des demandes de protection de la confidentialité. La Société financière internationale a publié sa première note d'orientation complète destinée au secteur privé concernant la détection et la prévention des représailles et les mesures à prendre en tel cas, en collaboration avec la Banque interaméricaine de développement Invest<sup>41</sup>.

26. La nouvelle politique de la Société financière internationale, de l'Agence multilatérale de garantie des investissements et du Mécanisme indépendant de responsabilisation, qui couvre la question des menaces et des représailles, prévoit que ces trois entités s'engagent à coordonner leur action dans les affaires de représailles.

27. Le PNUD a mis à jour ses normes sociales et environnementales<sup>42</sup> en y incorporant des dispositions plus complètes sur la détection, la réduction et la neutralisation du risque de mesures de rétorsion et d'actes de représailles, qui figurent dans la politique elle-même et dans la procédure interne de sélection appliquée à tous les projets.

## V. Accès à l'Organisation des Nations Unies, ses représentants et ses mécanismes chargés des droits de l'homme

28. Les obstacles auxquels se heurtent les individus et les organisations qui ont exprimé leur point de vue au cours de réunions de l'ONU ont été décrits dans les rapports précédents. Des informations dénonçant les manœuvres employées par des représentants de certains États afin de bloquer ou de retarder l'accréditation de certains représentants d'organisations de la société civile continuent d'être reçues. De même, l'on continue de signaler que des personnes sont photographiées ou surveillées, ou que leurs déplacements et leurs déclarations sont enregistrés pendant qu'elles participent ou se rendent à des réunions de l'ONU et ce, sans leur consentement. L'on continue également à recevoir des informations selon lesquelles des personnes et des organisations non gouvernementales qui assistent à des réunions en ligne de l'ONU et des personnes qui participent publiquement aux travaux de l'Organisation ou dont le cas est examiné par les organes et mécanismes de l'ONU sont menacées, harcelées et stigmatisées.

29. Les composantes Droits humains des missions de maintien de la paix et d'autres entités chargées de la protection des civils ont fait état de problèmes persistants rendant difficile l'accès aux particuliers et aux communautés. En outre, des obstacles entravant le déroulement des activités menées par des membres du personnel dans le domaine de la surveillance des droits de l'homme et de l'aide humanitaire ont été signalés. Le Conseil de sécurité a demandé instamment aux États de veiller à ce que les opérations de paix et le personnel associé ainsi que les mécanismes d'experts bénéficient d'un accès complet et

<sup>39</sup> Voir [https://cfnhri.org/wp-content/uploads/2020/01/Marrakech\\_Declaration\\_FR\\_\\_12102018\\_-\\_FINAL\\_.pdf](https://cfnhri.org/wp-content/uploads/2020/01/Marrakech_Declaration_FR__12102018_-_FINAL_.pdf).

<sup>40</sup> Voir <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/world-bank-commitments-against-reprisals>.

<sup>41</sup> Voir [https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/sustainability-at-ifc/publications/publications\\_gpn\\_reprisalrisks](https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_gpn_reprisalrisks).

<sup>42</sup> Voir <https://www.undp.org/accountability/social-and-environmental-responsibility/social-and-environmental-standards>.

illimité à toutes les zones et d'une totale liberté de circulation afin que tous soient en mesure de s'acquitter de leur mandat<sup>43</sup>.

30. Il a été signalé au HCDH qu'avant et pendant le forum politique de haut niveau pour le développement durable, qui s'est tenu en ligne en 2020, des représentants de la société civile qui étaient autorisés à intervenir pendant les débats<sup>44</sup> se sont dits victimes d'actes d'intimidation et ont renoncé à participer aux dialogues nationaux ou à faire des déclarations pendant les examens nationaux volontaires<sup>45</sup>. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne refassent l'objet de représailles.

31. La charge de travail et les méthodes de travail du Comité chargé des organisations non gouvernementales, organe habilité à examiner les demandes d'octroi du statut consultatif auprès du Conseil économique et social, ont été décrites dans plusieurs rapports successifs. Le Département des affaires économiques et sociales a déclaré avoir reçu 883 nouvelles demandes pour le cycle 2021, chiffre record montrant que le nombre de demandes soumises au Comité a quadruplé en dix ans<sup>46</sup>.

32. En raison de la pandémie de COVID-19, la reprise de la session du Comité chargé des organisations non gouvernementales, qui devait avoir lieu en 2020, été reportée à mai 2021<sup>47</sup>. À sa session de 2021, le Comité a examiné 855 demandes, dont 516 nouvelles demandes de statut et 339 demandes dont il était saisi à des sessions précédentes et dont l'examen avait été reporté. Le Comité a recommandé au Conseil économique et social d'accorder le statut consultatif à 432 organisations et a décidé de poursuivre l'examen de 386 demandes à la reprise de sa session, soit une proportion comparable à celle des années précédentes<sup>48</sup>.

33. Au cours de la session ordinaire de 2021, des États membres ont engagé le Comité chargé des organisations non gouvernementales à étudier la possibilité de créer un espace ouvert et inclusif facilitant les échanges avec les organisations non gouvernementales, en tirant parti des outils et des technologies numériques. Ils se sont dit préoccupés par le fait que la procédure d'accréditation du Comité manquait de transparence, d'objectivité et d'efficacité. Faisant observer que le nombre de cas de représailles exercées contre des acteurs de la société civile avait augmenté, des États ont affirmé qu'il était temps que l'ONU réagisse systématiquement aux menaces et aux représailles dirigées contre des défenseurs des droits de l'homme et contre les victimes de violations des droits de l'homme qui coopèrent avec le système et que, notamment, de nouvelles consultations avec les organisations non gouvernementales devaient être organisées pour faire suite aux consultations tenues en 2018<sup>49</sup>.

34. Parallèlement au dialogue en cours sur l'amélioration des méthodes de travail et la lutte contre les représailles, mené par le Président du Comité chargé des organisations non gouvernementales conformément aux recommandations du Comité de coordination des procédures spéciales, en mai 2021, le Sous-Secrétaire général aux droits de l'homme a débattu avec le Président de questions qui continuaient de susciter des préoccupations ainsi que des bonnes pratiques<sup>50</sup>.

<sup>43</sup> Voir les résolutions suivantes du Conseil de sécurité: 2543 (2020) (Afghanistan); 2536 (2020), 2552 (2020) et 2566 (2021) (République centrafricaine); 2556 (2020) (République démocratique du Congo); 2542 (2020) et 2571 (2021) (Libye) ; 2531 (2020) (Mali) ; 2521 (2020) et 2567 (2021) (Soudan du Sud).

<sup>44</sup> Résolutions 67/290, par. 15, et 70/1, par. 84, de l'Assemblée générale.

<sup>45</sup> Voir [https://sustainabledevelopment.un.org/content/documents/22610Process\\_for\\_MGoS\\_engagement\\_in\\_the\\_VNR\\_Sessions\\_FINAL2.05.2019.pdf](https://sustainabledevelopment.un.org/content/documents/22610Process_for_MGoS_engagement_in_the_VNR_Sessions_FINAL2.05.2019.pdf).

<sup>46</sup> En 2020, ce chiffre s'établissait à 860, contre 204 en 2010. Voir <E/2020/32> (Part. I), par. 25 ; voir également <E/2021/32> (Part I).

<sup>47</sup> Voir [http://csonet.org/content/documents/Information%20Note%20202021%20Regular%20Session%20of%20the%20Committee%20on%20NGOs%20\\_14.05.21.pdf](http://csonet.org/content/documents/Information%20Note%20202021%20Regular%20Session%20of%20the%20Committee%20on%20NGOs%20_14.05.21.pdf).

<sup>48</sup> <A/HRC/39/41>, par. 22 ; <A/HRC/42/30>, par. 29 ; <A/HRC/45/36>, par. 32.

<sup>49</sup> <E/2021/32> (Part. I), par. 65 et 66, 69 et 71 à 73.

<sup>50</sup> Voir [https://www.ohchr.org/Documents/HRBodies/SP/CC\\_Chair\\_letter\\_to NGO\\_Committee\\_20062019.pdf](https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to NGO_Committee_20062019.pdf) ; et <E/2020/32> (Part. I).

35. Comme cela a été souligné précédemment, le report répété de l'examen de demandes de statut consultatif émanant d'organisations non gouvernementales constituait parfois un rejet de fait, en particulier dans le cas d'organisations s'occupant de questions liées aux droits de l'homme<sup>51</sup>. Le Secrétaire général invite de nouveau le Comité chargé des organisations non gouvernementales à appliquer les critères d'évaluation des organisations de manière équitable et transparente. Il constate avec satisfaction que davantage d'organisations de la société civile participent aux travaux de cet organe et que des modalités de collaboration à distance sont envisagées chaque fois cela est possible.

## **VI. Informations reçues sur les cas d'intimidation ou de représailles liés à une coopération avec l'Organisation des Nations Unies, ses représentants et ses mécanismes chargés des droits de l'homme**

### **A. Remarque d'ordre général**

36. Le présent rapport rend compte de cas au sujet desquels des informations ont été réunies du 1<sup>er</sup> mai 2020 au 30 avril 2021 en application des résolutions 12/2 et 24/24 du Conseil des droits de l'homme, et contient des renseignements sur des actes d'intimidation ou de représailles commis contre des individus et des groupes visés par les dispositions du paragraphe 1 de la résolution 12/2 du Conseil.

37. Les informations reçues ont été vérifiées et croisées avec des sources primaires et autres, dans la mesure du possible. Les affaires qui ont été rendues publiques sont accompagnées de renvois aux publications pertinentes des Nations Unies. Les réponses fournies par les États, y compris sur les mesures concrètes qui ont été prises, ont été résumées<sup>52</sup>.

38. Le présent rapport et ses annexes ne contiennent pas de liste complète des affaires. Ils ont été élaborés dans le strict respect du principe de « ne pas nuire » et sous réserve que les victimes présumées aient accepté que leur nom soit divulgué. En outre, une étude de risque a été réalisée pour chaque cas signalé et réputé crédible. En conséquence, l'anonymat des personnes concernées a été préservé et certaines affaires ont été écartées lorsque le risque pour la sécurité des intéressés ou des membres de leur famille était considéré comme trop élevé. De plus, nombre d'affaires portées à l'attention du Secrétaire général ont été traitées de manière confidentielle.

39. Comme dans les rapports précédents, compte tenu de la limite du nombre de mots à respecter, l'annexe I contient des renseignements complémentaires sur les nouveaux cas ou les nouvelles situations signalés pendant la période considérée dont un résumé est fourni dans le présent rapport, ainsi que les réponses des États concernés aux notes verbales qui leur ont été adressées à ce propos. L'annexe II contient des renseignements sur les faits nouveaux survenus pendant la période considérée qui ont trait aux affaires dont il a été question dans les rapports précédents et qui sont encore à l'examen, ainsi que sur les réponses reçues des États concernés<sup>53</sup>. Le présent rapport contient des renvois aux communications des titulaires de mandat au titre des procédures spéciales ainsi qu'aux réponses des États à ces communications, qui peuvent être téléchargées sur la page de recherche des communications soumises aux procédures spéciales<sup>54</sup>.

<sup>51</sup> A/HRC/38/18, par. 20 ; A/HRC/39/41, par. 23 ; A/HRC/42/30, par. 31 ; A/HRC/45/36, par. 37.

<sup>52</sup> Exceptionnellement, les réponses des États ont été reçues au 27 août 2021 et ont été prises en considération.

<sup>53</sup> Les allégations concernant les États suivants, et les réponses reçues, sont récapitulées dans l'annexe II uniquement : Andorre, Bahreïn, Bangladesh, Colombie, Cuba, Djibouti, Guatemala, Iraq, Koweït, Maroc, Fédération de Russie, Thaïlande et État de Palestine.

<sup>54</sup> <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

## B. Résumé des affaires

### Bélarus

40. Plusieurs défenseurs des droits de l'homme et organisations de la société civile qui font régulièrement parvenir des informations et des témoignages à l'ONU auraient été la cible de diverses mesures – descentes, arrestations arbitraires et inculpations – à l'époque où le rapport de la Haute-Commissaire<sup>55</sup>, qui a ensuite été publié en février 2021, était en cours d'élaboration. Les actes de harcèlement et les poursuites pénales visant le Centre pour les droits de l'homme « Viasna » se seraient intensifiés.

41. Des titulaires de mandat au titre des procédures spéciales ont examiné des allégations selon lesquelles M. Sergey Drozdovskiy, du Bureau pour les droits des personnes handicapées, aurait fait l'objet de poursuites pénales et aurait été victime de détention arbitraire et de mauvais traitements, ce qui serait lié au fait que cette organisation non gouvernementale avait coopéré avec l'ONU<sup>56</sup>.

42. Le Gouvernement a envoyé une réponse le 13 août 2021.

### Burundi

43. La Commission d'enquête sur le Burundi a déploré le fait que des personnes qui avaient collaboré avec elle avaient été victimes d'actes d'intimidation et de représailles<sup>57</sup> tant au Burundi que dans les pays voisins<sup>58</sup>.

44. Le Groupe de travail sur les disparitions forcées ou involontaires a constaté que la crainte généralisée des représailles constituait un obstacle au signalement et à l'enregistrement officiels des cas de disparition forcée<sup>59</sup>. Le Conseil des droits de l'homme a exhorté le Gouvernement à s'abstenir de commettre des actes d'intimidation ou de représailles visant des défenseurs des droits de l'homme<sup>60</sup>.

45. L'annexe II rend compte de l'évolution de la situation de MM. Armel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana et Lambert Nigarura.

### Cambodge

46. Une trentaine de militants qui s'étaient réunis en vue de déposer une requête au bureau du HCDH à Phnom Penh auraient été surveillés et harcelés. Le porte-parole de la Haute-Commissaire aux droits de l'homme a fait état d'arrestations de défenseurs des droits de l'homme, dont M<sup>me</sup> Eng Malai, qui a été arrêtée par des policiers en civil alors qu'elle quittait le bureau du HCDH à Phnom Penh<sup>61</sup>.

47. Une déclaration prononcée devant le Conseil des droits de l'homme<sup>62</sup> par M. Luon Sovath a été interrompue par des représentants de la mission permanente du Cambodge et par d'autres États, qui ont remis en question la légitimité de l'intervenant et son droit de participer au débat.

48. Le Gouvernement a envoyé une réponse 18 août 2021.

<sup>55</sup> A/HRC/46/4.

<sup>56</sup> BLR 4/2021.

<sup>57</sup> A/HRC/45/32, par. 6.

<sup>58</sup> Document de séance de la Commission d'enquête, intitulé \*Conclusions détaillées de la Commission d'enquête sur le Burundi », par. 14.

<sup>59</sup> A/HRC/45/13, par. 56.

<sup>60</sup> Résolution 45/19 du Conseil des droits de l'homme, par. 18.

<sup>61</sup> Voir <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26223&LangID=E>.  
Voir aussi KHM 8/2020.

<sup>62</sup> Voir <https://media.un.org/en/asset/k1c/k1ccl96tdz>.

## **Cameroun**

49. Le représentant permanent du Cameroun a accusé l'organisation non gouvernementale East and Horn of Africa Human Rights Defenders Project – DefendDefenders de financer le terrorisme et d'en faire l'apologie et d'être responsable de plusieurs assassinats, enlèvements, attaques et destructions de biens au Cameroun, après la déclaration que cette organisation avait prononcée à la 35<sup>e</sup> séance de la quarante-huitième session du Conseil des droits de l'homme<sup>63</sup>.

50. L'annexe II rend compte de l'évolution de la situation de MM. Jan Joris Capelle et Elvis Brown Luma Mukuna, de l'organisation Organic Farming for Gorillas Cameroon<sup>64</sup>.

51. Le Gouvernement a envoyé une réponse le 2 août 2021.

## **République centrafricaine**

52. La Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation en République centrafricaine (MINUSCA) a signalé que des attaques en ligne avaient été lancées contre un représentant d'une organisation de la société civile à la suite de la participation de ce dernier à une séance d'information du Conseil de sécurité, et qu'un militant issu d'un groupe ethnique minoritaire qui avait demandé à la MINUSCA d'assurer sa protection avait été harcelé. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent l'objet de nouvelles représailles.

53. Le HCDH a reçu des informations montrant que les actes d'intimidation commis par des groupes armés contre des personnes qui avaient communiqué des informations à la MINUSCA, aux Forces armées de la République centrafricaine et aux factions alliées étaient largement répandus.

## **Chine**

54. De nombreux acteurs de l'ONU ont examiné des allégations d'après lesquelles des défenseurs des droits de l'homme et des organisations de la société civile qui coopéraient avec l'ONU, ou qui étaient considérés comme coopérant avec elle, seraient victimes d'actes d'intimidation et de représailles, en particulier de détention arbitraire, et notamment de placement en résidence surveillée dans un lieu désigné. Dans certains cas, le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent l'objet de nouvelles représailles.

55. Certains représentants de la société civile de Hong Kong (Chine), ont renoncé à poursuivre leur collaboration avec le HCDH et les mécanismes de défense des droits de l'homme de l'ONU ou refusé que ceux-ci parlent de leur cas, craignant d'être accusés de violation de la loi relative à la protection de la sécurité nationale à Hong Kong, adoptée en juin 2020<sup>65</sup>.

56. Le réseau de défenseurs des droits de l'homme Civil Human Rights Front a fait l'objet d'une enquête de police pour avoir adressé une lettre commune datée du 10 décembre 2020 à la Haute-Commissaire des Nations Unies aux droits de l'homme. Le responsable de ce réseau, M. Figo Hu-Wun Chan, a reçu une lettre officielle de la police lui demandant des précisions sur les objectifs de cette lettre.

<sup>63</sup> Voir <https://media.un.org/en/asset/k19/k19hiwd13b> et <https://media.un.org/en/asset/k10/k10hozj9to>.

<sup>64</sup> A/HRC/46/35, par. 76. Voir également

[https://www.ohchr.org/Documents/Issues/Defenders/CFI\\_killings/submissions/civil-societies/cso-offgo-eng-y.doc](https://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/civil-societies/cso-offgo-eng-y.doc).

<sup>65</sup> Voir CHN 17/2020 ; A/HRC/40/52, par. 60, 61 et 65. Voir également

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=E> ;  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26640&LangID=E> ;  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25978&LangID=E> ;  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006>.

57. Le HCDH a reçu des informations indiquant que M. Shen Youlian, défenseur des droits de l'homme établi dans la province de Guizhou, avait été maintenu en détention administrative pendant dix jours pour avoir mis en ligne une lettre ouverte à la Haute-Commissaire.

58. Il a été signalé au HCDH qu'une défenseuse des droits de l'homme, Li Qiaochu, aurait été placée en détention à titre de représailles parce qu'elle s'était entretenue en ligne avec deux experts du Groupe de travail sur les disparitions forcées ou involontaires<sup>66</sup>.

59. L'annexe II rend compte de l'évolution de la situation de M<sup>me</sup> Li Yuhan, M. Liu Zhengqing, M<sup>me</sup> Xu Yan, M<sup>me</sup> Chen Jianfang, M<sup>me</sup> Wang Yu, M. Qin Yongmin, M<sup>me</sup> Zhao Suli, M. Mi Chongbiao, M<sup>me</sup> Li Kezhen, M<sup>me</sup> Li Wenzu, M<sup>me</sup> Wang Qiaoling, M. Li Heping et M. Jiang Tianyong.

60. Le Gouvernement a envoyé une réponse le 20 août 2021.

### République démocratique du Congo

61. Le Bureau conjoint des Nations Unies pour les droits de l'homme en République démocratique du Congo a recueilli des informations sur cinq affaires concernant des personnes qui avaient fait l'objet de menaces de mort et avaient été victimes d'enlèvement et d'arrestation arbitraire pour avoir coopéré avec la MONUSCO dans les provinces de l'est touchées par le conflit. Ces personnes étaient au nombre de 53, dont 48 victimes et 5 défenseurs des droits de l'homme, et 32 d'entre elles étaient des femmes. Leur nom et d'autres détails les concernant ne sont pas divulgués afin d'éviter qu'elles ne fassent l'objet de nouvelles représailles<sup>67</sup>.

### Égypte

62. De nombreux acteurs de l'ONU ont examiné le phénomène du harcèlement et du maintien prolongé en détention de personnes qui se disent victimes de représailles pour avoir coopéré avec l'ONU, et qui sont privées de liberté sur la base notamment de la législation relative à la lutte contre le terrorisme et à la sécurité nationale<sup>68</sup>. Des titulaires de mandat au titre des procédures spéciales se sont penchés sur le cas de plusieurs détenus, dont trois sont mentionnés dans le présent rapport, qui ont été arrêtés pour terrorisme après avoir coopéré avec le Groupe de travail sur les disparitions forcées et involontaires et avec le Forum sur les questions relatives aux minorités, et après avoir participé à l'Examen périodique universel (voir annexe II).

63. L'annexe II contient des informations sur l'évolution de la situation de MM. Ebrahim Abdelmonem Metwally Hegazy, Bahey El Din Hassan, Ahmed Shawky Abdelsattar Mohamed Amasha, Mohamed El-Baquer et Ramy Kamel Saied Salib, ainsi que sur la législation limitant les activités des organisations de la société civile.

### Éthiopie

64. La crainte des représailles continuerait de compromettre la capacité et la volonté des acteurs de la société civile de coopérer avec l'ONU, ce qui est particulièrement vrai pour ceux qui mènent leurs activités dans les zones touchées par le conflit, dont la région du Tigré, où l'accès à la population a été limité<sup>69</sup> et où les coupures d'accès aux services de télécommunication et aux services Internet ont rendu encore plus difficile l'échange d'informations<sup>70</sup>. La Haute-Commissaire a exhorté le Gouvernement à autoriser le HCDH à se rendre dans la région du Tigré, soulignant que les victimes et les témoins de violations des

<sup>66</sup> Voir CHN 4/2021.

<sup>67</sup> Voir A/HRC/45/49.

<sup>68</sup> Voir <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26682&LangID=E> ; EGY 10/2020 ; EGY 2/2021.

<sup>69</sup> Voir <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26483&LangID=E> ; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26534&LangID=E> ; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26583&LangID=E> ; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26623&LangID=E>.

<sup>70</sup> Voir <https://www.ohchr.org/fr/2020/03/press-briefing-note-ethiopia?LangID=E&NewsID=25751>.

droits de l'homme et d'exactions ne devaient pas renoncer à rendre compte de ce qu'ils avaient vu ou vécu parce qu'ils craignaient de faire l'objet de représailles<sup>71</sup>.

65. Le Gouvernement a envoyé une réponse le 11 août 2021.

### **Inde**

66. Nombre d'acteurs de l'ONU ont examiné des allégations d'actes d'intimidation et de représailles, y compris des affaires antérieures non résolues (voir annexe II), et ont fait observer que le caractère restrictif de la législation et les actes d'intimidation et de représailles perpétrés contre les personnes qui coopéraient avec l'ONU étaient de nature à dissuader d'autres personnes de se manifester. La Haute-Commissaire s'est dite préoccupée par l'application de lois formulées de manière vague qui limitaient les activités des organisations non gouvernementales ainsi que leurs possibilités de recevoir des fonds de l'étranger, dont la loi de 2010 portant réglementation des contributions étrangères<sup>72</sup>.

67. Les titulaires de mandat au titre des procédures spéciales ont examiné le cas de M. Waheed Ur Rehman Para, qui aurait été menacé, placé arbitrairement en détention, accusé de terrorisme et soumis à la torture et à des mauvais traitements après avoir coopéré avec des membres du Conseil de sécurité<sup>73</sup>.

68. L'annexe II contient des renseignements sur l'évolution de la situation de MM. Nobokishore Urikimbam, Henri Tiphagne et Khurram Parvez ainsi que sur le cas de l'International Dalit Solidarity Network.

69. Le Gouvernement a envoyé une réponse le 20 août 2021.

### **Indonésie**

70. Il a été signalé au HCDH que des personnes et des communautés étaient menacées, harcelées et surveillées par des acteurs étatiques et non étatiques pour avoir coopéré et échangé des informations avec l'ONU, en particulier en ce qui concerne les communautés autochtones et leurs droits fonciers. D'autres faits survenus dans le passé n'ont pas été mentionnés dans les rapports précédents afin d'éviter que les intéressés ne fassent l'objet de nouvelles représailles.

71. Des titulaires de mandat au titre des procédures spéciales ont examiné la question de la pénalisation des activités menées par des défenseurs des droits de l'homme dans les provinces de Papouasie et de Papouasie occidentale, dont M. Wensislaus Fatubun, conseiller de l'Assemblée du peuple papou, qui fournit régulièrement des documents, des témoignages et des analyses à l'ONU, et se sont penchés sur les actes d'intimidation ciblant ces personnes. Ils ont également examiné le cas de M. Yones Douw, membre de la tribu autochtone me qui recueille des informations sur les allégations de violations commises en Papouasie occidentale et qui a fait l'objet de représailles pour avoir communiqué des renseignements au HCDH<sup>74</sup>.

72. Le HCDH a reçu des informations indiquant qu'un journaliste, Victor Mambor, et une avocate spécialisée dans les droits de l'homme, Veronica Koman<sup>75</sup>, ont fait l'objet de menaces, de harcèlement et d'actes d'intimidation pour avoir communiqué des renseignements sur des faits survenus dans les provinces de la Papouasie occidentale et de la Papouasie à des mécanismes des droits de l'homme de l'ONU, entre autres, et pour avoir participé à des réunions de l'ONU, à propos desquelles ils ont été interrogés par les forces de sécurité.

73. Le HCDH a reçu des informations signalant que M. Victor Yeimo, porte-parole du Comité national de la Papouasie occidentale, a été arrêté en mai 2021 et accusé d'incitation à l'émeute et de trahison à la suite notamment de son appel en faveur du droit à

<sup>71</sup> See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26838&LangID=E>.

<sup>72</sup> Voir <https://www.ohchr.org/fr/2020/10/bachelet-dismayed-restrictions-human-rights-ngos-and-arrests-activists-india?LangID=E&NewsID=26398>.

<sup>73</sup> IND 4/2021.

<sup>74</sup> IDN 2/2020.

<sup>75</sup> Voir <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34873>; IDN 7/2019.

l'autodétermination du peuple papou, qu'il a lancé en mars 2019 devant le Conseil des droits de l'homme<sup>76</sup>.

74. Le Gouvernement a envoyé une réponse le 12 août 2021.

### **République islamique d'Iran**

75. De nombreux acteurs de l'ONU ont examiné la question des obstacles empêchant des membres d'organisations de la société civile de fournir des informations et de rendre des témoignages, y compris à l'ONU. Les actes d'intimidation et de représailles ciblant ces personnes prendraient notamment la forme de placements en détention et de mauvais traitements, de menaces d'arrestation, de poursuites pénales et de condamnations, de gel des avoirs, d'interdictions de voyager et de mesures de surveillance. Parmi ces personnes et leurs familles, beaucoup ont renoncé à être défendues par l'ONU parce qu'elles craignaient de subir de nouvelles représailles.

76. Le Rapporteur spécial sur la situation des droits de l'homme en République islamique d'Iran a indiqué que M. Manouchehr Bakhtiari, dont le fils a été tué par les forces de sécurité au cours des manifestations de novembre 2019, a été arrêté, interrogé et menacé à plusieurs reprises, tout comme d'autres proches, pour avoir publiquement réclamé justice<sup>77</sup>, notamment dans une lettre adressée à la Haute-Commissaire et à d'autres personnes.

77. Le HCDH a reçu des informations indiquant que MM. Vahid et Habib Afkari, qui avaient été arrêtés après avoir participé à des manifestations, ont été placés à l'isolement après avoir porté leur affaire à l'attention de l'ONU, ce qui constituerait une forme de représailles visant à punir leur famille d'avoir demandé à l'ONU d'intervenir au nom de leur frère, M. Navid Afkari, et à les empêcher de communiquer des informations sur les circonstances de son exécution<sup>78</sup>. Le Rapporteur spécial a examiné la question de l'exécution arbitraire de M. Navid Afkari et des longues peines d'emprisonnement imposées à ses frères<sup>79</sup>.

### **Israël**

78. De nombreux acteurs de l'ONU ont examiné des allégations d'après lesquelles des membres d'organisations de la société civile seraient dans la ligne de mire<sup>80</sup>, ce qui les empêcherait de participer aux manifestations organisées par l'ONU et de coopérer avec ses mécanismes des droits de l'homme.

79. En mai 2020, le Ministère israélien des affaires stratégiques a publié un rapport sur l'association Al-Damir pour le soutien aux prisonniers et la défense de leurs droits fondamentaux, qui fournit des services de représentation en justice aux prisonniers palestiniens. Dans ce document, il a souligné que cette association était active au sein des organismes des Nations Unies, qu'elle participait aux débats du Conseil des droits de l'homme consacrés à Israël, qu'elle avait des liens avec des organisations terroristes, qu'elle prônait le boycott d'Israël et avait une position nettement anti-israélienne<sup>81</sup>.

80. L'annexe II contient des informations sur l'évolution de la situation de M. Issa Amro et de M. Laith Abu Zeyad.

81. Le Gouvernement a envoyé une réponse le 17 août 2021.

<sup>76</sup> Voir <https://media.un.org/en/asset/k15/k15al6ps0l>.

<sup>77</sup> A/HRC/46/50, par. 18.

<sup>78</sup> A/HRC/47/22, par. 7, 22 et 24.

<sup>79</sup> Voir <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35711>. Voir également A/HRC/46/50, par. 6, et IRN 22/2020.

<sup>80</sup> A/HRC/46/63, par. 52 à 56.

<sup>81</sup> Voir <https://4il.org.il/wp-content/uploads/2020/05/blood-money-European-funding-palestinian-ngod-A-case-study-Addameer.pdf>, p. 6 et 24.

### **République démocratique populaire lao**

82. En avril 2021, des titulaires de mandat au titre des procédures spéciales ont examiné des allégations selon lesquelles les Forces armées lao auraient menacé et tenté d'intimider les proches de quatre membres de la communauté autochtone hmong qui avaient été victimes de disparition forcée en mars 2020, après la soumission en août 2020 d'une communication concernant la disparition de ces personnes<sup>82</sup>. Ils ont également examiné le cas du meurtre de M. Chue Youa Vang<sup>83</sup>.

83. L'annexe II contient des informations sur l'évolution de la situation de M. Od Sayavong.

84. Le Gouvernement a envoyé une réponse le 1<sup>er</sup> août 2021.

### **Libye**

85. La Division des droits de l'homme, de la justice transitionnelle et de l'état de droit de la Mission d'appui des Nations Unies en Libye (MANUL) a signalé trois cas d'arrestation, de menaces de mort et d'intimidation dont auraient été victimes des particuliers et des défenseurs des droits de l'homme qui avaient coopéré avec l'ONU. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent l'objet de nouvelles représailles.

86. La MANUL a rendu compte des répercussions négatives que les obligations imposées aux organisations de la société civile avaient eues sur leur capacité de mener leurs activités en toute indépendance et de coopérer avec elle. Elle a recueilli des informations sur les actes d'intimidation dont faisaient l'objet des avocats qui coopéraient avec elle en vue d'offrir des services de représentation en justice aux victimes. Les avocats avaient refusé de se soumettre à l'obligation qui leur avait été faite de s'engager à ne pas communiquer avec des ambassades ou des organisations internationales, y compris avec l'ONU, sans autorisation préalable.

### **Maldives**

87. Le Comité pour l'élimination de la discrimination à l'égard des femmes a examiné des allégations selon lesquelles des groupes et des individus religieux avaient diffusé en ligne des propos dénigrants et des menaces visant des membres de l'organisation de défense des droits des femmes Uthema après la publication par celle-ci de sa communication au Comité pendant l'examen du sixième rapport périodique des Maldives sur l'application de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes<sup>84</sup>.

88. L'annexe II contient des informations sur des faits nouveaux concernant le cas de la Commission maldivienne des droits de l'homme et celui du Maldivian Democracy Network.

89. Le Gouvernement a envoyé une réponse le 12 août 2021.

### **Mali**

90. La Division des droits de l'homme et de la protection de la MINUSMA a recueilli des informations d'après lesquelles un fonctionnaire aurait été arrêté et un homme menacé par des membres des forces de l'ordre et de l'armée pour avoir coopéré avec la Mission<sup>85</sup>. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent l'objet de nouvelles représailles.

<sup>82</sup> Voir LAO 3/2021 et LAO 3/2020, ainsi que <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25491>.

<sup>83</sup> LAO 3/2021.

<sup>84</sup> CEDAW/C/MDV/6. Voir aussi

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2488&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2488&Lang=en).

<sup>85</sup> S/2021/299, par. 54 à 60, et A/HRC/46/68, par. 32 et 33.

### **Mexique**

91. Le HCDH a reçu des informations indiquant que le personnel du Centre de justice pour la paix et le développement, organisation non gouvernementale qui recueille des éléments de preuve des violations des droits de l'homme commises dans l'État de Jalisco et signale ces faits, est harcelé, stigmatisé, surveillé et attaqué en ligne depuis juin 2020, c'est-à-dire depuis qu'il a coopéré avec le bureau du HCDH au Mexique et avec le Comité des disparitions forcées.

92. L'annexe II contient des informations sur l'évolution de la situation de M. Felipe Hinojo Alonso et de M<sup>me</sup> Alma Delia Reyna.

### **Myanmar**

93. De nombreux acteurs de l'ONU ont reçu des informations montrant que des défenseurs de la démocratie et des droits de l'homme avaient été victimes de représailles pour avoir signalé des violations à l'Organisation après le putsch militaire du 1<sup>er</sup> février 2021<sup>86</sup>. Certains ont renoncé à communiquer des informations ou à autoriser des entités des Nations Unies à s'occuper de leur cas, faisant valoir qu'ils risquaient de faire l'objet de nouvelles représailles. D'autres ont fui leur domicile, sont passés dans la clandestinité ou ont demandé l'asile à l'étranger. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne subissent de nouvelles représailles.

94. Le Conseil des droits de l'homme a demandé que tous les titulaires de mandat et les mécanismes de défense des droits de l'homme de l'ONU puissent immédiatement et pleinement accéder à l'ensemble du pays, sans restriction ni surveillance, et que les particuliers et les organisations de la société civile puissent accéder librement aux organismes des Nations Unies sans avoir à craindre des représailles, des actes d'intimidation ou des attaques<sup>87</sup>.

### **Nicaragua**

95. Il a été signalé au HCDH que la mise en œuvre de la loi n° 1040 sur la réglementation applicable aux agents étrangers adoptée en octobre 2020 inhibait la capacité et la volonté des acteurs de la société civile de coopérer avec l'ONU ; cette loi a été examinée par le HCDH et les titulaires de mandats au titre des procédures spéciales<sup>88</sup>. La Haute-Commissaire a constaté que les restrictions limitant la marge de manœuvre des organisations de la société civile se multipliaient.

96. Le Conseil des droits de l'homme a condamné tous les actes d'intimidation ou de représailles commis par des agents étatiques ou non étatiques et a demandé au Gouvernement de prévenir tout acte d'intimidation ou de représailles, de s'abstenir de commettre de tels actes, de condamner publiquement ceux qui étaient commis, d'enquêter à leur sujet et de punir les responsables<sup>89</sup>.

97. L'annexe II contient des informations sur l'évolution de la situation de M<sup>me</sup> Vilma Nuñez de Escoria, M. Aníbal Toruño, M. Marcos Carmona et M. Jonathan López.

### **Pakistan**

98. Les titulaires de mandat au titre des procédures spéciales ont examiné des informations selon lesquelles un défenseur des droits de l'homme, M. Fazal ur Rehman Afridi, de l'Institut de recherche et d'études stratégiques de Khyber et du Mouvement de protection des Pachtounes, aurait été la cible d'actes d'intimidation et de menaces de représailles et de harcèlement, notamment pour avoir coopéré avec l'ONU, et selon lesquelles ses proches auraient également été menacés<sup>90</sup>.

<sup>86</sup> Voir aussi MMR 1/2021 et <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36172>.

<sup>87</sup> Résolution 46/21 du Conseil des droits de l'homme, par. 25.

<sup>88</sup> A/HRC/46/21, par. 13 à 20, et NIC 3/2020.

<sup>89</sup> Résolution 46/2 du Conseil des droits de l'homme, par. 14.

<sup>90</sup> PAK 12/2020.

99. Des titulaires de mandat au titre des procédures spéciales ont examiné les allégations d’arrestation arbitraire, de torture, de mauvais traitements et de poursuites dont aurait fait l’objet M. Alam Zaib Mehsud, défenseur des droits de l’homme appartenant au Mouvement de protection des Pachtounes, qui avait saisi des mécanismes des droits de l’homme de l’ONU d’allégations de violations<sup>91</sup>.

### Philippines

100. De nombreux acteurs de l’ONU, dont la porte-parole de la Haute-Commissaire et des titulaires de mandat au titre des procédures spéciales, ont dénoncé la pratique consistant à taxer des personnes de communistes ou de terroristes (« red-tagging »). Ces acteurs ont noté qu’en raison de la tactique utilisée par des agents étatiques ou non étatiques pour dénigrer, y compris dans les enceintes de l’ONU, des individus et des groupes qui coopéraient avec l’Organisation, la sécurité de ces individus et groupes était plus menacée<sup>92</sup>.

101. Un commandant de l’armée philippine aurait qualifié M<sup>me</sup> Karen Gomez-Dumpit, Commissaire de la Commission des droits de l’homme des Philippines (voir également l’annexe II), M<sup>me</sup> Jacqueline Ann C. De Guia, Directrice exécutive de cet organe, ainsi que la Commission elle-même de communistes à la suite des déclarations faites par M<sup>me</sup> Gomez-Dumpit devant le Conseil des droits de l’homme<sup>93</sup> ; cette affaire a été examinée par des titulaires de mandat en janvier 2021<sup>94</sup>.

102. Dans sa résolution 45/33, le Conseil des droits de l’homme a condamné tous les actes d’intimidation et de représailles commis en ligne ou hors ligne par des agents étatiques ou non étatiques.

103. L’annexe II contient des éléments nouveaux sur la situation de M. Jose Luis Martin (Chito) Gascon, M<sup>me</sup> Leila de Lima, de Karapatan (Alliance pour la promotion des droits du peuple), et de M<sup>me</sup> Cristina Palabay.

104. Le Gouvernement a envoyé une réponse le 2 août 2021.

### Arabie saoudite

105. De nombreux acteurs de l’ONU ont examiné des allégations selon lesquelles les personnes qui coopèrent ou cherchent à coopérer avec l’Organisation ainsi que leur famille seraient victimes de harcèlement, d’arrestation et de détention arbitraires, d’actes de torture et de mauvais traitements et seraient condamnées à de lourdes peines à titre de représailles. Le présent rapport contient des allégations concernant six personnes qui se trouvent en détention et une personne décédée en détention. Des renseignements complémentaires actualisés sur les cas qui avaient été signalés précédemment n’ont pas été incorporés dans le présent rapport afin d’éviter que les intéressés ne fassent l’objet de nouvelles représailles.

106. En juillet 2020, le Groupe de travail sur les disparitions forcées et involontaires a examiné le risque élevé de représailles en Arabie saoudite, qui prennent la forme de menaces contre les personnes qui signalent la disparition de membres de leur famille au Groupe de travail et par une culture de la terreur<sup>95</sup>.

107. Les titulaires de mandat au titre des procédures spéciales ont examiné la pratique consistant à utiliser la législation antiterroriste et les mesures visant à préserver la sécurité pour cibler des représentants de la société civile<sup>96</sup>, notamment lorsque ceux-ci coopèrent avec l’Organisation. En décembre 2020, des titulaires de mandat ont commenté la loi de 2017

<sup>91</sup> PAK 4/2021.

<sup>92</sup> A/HRC/45/36, annexe I, par. 98, et PHL 1/2021. Voir aussi <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26865&LangID=E>.

<sup>93</sup> Voir <https://media.un.org/en/asset/k1u/k1u4npdneb>.

<sup>94</sup> Voir <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26696&LangID=E>.

<sup>95</sup> A/HRC/WGEID/121/1, annexe I, par. 47.

<sup>96</sup> SAU 3/2021. Voir aussi <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36137> et <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36216>.

relative à la répression des crimes terroristes et leur financement, relayant ainsi des préoccupations qui avaient déjà été formulées dans le passé (voir l'annexe II)<sup>97</sup>.

108. On trouvera à l'annexe II des éléments nouveaux concernant la situation de M<sup>me</sup> Loujain Al-Hathloul, M<sup>me</sup> Samar Badawi, M. Mohammad Fahad Al Qahtani, M. Essa Al Nukheifi, M. Issa Hamid Al-Hamid, M<sup>me</sup> Amal Al Harbi et M. Abdullah Al Hamid.

### **Soudan du Sud**

109. La Division des droits de l'homme de la Mission des Nations Unies au Soudan du Sud a fait état de trois cas concernant trois victimes, dont un avocat, qui auraient été arrêtées, détenues et brutalisées par des agents des services de sécurité du Gouvernement qui les soupçonnaient à tort ou à raison d'avoir coopéré avec l'ONU. Des représentants du Gouvernement et des éléments de l'opposition armée commettaient régulièrement des actes d'intimidation ciblant la population civile afin de décourager toute tentative de communiquer des informations sensibles à l'Organisation, notamment sur les violences sexuelles liées au conflit, ce qui crée un climat de peur, en particulier parmi les victimes et les témoins. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent l'objet de nouvelles représailles.

### **Sri Lanka**

110. En février 2021, la Haute-Commissaire a constaté que les mesures de surveillance et les actes de harcèlement dirigés contre des organisations de la société civile, des défenseurs des droits de l'homme et des victimes semblaient s'être intensifiés au cours de l'année précédente, notamment à l'égard des individus et organisations qui avaient soutenu la mise en œuvre de la résolution 30/1 du Conseil des droits de l'homme, ce qui avait pour effet de paralyser l'espace civique et démocratique et d'amener les personnes concernées à s'autocensurer<sup>98</sup>.

111. À la suite de l'adoption en mars 2021 de la résolution 46/1 du Conseil des droits de l'homme, dans les médias d'État, un haut fonctionnaire a qualifié les militants de la société civile et les opposants politiques de traîtres parce qu'ils avaient coopéré avec les mécanismes des droits de l'homme de l'ONU.

112. Le Gouvernement a envoyé une réponse le 10 août 2021.

### **République arabe syrienne**

113. La Commission d'enquête internationale indépendante sur la République arabe syrienne a indiqué que ses enquêtes étaient encore entravées par le fait qu'elle n'était pas autorisée à se rendre dans le pays et par la nécessité de garantir la sécurité des personnes interrogées, et que les risques de représailles et d'autres préoccupations touchant la protection continuaient de compromettre sa capacité d'enquêter sur les violations des droits de l'homme liées à la détention<sup>99</sup>. Elle a constaté que les sources qui se trouvaient dans les zones sous le contrôle du Gouvernement, de Daech, d'Hay'at Tahrir el-Cham ou des Forces démocratiques syriennes n'osaient pas signaler les violations commises par les entités qui contrôlaient ces zones, compte tenu du risque de représailles<sup>100</sup>.

114. Le Groupe de travail sur les disparitions forcées ou involontaires a indiqué qu'il continuait de recevoir des informations concernant les actes d'intimidation et de représailles dont étaient victimes des membres de la famille de disparus qui s'étaient légitimement enquis du sort réservé à leur proche et du lieu où celui-ci se trouvait<sup>101</sup>.

<sup>97</sup> SAU 12/2020. Voir aussi <https://www.ohchr.org/fr/press-releases/2017/05/saudi-arabia-must-reform-counter-terror-law-and-free-peaceful-critics-says?LangID=E&NewsID=21585>.

<sup>98</sup> A/HRC/46/20, par. 32. Voir aussi <https://www.ohchr.org/fr/2021/01/sri-lanka-alarming-path-towards-recurrence-grave-human-rights-violations-un-report?LangID=E&NewsID=26695>.

<sup>99</sup> A/HRC/44/61, par. 3 ; A/HRC/45/31, par. 20.

<sup>100</sup> A/HRC/46/54, par. 36 ; A/HRC/46/55, par. 10 et 69 et annexe III, par. 7.

<sup>101</sup> A/HRC/WGEID/122/1, par. 144.

## République-Unie de Tanzanie

115. Des acteurs de la société civile ont signalé au HCDH que l'application stricte de dispositions législatives contraignantes limitait leur champ d'action et créait des obstacles qui les empêchaient d'utiliser des ressources pour défendre des droits de l'homme<sup>102</sup>, ce qui compromettait leur coopération avec l'ONU et les poussait à l'autocensure<sup>103</sup>. Deux victimes de violations avaient renoncé à autoriser des mécanismes des droits de l'homme de l'ONU à les défendre, par peur des représailles. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter qu'ils ne fassent l'objet de représailles.

## Turkménistan

116. Des titulaires de mandat au titre des procédures spéciales ont examiné des allégations d'accusations dénuées de fondement, de harcèlement judiciaire et de détention arbitraire dont aurait fait l'objet M. Nurgeldi Halykov, journaliste indépendant condamné à quatre ans d'emprisonnement peu après avoir publié une photo d'une délégation de l'Organisation mondiale de la Santé qui s'était rendue en juillet 2020 au Turkménistan afin d'étudier la pandémie de COVID-19<sup>104</sup>.

117. Le Gouvernement a envoyé une réponse le 18 août 2021.

## Émirats arabes unis

118. De nombreux titulaires de mandat au titre des procédures spéciales ont examiné des cas de détention arbitraire, de longues peines de prison et d'application de la législation antiterroriste à des fins de représailles contre des défenseurs des droits de l'homme, en particulier ceux qui coopèrent avec l'ONU<sup>105</sup>. Le Groupe de travail sur la détention arbitraire a souligné que le cas des deux femmes qui auraient subi des représailles pour avoir coopéré avec l'ONU (voir l'annexe II) faisait partie de la longue liste d'affaires de détention arbitraire aux Émirats arabes unis qui avaient été portées à l'attention du Groupe de travail ces dernières années, et que la récurrence de ce type de faits était révélatrice de l'existence d'un problème systémique<sup>106</sup>.

119. Les titulaires de mandat ont formulé des commentaires sur la loi n° 7 relative à la répression des infractions terroristes (2014) et estimé que les définitions des organisations terroristes étaient trop larges, ce qui risquait d'entraver considérablement les activités des défenseurs des droits de l'homme, et notamment de compromettre leurs possibilités de participer à des réunions internationales<sup>107</sup>.

120. L'annexe II contient des informations sur l'évolution de la situation de M. Ahmed Mansoor, M<sup>me</sup> Maryam Soulayman Al-Ballushi, M<sup>me</sup> Amina Alabduli et M. Ahmad Ali Mekkaoui.

121. Le Gouvernement a envoyé une réponse le 17 août 2021.

<sup>102</sup> Voir <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26117&LangID=E>. Voir également TZA 2/2020, TZA 3/2020, TZA 4/2020, TZA 5/2020, TZA 6/2020 et TZA 2/2021 et les réponses correspondantes du Gouvernement, dont <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35991> et <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35993>.

<sup>103</sup> Voir <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26489> ; <https://www.ohchr.org/fr/2020/09/her-global-human-rights-update-bachelet-calls-urgent-action-heighten-resilience-and-protect?LangID=E&NewsID=26226> ; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26806&LangID=E>.

<sup>104</sup> TKM 1/2021.

<sup>105</sup> Voir

[https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26735&LangID=E#:~:text=GENEVA%20\(10%20February%202021\)%20E2%80%93,urged%20authorities%20to%20release%20them.](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26735&LangID=E#:~:text=GENEVA%20(10%20February%202021)%20E2%80%93,urged%20authorities%20to%20release%20them.)

<sup>106</sup> A/HRC/WGAD/2020/61, par. 95.

<sup>107</sup> ARE 6/2020 ; A/HRC/40/52, par. 60, 61 et 65.

### République bolivarienne du Venezuela

122. Nombre d'acteurs de l'ONU ont examiné des allégations selon lesquelles des défenseurs des droits de l'homme et des organisations de la société civile qui coopéraient avec l'ONU, ou qui étaient considérés comme coopérant avec elle, en particulier ceux et celles qui mettaient en œuvre des programmes humanitaires de l'ONU, seraient victimes d'actes d'intimidation et de représailles. Ils ont constaté que des organisations non gouvernementales avaient été qualifiées de criminelles, de mercenaires, de voleuses, de terroristes et d'ennemis de l'État, notamment dans les enceintes de l'ONU et sur les portails en ligne progouvernementaux.

123. La mission internationale indépendante d'établissement des faits sur la République bolivarienne du Venezuela a sollicité des garanties de protection afin d'avoir l'assurance que les personnes qui lui avaient fourni des informations et les membres de leur famille ne fassent pas l'objet de représailles<sup>108</sup>. D'après des informations reçues par le HCDH, certaines personnes qui avaient coopéré avec l'ONU, dont le capitaine de vaisseau Luis de la Sotta, ont vu leurs conditions de détention se détériorer, notamment après que la mission d'enquête a fait état de leur affaire dans son rapport<sup>109</sup>.

124. Des titulaires de mandat au titre des procédures spéciales, y compris la mission internationale indépendante d'établissement des faits sur la République bolivarienne du Venezuela, ont examiné les propos dénigrants tenus par des hauts fonctionnaires au sujet de cinq organisations non gouvernementales ainsi que de deux personnes qui avaient coopéré avec l'ONU, soit : Comité de Familiares de Víctimas del Caracazo, Observatorio Venezolano de Conflictividad Social, Centro de Justicia y Paz, Control Ciudadano et sa Directrice, M<sup>me</sup> Rocío San Miguel, et Espacio Público et son Directeur, M. Carlos Correa.

125. Des titulaires de mandat se sont penchés sur la détention arbitraire, suivie de la remise en liberté de cinq membres de l'organisation non gouvernementale Azul Positivo, qui fournit une aide humanitaire aux personnes vivant avec le VIH/sida. Ces cinq personnes, dont la détention était liée aux activités qu'elles menaient en tant que partenaires d'exécution de l'ONU, sont : M. Johan Manuel León Reyes, M. Yordy Tobias Bermúdez Gutierrez, M. Layners Christian Gutierrez Díaz, M. Alejandro Gómez Di Maggio et M. Luis Ramón Ferrebuz Canbrera<sup>110</sup>. De nombreux acteurs de l'ONU<sup>111</sup>, dont le porte-parole du Secrétaire général, ont appelé l'attention sur ces détentions et demandé que les intéressés soient remis en liberté<sup>112</sup>.

126. Des titulaires de mandat se sont préoccupés par l'adoption d'une loi limitant considérablement l'accès des organisations non gouvernementales à un financement étranger, faisant observer que ce type de mesure avait pour effet de paralyser l'aide humanitaire aux populations vulnérables<sup>113</sup>.

127. L'annexe II contient des informations sur l'évolution de la situation de M<sup>me</sup> Maria Lourdes Afiuni et de M. Fernando Albán.

128. Le Gouvernement a envoyé une réponse le 26 août 2021.

### Viet Nam

129. Nombre d'acteurs de l'ONU ont examiné des allégations selon lesquelles des individus et des groupes qui avaient coopéré ou cherché à coopérer avec l'ONU auraient fait

<sup>108</sup> Voir A/HRC/45/33. Voir aussi <https://media.un.org/en/asset/k1s/k1sv4d3zve>.

<sup>109</sup> Document de séance de la mission d'enquête, intitulé « Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela », par. 760 à 797.

<sup>110</sup> Voir VEN 1/2021 et <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35987>.

<sup>111</sup> Voir

[https://www.unaids.org/fr/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210129\\_venezuela](https://www.unaids.org/fr/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210129_venezuela) ; <https://mobile.twitter.com/onuvenezuela/status/1355133629177982980> ;  
[https://twitter.com/OCHA\\_Venezuela/status/1352240655469338626](https://twitter.com/OCHA_Venezuela/status/1352240655469338626) ; et  
<https://twitter.com/UNAIDS/status/1355094157937807361>.

<sup>112</sup> Voir <https://www.un.org/press/en/2021/db210129.doc.htm> ;  
<https://media.un.org/en/asset/k1w/k1w2ide59u>.

<sup>113</sup> Voir <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26620&LangID=E>.

l'objet de mesures de surveillance, de cyberattaques et d'actes d'intimidation, se seraient fait retirer leur passeport, auraient été victimes d'arrestation et de détention arbitraires et auraient été condamnés à de lourdes peines. En outre, ces affaires amenaient certaines personnes à s'autocensurer et en dissuadaient d'autres de coopérer avec l'ONU.

130. Des titulaires de mandat au titre des procédures spéciales ont examiné des allégations selon lesquelles des mesures policières auraient été prises pour empêcher M. Nguyen Tuong Thuy, de l'Association des journalistes indépendants du Viet Nam, ainsi que plusieurs épouses de prisonniers d'opinion de rencontrer des représentants du HCDH à Hanoï en mars 2018<sup>114</sup>. Les services de sécurité de l'État n'ont pas laissé M<sup>mes</sup> Vu Minh Khanh, Nguyen Thi Huyen Trang et Nguyen Thi Kim Thanh participer à la rencontre. M<sup>me</sup> Nguyen Thi Lan et M<sup>me</sup> Bui Thi Kim Phuong y ont été autorisées mais elles étaient sous surveillance. Ces incidents ont été signalés aux autorités mais n'ont pas été rendus publics à l'époque des faits pour éviter que les intéressées ne fassent l'objet d'autres représailles.

131. Des titulaires de mandat au titre des procédures spéciales se sont penchés sur la cyberattaque lancée contre l'organisation non gouvernementale Vietnamese Overseas Initiative for Conscience Empowerment, qui serait liée à l'intensification de sa coopération avec l'ONU<sup>115</sup>.

132. L'annexe II contient des informations sur l'évolution de la situation de M<sup>me</sup> Truong Thi Ha, M<sup>me</sup> Dinh Thi Phuong Thao, M. Pham Chi Dung, M. Nguyen Bac Truyen et M<sup>me</sup> Bui Thi Kim Phuong.

133. Le Gouvernement a envoyé une réponse le 12 août 2021.

### Yémen

134. Le Groupe d'éminents experts internationaux et régionaux sur le Yémen a déploré le fait qu'il n'était toujours pas autorisé à se rendre dans le pays et s'est dit préoccupé par le climat de peur sévissant au Yémen, en raison duquel les victimes, les témoins et les organisations renonçaient à coopérer avec les enquêteurs et à leur communiquer des informations<sup>116</sup>.

135. Le HCDH a constaté que le Gouvernement avaient adopté des restrictions limitant les activités à caractère humanitaire et les activités en faveur du développement, ce qui compromettait le bon déroulement des opérations de l'ONU, dont un décret permettant aux autorités locales de restreindre régulièrement l'accès des représentants du HCDH à certaines zones lorsque des enquêtes y étaient menées sur des questions liées aux droits de l'homme, et rendant obligatoire l'obtention d'une autorisation avant tout déplacement d'un gouvernorat à l'autre et avant toute visite dans un camp de personnes déplacées.

136. Le HCDH a reçu des informations signalant que M. Abdulmajeed Sabrah, avocat exerçant dans le nord du Yémen, avait fait l'objet de tentatives d'intimidation pour avoir communiqué des informations à l'ONU, notamment de la part de fonctionnaires du Bureau spécialisé du parquet de Sanaa, et qu'il était activement surveillé.

137. L'annexe II contient des éléments nouveaux sur la situation de M. Akram al-Shawafi et de ses collègues de Watch for Human Rights et de l'organisation Mwatana for Human Rights et des membres de son personnel.

## VII. Conclusions et recommandations

138. Pendant la période considérée, le nombre d'actes signalés d'intimidation et de représailles commis par des acteurs étatiques ou non étatiques à l'égard d'individus ou de groupes qui cherchent à coopérer ou qui ont coopéré avec l'ONU est demeuré élevé, ce qui s'explique en partie par les progrès réalisés en matière de collecte et de communication d'informations. Cependant, nombre d'autres cas n'ont pas été signalés

<sup>114</sup> VNM 3/2020.

<sup>115</sup> VNM 2/2021.

<sup>116</sup> A/HRC/45/6, par. 7 et 8.

ou ne sont pas mentionnés dans le présent rapport afin de protéger les personnes concernées. Le caractère récurrent des allégations renforce l'hypothèse selon laquelle la répétition d'incidents de même nature peut signaler l'existence d'un problème généralisé.

139. L'ONU continue de constater des évolutions inquiétantes, notamment le fait que des États justifient le blocage de l'accès aux travaux de l'Organisation au moyen de mesures opérationnelles et législatives, y compris en invoquant la nécessité de lutter contre le terrorisme ainsi que d'autres arguments liés à la sécurité nationale. Des États se servent aussi des mesures adoptées pour faire face à la pandémie de COVID-19 pour museler la société civile. La nécessité légitime d'appliquer des mesures d'urgence en faveur de la santé publique ne devrait pas être exploitée pour empêcher des particuliers et des organisations de la société civile de contacter l'ONU ou pour punir les personnes qui coopèrent avec celle-ci. L'Organisation a reçu des informations indiquant que des restrictions supplémentaires limitant les déplacements de partenaires de l'ONU avaient été adoptées afin d'empêcher les intéressés de rencontrer des représentants de l'ONU, et que des restrictions encore plus sévères étaient imposées aux personnes en détention.

140. Je suis profondément préoccupé par le fait que de nombreux individus et groupes s'autocensurent et renoncent à coopérer avec l'ONU de crainte de subir un préjudice ou de faire l'objet de représailles. Ce silence doit être rompu. La communication et la coopération entre l'Organisation et les États, la société civile et d'autres partenaires et les possibilités de dialogue qu'offre l'ONU revêtent une importance cruciale pour ses travaux et, en dernière analyse, pour les personnes en faveur desquelles l'Organisation œuvre.

141. J'invite encore une fois les États à défendre et à soutenir sans réserve le droit de toute personne de contacter l'Organisation et de coopérer avec celle-ci en toute sécurité et sans entrave, et à prévenir et combattre tous les actes d'intimidation et de représailles. Je constate avec satisfaction que les membres de l'Assemblée générale et du Conseil de sécurité sont encore plus déterminés à lutter contre les actes d'intimidation et de représailles, et je me félicite du soutien continu apporté par les membres du Conseil des droits de l'homme et d'autres organes intergouvernementaux aux initiatives visant à prévenir les actes d'intimidation et de représailles et à y faire face. J'encourage tous les États membres à prendre les précautions voulues pour garantir la protection de tous les individus concernés. Au Conseil de sécurité, ainsi que dans d'autres enceintes, les parties prenantes pourraient notamment procéder à un examen préalable des risques que courrent leurs interlocuteurs, élaborer des plans d'urgence adaptés aux circonstances et mobiliser des ressources afin de soutenir les personnes qui ont besoin d'aide.

142. Les affaires décrites dans le présent rapport donnent un aperçu des risques et des problèmes particuliers auxquels certains groupes et secteurs de la population et certaines communautés se heurtent. Les victimes des incidents les plus fréquemment signalés sont généralement des défenseurs des droits de l'homme, des militants et des journalistes, mais l'on trouve aussi parmi les personnes et les groupes visés toute une série d'autres acteurs, dont des victimes de violations des droits de l'homme, des témoins et des familles des victimes, des avocats, des fonctionnaires, des partis d'opposition et des institutions nationales des droits de l'homme. En outre, les attaques dirigées contre des experts indépendants de l'ONU nuisent à la coopération avec l'Organisation.

143. Parmi les nombreuses personnes qui font l'objet de menaces mais dont le cas n'est pas signalé figurent celles qui connaissent des difficultés en raison de leur genre ou de leur orientation sexuelle et celles qui militent pour la protection des droits fonciers et des droits liés aux ressources, ou qui revendiquent ces droits. Des efforts plus soutenus devraient être fournis pour recueillir des informations sur ce type de cas et sur les tendances, en ventilant les données par sexe, âge, groupe minoritaire et appartenance de la victime à une communauté autochtone. Cela permettrait d'élaborer des analyses plus nuancées et des mesures plus adaptées aux risques particuliers auxquels ces groupes sont exposés.

144. La pandémie de COVID-19 a accru la dépendance mondiale à l'égard de la communication numérique, ce qui a créé des conditions propices à un élargissement de l'accès à l'ONU et à une intensification de la coopération avec celle-ci. L'on a toutefois aussi assisté à l'apparition de nouveaux risques liés notamment à la généralisation de la surveillance numérique et des attaques coordonnées en ligne lancées par des acteurs étatiques ou non étatiques, qui ont accentué la vulnérabilité potentielle des personnes et des organisations à l'égard des actes d'intimidation et de représailles. L'exclusion des populations et des communautés sous-représentées, en particulier celles qui se heurtent à la fracture numérique et à d'autres obstacles, est un problème auquel il conviendrait de remédier. J'encourage toutes les entités des Nations Unies à réfléchir à la question des précautions appropriées qui devraient être prises pour assurer la sécurité numérique et des moyens qui devraient être employés afin que la coopération soit plus inclusive.

## Annexe I

[Anglais seulement]

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

#### 1. Belarus

1. In preparation of the February 2021 report of the High Commissioner (A/HRC/46/4) mandated by Human Rights Council resolution 45/1, several human rights defenders and civil society organizations who regularly share information and testimony with the UN were reportedly targeted, including through raids, arbitrary arrests, and criminal charges. The harassment reportedly intensified in the context of the Office of the High Commissioner for Human Rights' (OHCHR) monitoring and reporting at the request of the Human Rights Council to "collect, consolidate, preserve and analyse information and evidence with a view to contributing to accountability for perpetrators and justice for victims and, where possible, to identify those responsible" (A/HRC/RES/46/20, para. 13(a)). Names and details of individuals affected are withheld for fear of further reprisals.
2. One organization targeted is **Human Rights Centre Viasna**, which promotes human rights and provides legal aid in Belarus. Viasna has a long-standing history of cooperation with the UN, which increased during the reporting period. According to information received by OHCHR, the targeting of its staff intensified after August 2020 in the context of widespread protests following the Presidential elections and following its increased and visible cooperation with UN human rights bodies and mechanisms. Viasna participated in a joint written submission to the November 2020 Universal Periodic Review (UPR) of Belarus<sup>1</sup> and delivered a statement during the UPR adoption on 16 March 2021.<sup>2</sup> Viasna also participated in a UN Security Council Arria formula meeting on 4 September 2020 (S/2020/900), and made a joint public submission to the UN Committee against Torture in January 2021 for the list of issues prior to reporting for Belarus.<sup>3</sup> In February 2021, the organization and its staff were reportedly subject to office and home searches, confiscation of technology equipment, arrests, interrogations, and criminal proceedings. On 19 March 2021, the Special Rapporteur on the situation of human rights defenders expressed concerns about the arrest and additional charges against one of Viasna's volunteer coordinators.<sup>4</sup>
3. On 12 March 2021, special procedures mandate holders addressed allegations of criminalization, arbitrary detention, and ill-treatment of **Mr. Sergey Drozdovskiy**, a human rights defender and director of the NGO Office for the Rights of People with Disabilities, as well as a wheelchair user and founder of the Association of Wheelchair Users in Belarus in 1997, in connection with the NGO cooperation with the UN (BLR 4/2021).
4. According to information received, on 21 January 2021, the Department of Financial Investigations (DFI) at the Committee of State Control announced on its official website that it had opened an investigation into the activities of certain members of the Office for the Rights of People with Disabilities. The DFI searched the NGO's premises and confiscated equipment and documents. It also searched the homes of its members and confiscated personal property. Mr. Drozdovskiy, along with a **lawyer for the organization**, were reportedly questioned by the DFI. The Committee of State Control reportedly explained that the questioning was part of an investigation for possible misappropriation of charitable

<sup>1</sup> <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7741&file=EnglishTranslation>.

<sup>2</sup> UPR Belarus, 37th Meeting, 46th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k10/k103nw8z21> (time stamp 26:40).

<sup>3</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2413&L=ang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2413&L=ang=en).

<sup>4</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26922&LangID=E>.

donations and international funding (BLR 4/2021). On 2 February 2021, Mr. Drozdovskiy and a lawyer of the organization were reportedly questioned again, during which time they were insulted and threatened, and on 3 February 2021, they were both arrested. Their lawyers signed a non-disclosure agreement, preventing them from publicly discussing details of the case. On 11 February, Mr. Drozdovskiy was charged on suspicion of having committed “fraud” (Article 209 of the Criminal Code), placed under house arrest, and restricted to only communicate with his lawyer (BLR 4/2021).

5. Mandate holders expressed concerns, including publicly on 19 March 2021,<sup>5</sup> that the investigations of the work of the NGO, the charges against its director and lawyer, and the alleged ill-treatment could be a reprisal for their cooperation with the UN. The mandate holders raised concerns over the increasing number of cases where human rights defenders were bound by non-disclosure agreements which, when used inappropriately, can criminalise the sharing of information and observations on human rights (BLR 4/2021).

6. It was reported to OHCHR that Mr. Drozdouskiy continues to be under house arrest, which on 3 April 2021 was extended until 3 August 2021. As of May 2021, he reportedly suffers serious health conditions. The lawyer of the organization is currently held in remand prison-1 at Volodarskiy 2 (Minsk), and his detention was extended until 3 August 2021(BLR 4/2021). Further, there are credible concerns that the above-mentioned non-disclosure agreements have both prevented and inhibited civil society actors from sharing information and testimony with the UN.

7. On 13 August 2021, the Government responded to the note verbale sent in connection to the present report noting that the allegations were unsubstantiated statements used to justify political pressure on Belarus under the pretext of human rights concerns. The Government stated that the Public Association Human Rights Centre Viasna is a liquidated legal entity since a Supreme Court decision in 2003 and their activity is prohibited. The Government noted that some individuals associated with Viasna were investigated by the Investigative Committee of Belarus in February 2021 in a case under article 342 of the Criminal Code for allegedly violating public order. As such, searches were carried out at the places of stay of some of these individuals and they were found to have been involved in criminal activity under article 342, as well as under article 243 (tax evasion).

## 2. Burundi

8. In its September 2020 report to the Human Rights Council, the Commission of Inquiry on Burundi, which had visited Uganda, Rwanda and Tanzania and also conducted an increased number of interviews remotely, stated that it “deplored that individuals who cooperated with it had to face acts of intimidation and reprisals” (A/HRC/45/32, para. 6). In its final report, the Commission condemned the climate of intimidation, threats, fear of reprisals maintained by the Government against any person, based in Burundi or in neighbouring countries, who wish to cooperate with the Commission or any other international human rights mechanism (A/HRC/45/CRP.1, para. 14). In its oral updates to the Council during the reporting period, the Commission conveyed its gratitude to the persons who provided it with information despite the risks involved.<sup>6</sup>

9. In September 2020, the Working Group on Enforced or Involuntary Disappearances noted “a widespread fear of reprisals preventing the formal reporting and registration of enforced disappearances” (A/HRC/45/13, para. 56). In October 2020, in its resolution 45/19 on the situation of human rights in Burundi, the Human Rights Council called upon the Government of Burundi to refrain from all acts of intimidation or reprisal against human rights defenders, including those who are cooperating with international human rights mechanisms and the Human Rights Council (A/HRC/RES/45/19, para. 18).

<sup>5</sup> Ibid.

<sup>6</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26087&LangID=E>;  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26283&LangID=E>;  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26879&LangID=E>.

### 3. Cambodia

10. On 24 August 2020, **a group of some 30 activists** gathered to submit a petition to OHCHR at its office in Phnom Penh. They were calling for the release of a prominent union leader and activist who had been arrested on 31 July 2020 on incitement charges over his comments on Cambodia-Vietnam border issues.<sup>7</sup> While the group managed to successfully submit its petition to OHCHR, individuals were reportedly monitored by police officers during the process. When the group attempted to leave the OHCHR premises to go to the Japanese Embassy in Phnom Penh to submit a similar petition to the Japanese Government, the group was reportedly blocked by law enforcement officers from advancing, prompting the protesters and activists to flee the area for fear of violence. The activists reported to OHCHR that they had been monitored and harassed following the submission of their petition to OHCHR.

11. On 11 September 2020, the Spokesperson of the High Commissioner for Human Rights raised concern about the arrest of human rights defenders, including **Ms. Eng Malai**, who was arrested and detained after leaving the OHCHR Office in Phnom Penh on 7 September 2020 by plain-clothes officials (see also KHM 8/2020<sup>8</sup>).<sup>9</sup> She had reported the imminent threat of her arrest and detention, and was seeking support for her protection from OHCHR. As of May 2021, Ms. Malai is one of five detained Khmer Thavrak members placed in pre-trial detention for incitement charges under Articles 494 and 495 of the Criminal Code. The Spokesperson noted that the “situation marks a deepening of the Government’s intolerance to dissent and repression...mainly directed at human rights organizations, environmentalists and human rights defenders.”<sup>10</sup>

12. On 1 October 2020, at the 45th session of the Human Rights Council, Cambodian human rights defender and monk working in defense of communities affected by land grabbing and forced evictions in Cambodia, **Venerable Luon Sovath**, attempted to deliver an oral statement in plenary.<sup>11</sup> He was accredited to participate in the dialogue with the Special Rapporteur on the situation in Cambodia as part of a delegation of the World Organisation Against Torture (OMCT), an NGO with ECOSOC status, in conformity with established procedures. During his intervention, Mr. Sovath was interrupted three times by the Permanent Representative of Cambodia to the UN in Geneva, and Points of Order were raised by the representatives of the Permanent Missions of China, Cuba, the Russian Federation and Venezuela, questioning his participation in the Council, as well as his legitimacy and credibility.<sup>12</sup> The Vice-President of the Human Rights Council, the Permanent Representative of Slovakia to the UN at Geneva, who was chairing the session, affirmed that Mr. Sovath should continue with his statement.

13. Cambodia’s third Point of Order alleged that Mr. Sovath is not a monk, and that he has been charged with rape and defamation in Cambodia, allegations reported to OHCHR as unfounded. In June 2020, fake videos and news on Facebook were used in a defamation campaign against him. Fearing imminent arrest, he left the country, and his case has been raised by special procedures.<sup>13</sup>

14. On 18 August 2021, the Government responded to the note verbale sent in connection to the present report, noting that the arrest and detention of Ms. Eng Malai and a group of purported activists, who had assembled to file the petition to OHCHR in Cambodia, are in full adherence to the existing applicable procedures and rules with the aim of maintaining and guaranteeing social security and public order. The Government provided information on the investigation and charges pertaining to multiple activists involved in the protests and

<sup>7</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26505&LangID=E>.

<sup>8</sup> <https://spcomreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35930>.

<sup>9</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26223&LangID=E>.

<sup>10</sup> Ibid.

<sup>11</sup> Human Rights in Cambodia, 31st Meeting, 45th Regular session Human Rights Council, at <https://media.un.org/en/asset/k1c/k1ccl96tdz> (time stamp 00:58:10).

<sup>12</sup> Ibid.

<sup>13</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26505&LangID=E>.

stated that the Phnom Penh Municipal Court has held three public hearings on the case: on 30 December 2020, 16 February 2021, and 27 July 2021.

15. Regarding Venerable Luon Sovath, the Government gave details on the criminal judgment (No. 28/239) issued by the Siem Reap Provincial Court of First Instance on 25 March 2021 against him in absentia, an appeal of which was denied on 28 July 2021. The Government stated that the Cambodia delegation deserves the rights to question the bona fide status of any speaker when his or her identity becomes suspicious, and to offer factual accounts concerned on the ground with a view to circumventing any attempt to mislead the Human Rights Council.

#### 4. Cameroon

16. On 15 March 2021, during the Human Rights Council, ECOSOC-accredited human rights NGO **East and Horn of Africa Human Rights Defenders Project (“DefendDefenders”)** delivered a pre-recorded video statement raising concerns about the human rights and humanitarian situation in Cameroon.<sup>14</sup> DefendDefenders, the only NGO to raise the situation of Cameroon during the general debate under item 4, stressed that the Government as a member of the Council should not be shielded from scrutiny and urged actions by Member and Observer States should Cameroon fail to take concrete steps to improve its human rights situation. Following this statement, the Permanent Representative of Cameroon exercised the right of reply and accused DefendDefenders of “financing” and “advocating” terrorism and being responsible for “several assassinations, kidnappings, attacks and destruction of property in Cameroon.”<sup>15</sup> According to the Permanent Representative, DefendDefenders did not “deserve to address [the] Council” and stated that the latter “must stop giving status to this kind of NGO without audience.”<sup>16</sup>

17. On 2 August 2021, the Government responded to the note verbale sent in connection to the present report refuting the allegations therein and stressing that intimidation and reprisals “have never been the approaches or working methods of Cameroonian diplomacy.” While recognizing the importance of the role of NGOs and civil society in general, the Government stated that “these actors must ensure that declarations made within the framework of UN mechanisms or other instances are based on credible and verifiable sources.”

#### 5. Central African Republic

18. The UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) reported two cases of intimidation and reprisals during the reporting period, both allegedly perpetrated by government actors or their operatives. One case involved online attacks against a civil society representative following a Security Council briefing and another case involved a civil society activist from a minority ethnic group who sought protection from MINUSCA and faced harassment following denouncement of violations by government forces and allied factions. Names and details are withheld for fear of further reprisals. In addition, OHCHR received reports of wider patterns of intimidation by armed groups, including the 3R (Return, Reclamation, Rehabilitation) for providing information to MINUSCA, the Central African Armed Forces and allied factions.

#### 6. China

19. Multiple UN actors addressed allegations of acts of intimidation and reprisals against human rights defenders and civil society organizations that cooperated, or were perceived as

<sup>14</sup> Item 4, General Debate, 34th Meeting, 46th Session Human Rights Council, at <https://media.un.org/en/asset/k19/k19hiwd13b> (time stamp 01:17:03).

<sup>15</sup> Item 4, General Debate, 35th Meeting, 46th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k10/k10hozj9to> (time stamp 00:46:56).

<sup>16</sup> Ibid.

cooperating with the UN during the reporting period, in particular their arbitrary detention including in “residential surveillance at a designated location.” During the 46th session of the Human Rights Council, a group of 26 Member States noted they were “gravely concerned about detentions, trials and sentencing of human rights defenders, lawyers, and intellectuals,” identifying multiple individuals in the present report detained in relation to their cooperation with the UN, and “call[ed] for their immediate release” (see Annex II).<sup>17</sup> Names and details on some cases are withheld for fear of further reprisals.

20. Some **representatives of civil society organizations** in the Hong Kong Special Administrative Region declined to engage further with OHCHR and two of the UN human rights mechanisms, including special procedures and treaty bodies, or have their cases taken up by the UN, due to a fear that they would be in contravention of the Law of the People’s Republic of China on Safeguarding National Security in Hong Kong (“National Security Law”),<sup>18</sup> passed in June 2020. In particular, their concern is reportedly that they would be targeted for “collusion with a foreign country or with external elements to endanger national security,” one of four distinct categories of offences alongside secession, subversion, and terrorism.

21. On 1 September 2020, special procedures mandate holders provided comments to the Government on the law, expressing “concerns pertaining to the protection and role of civil society which may be negatively impacted by the application of this legislation.” In their communication, they referred to a previous special procedures report<sup>19</sup> which “cautions that overly broad definitions of what constitutes threats to national security results in a chilling effect on civic space, the stigmatization of civil society actors, and excludes civil society from engaging in national and international fora” (CHN 17/2020).

22. On 30 October 2020, the Government responded in detail, refuting their assessment of the law and stating that “the establishment and improvement by China, at the national level, of the legal system and enforcement mechanism for national security in the Hong Kong Special Administrative Region is a necessary and legitimate step to fill gaps in the national security legislation of Hong Kong, to practically safeguard national sovereignty and security and to protect the prosperity and stability of Hong Kong, and a necessary and practical move to ensure the long-term stability of the One Country, Two Systems structure” and which “protects the rights and freedoms of Hong Kong residents.”<sup>20</sup>

23. In April 2021, the **Civil Human Rights Front**, a network of human rights defenders and pro-democracy activists, was placed under police investigation for having, among other issues, sent a joint letter on the occasion of 10 December 2020 to the High Commissioner for Human Rights, marking the 70th anniversary of Human Rights Day, urging her to speak up for human rights in Hong Kong. On 26 April 2021, its convenor, **Mr. Figo Hu-Wun Chan**, received a formal request for information from the Hong Kong police related to, among other questions on the organization’s activities, online presence and financial information, the reasons and purposes of the Civil Human Rights Front’s open letter to the High Commissioner.

24. The Spokesperson for the High Commissioner responded to April 2021 media inquiries by email, expressing concern that members of the network were under investigation by the Hong Kong police, reportedly related to implementation of the National Security Law, “for communicating with the United Nations.” The Spokesperson stated “We remind the Hong Kong authorities that all individuals and groups should have safe and unhindered access to, and communication with, the United Nations and its human rights mechanisms. It is incumbent on the authorities to ensure that individuals and groups are not subjected to reprisals for their cooperation or attempted cooperation with the UN.” In May 2021, Mr. Figo

<sup>17</sup> Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamp 00:42:30).

<sup>18</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26640&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25978&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006>.

<sup>19</sup> A/HRC/40/52, paras. 60, 61, 65.

<sup>20</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35721>.

Hu-Wun Chan was arrested and sentenced to 18 months in prison related to his involvement in protests in 2019 in Hong Kong.

25. It was reported in the media on 26 March 2021 that **Mr. Shen Youlian**, a human rights defender in Guizhou province in China, had been administratively detained for ten days. On 28 February 2021, Mr. Shen Youlian posted an open letter online that he had written to the High Commissioner for Human Rights. In the letter, Shen Youlian referred to his efforts to popularize the contents of the Universal Declaration of Human Rights in Guizhou. He stated that from 2005 onwards, he and other defenders in Guizhou had planned events for Human Rights Day, but that Chinese authorities had consistently suppressed their activism. The letter also described his experiences being detained by authorities in 2011, 2016, and 2019 for the planning of Human Rights Days events. He urged the High Commissioner to ask the Government to release his fellow activist, Mr. Chen Xi, who has been serving a 10-year imprisonment sentence since November 2011.

26. It was reported to OHCHR that **Ms. Li Qiaochu**, a human rights defender against gender-based violence and for labour rights, was detained on 6 February 2021 allegedly as a reprisal for meeting online with two experts from the UN Working Group on Enforced or Involuntary Disappearances in September 2020. Ms. Li Qiaochu worked to publicize details of alleged torture inflicted on her partner, the detained rights activist **Mr. Xu Zhiyong**, and his colleague, lawyer **Mr. Ding Jiaxi** (see also CHN 4/2021<sup>21</sup>). On 24 September 2020, Ms. Luo Shengchun, the wife of **Mr. Ding Jiaxi**, tweeted that she, Ms. Li Qiaochu, and a family member of one of the three detained staffers at the NGO Changsha Funeng in Changsha, Hunan province, had met with the two UN experts. Ms. Li Qiaochu is reportedly being held at a psychiatric hospital in Linyi, Shandong province, following detention at Linyi Municipal Detention Center, and is suffering from unaddressed health conditions and has no access to a lawyer. The residential complex where her parents live is reportedly under surveillance by plainclothes officers.

27. On 20 August 2021, the Government responded to the note verbale sent in connection to the present report, stating that “the information presented has arbitrarily used unconfirmed information, distorted China’s efforts in combating illegal and criminal activities in accordance with the law, and grossly interfered in China’s internal affairs and judicial sovereignty”. The Government stated that law enforcement authorities in the Hong Kong Special Administrative Region have taken actions solely against criminal acts and their actions have nothing to do with the background or the political position of the individuals involved in a case.

28. The Government rejected the “biased and groundless accusations made in the report against the Hong Kong National Security Law” and stated the law does “not affect the lawful exercise of rights and freedoms by Hong Kong residents, including criticizing the administration of the Government or the policies and decisions of officials, or freedom of information, academic freedom, policy research, general business activities and general engagement and cooperation with international organizations (including the United Nations).” The Government stated that the law “prohibits activities in which foreign countries or external elements use Hong Kong for purposes of secession, subversion, infiltration and sabotage” and that “has clearly defined the specific components of the crime of colluding with a foreign county or with external elements to endanger national security, and law-abiding people would not accidentally break the law.”

29. Regarding the Civil Human Rights Front, the Government stated the organization had allegedly violated the registration requirement under section 5 of the Societies Ordinance, which provides that unless otherwise specified, a local society shall apply to the Societies Officer (i.e., the Hong Kong Police) for registration or exemption from registration within 1 month of its establishment. Therefore, the Societies Officer had, as authorized under section 15 of the Ordinance, requested the organization to provide information, which it did not provide as requested. Its convenor, Mr. Figo Hu-Wun Chan, was sentenced (under section 17A (3) of the Public Order Ordinance (Cap. 245 of the Laws of Hong Kong) to imprisonment for 18 months after he pleaded guilty to “inciting others to knowingly take part

<sup>21</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36396>.

in an unauthorized assembly” and “organizing an unauthorized assembly” at the Hong Kong District Court on 1 October 2019, which was deemed not peaceful and endangered public order, an offence punishable by up to five years imprisonment.

30. Regarding Mr. Shen Youlian, male, age 68, from Guiyang City, Guizhou Province, a retired worker of the Guiyang Flour Company, the Government stated that the Chinese judiciary has not taken any compulsory measure against him and there is no such a thing as “detention” or “suppression”. Concerning Ms. Li Qiaochu, female, age 30, from Beijing, in February 2021, she was legally examined by a public security organ for an alleged criminal offence. At present, the case is under further investigation.

## 7. Democratic Republic of the Congo

31. During the reporting period, the Joint Human Rights Office (UNJHRO) of the UN Organization Stabilization Mission in the DRC (MONUSCO) documented five incidents of intimidation and reprisals for cooperation with the Mission, affecting a total of 53 individuals, including 32 women. Names and further details are withheld due to fear of further reprisals.

32. All incidents were documented in the conflict-affected eastern provinces. Of the five cases reported, one was in North Kivu (Beni Territory), three in South Kivu (Kalehe, Uvira and Shabunda Territories) and one in Tanganyika Province (Bendera territory). Three were allegedly perpetrated by armed groups, one by Congolese armed forces, and one by unidentified armed elements. Reprisals included death threats, kidnapping and arbitrary arrest. Victims in four cases involved human rights defenders. The fifth case targeted 48 victims of human rights violations participating in a trial. These formed part of a wider pattern of continued restrictions documented by UNJHRO on the exercise of fundamental freedoms.<sup>22</sup> Names and further details are withheld due to fear of further reprisals.

## 8. Egypt

33. Multiple UN actors during the reporting period drew attention to the targeting and prolonged detention of victims of alleged reprisals for cooperation with the UN, including through the justification of counter-terrorism and national security legislation. In July 2020, special procedures mandate holders addressed the situations of several detained individuals, including three mentioned in this report being held on terrorism-related charges following their cooperation with the Working Group of Enforced and Involuntary Disappearances, the Forum on Minority Issues and the UPR (see Annex II). Mandate holders noted disproportionate restrictions in communication with family members, pre-trial detentions renewed in absentia, and grave risk of contracting COVID-19 (EGY 10/2020). On 22 January 2021, the Special Rapporteur on the situation of human rights defenders stated that “The use of prolonged pre-trial detention and misuse of anti-terrorism and national security laws to criminalise the work of civil society actors must end” (see also EGY 2/2021).<sup>23</sup>

34. On 20 November 2020, the Spokesperson for the High Commissioner for Human Rights highlighted a “broader pattern of intimidating organizations defending human rights and of the use of counter-terrorism and national security legislation to silence dissent,” noting the use of “sweeping counter-terrorism laws and vague charges such as ‘joining a terrorist organization’ and ‘spreading false information’ to harass and criminalize the work of human rights defenders.”<sup>24</sup> During the 46th session of the Human Rights Council, a group of 26 Member States called for the release of two individuals included in the present report who were detained in relation to their cooperation with the UN (see Annex II), among others, and “recall[ed] the need to counter terrorism in full respect of international human rights.”<sup>25</sup> In another statement, a group of 31 Member States stated they were “deeply concerned about

<sup>22</sup> A/HRC/45/49.

<sup>23</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26682&LangID=E>.

<sup>24</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26523&LangID=E>.

<sup>25</sup> Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamp 00:42:30).

the application of terrorism legislation” and “urge[d] Egypt to end the use of terrorism charges to hold human rights defenders and civil society activists in extended pre-trial detention and the practice of adding detainees to new cases with similar charges after the legal limit for pre-trial detention has expired.”<sup>26</sup>

## 9. Ethiopia

35. The Government has taken steps toward reforms aimed at enabling civil society engagement with the UN, including legislative developments noted in a previous report of the Secretary-General (A/HRC/42/30, para.18). However, it has been reported to OHCHR that the capacity and/or willingness of civil society to engage on human rights issues with the UN continues to be limited due to a fear of reprisals, as a result of continued restrictions on civil society operations and targeting of their representatives. This has reportedly affected their ability to document, report and advocate on violations, including in cooperation with the UN.

36. It is reported that this is particularly the case for those working in conflict-affected areas, such as the Tigray region, where access to the population has been restricted,<sup>27</sup> and challenges in reporting were exacerbated by restrictions on telecommunications and internet access during the reporting period.<sup>28</sup> On 4 March 2021, the High Commissioner for Human Rights urged that access be given to OHCHR to the Tigray region. She stressed the urgent need “for an objective, independent assessment of the facts on the ground in the Tigray region,” and emphasized that “victims and witnesses of human rights violations and abuses must not be hindered from sharing their testimony for fear of reprisals.”<sup>29</sup>

37. On 11 August 2021, the Government responded to the note verbale sent in connection to the present report, refuting the allegations therein as a “scenario that is in dissonance with the facts and legal and institutional framework of Ethiopia.” The Government highlighted Proclamation No. 1113/2019, which removed most restrictions under the previous law. It noted that more than 1300 CSOs are newly registered, bringing the total number of CSOs in Ethiopia to 3100. The Government underlined that the CSO Board, the highest body of the Civil Society Organizations Agency, has not received any complaints on the inability of CSOs to function as a result of fear. In reference to the access to internet and telecommunication in Tigray Region, the Government stated that the assertions are inaccurate, and that law enforcement has been acting in the interest of public service. It stated that in Tigray since November 2020, 60 CSOs and more than a thousand of their staff are operating.

## 10. India

38. Multiple UN actors addressed alleged intimidation and reprisals during the reporting period, including in relation to unresolved previous cases (see Annex II), and noted how restrictive legislation and intimidation and reprisals of those cooperating with the UN may deter other civil society representatives from coming forward.

39. Concerns relating to the use of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to hinder UN cooperation have been included in successive reports of the Secretary-General (see Annex II).<sup>30</sup> On 20 October 2020, the High Commissioner for Human Rights expressed concern about the use of vaguely worded laws that constrain NGOs’ activities and

<sup>26</sup> Item 4, General Debate, 32nd Meeting, 46th Session of the Human Rights Council, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamp 00:36:20).

<sup>27</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26483&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26534&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26583&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26623&LangID=E>.

<sup>28</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25751&LangID=E>.

<sup>29</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26838&LangID=E>.

<sup>30</sup> A/HRC/45/36, Annex II, paras. 72, 76; A/HRC/42/30, Annex II, paras. 56-58; Annex I, paras. 61, 67.

restrict foreign funding, including the FCRA.<sup>31</sup> She stated that the FCRA “has been invoked over the years to justify an array of highly intrusive measures, ranging from official raids on NGO offices and freezing of bank accounts, to suspension or cancellation of registration, including of civil society organizations that have engaged with UN human rights bodies.”<sup>32</sup> As regards 2020 amendments to the FCRA, the High Commissioner further expressed concern that “actions based on the grounds of vaguely defined ‘public interest’ leave this law open to abuse, and that it is being used to deter or punish NGOs for human rights reporting and advocacy that the authorities perceive as critical in nature.”<sup>33</sup> She urged the authorities to carefully review the FCRA for its compliance with international human rights standards.

40. On 16 March 2021, special procedures mandate holders raised concern about allegations of arbitrary detention, enforced disappearance, torture and ill-treatment of **Mr. Waheed Ur Rehman Para** and other civil society actors, and reprisals against Mr. Para by Indian intelligence following his engagement with members of the UN Security Council (IND 4/2021). On 30 July 2020, Mr. Para had engaged with UN Security Council members in a closed virtual meeting where he raised issues related to the Government of India’s actions in Jammu and Kashmir, its treatment of Muslim minorities, and the recent border tensions with China. Following this engagement, Mr. Para reportedly received threats from National Investigation Agency (NIA) officials indicating that he was inviting trouble by engaging in such events.

41. According to information received, on 25 November 2020, Mr. Para was arrested by the NIA on alleged terrorism charges and held in their custody for one month at its headquarters in New Delhi. While in NIA custody, Mr. Para was reportedly interrogated about the meeting with Security Council members and threatened to cease speaking against the Government. He was held in a dark underground cell at sub-zero temperature, where he was allegedly deprived of sleep, seriously physically assaulted, including beaten with rods, stripped naked and hung upside down. On 11 January 2021, Mr. Para was charged in relation to financial support to terrorist groups and transferred to Srinagar under the custody of Counter-Intelligence in Kashmir. He reportedly appeared before court with a lawyer for a bail hearing, which was denied. As of May 2021, he remains in remand.

42. On 20 August 2021, the Government responded to the note verbale sent in connection to the present report, vehemently denying the alleged arbitrary detention, enforced disappearance and torture and ill-treatment against Mr. Para by the NIA. It stated that the Agency’s actions should be seen as part of the Government’s efforts to combat terrorism financing. The matter is currently sub judice before the competent court and, in the meantime, Mr. Para has been provided medical assistance and was allowed to meet his counsel while in police custody.

## 11. Indonesia

43. OHCHR has received reports of individuals and communities targeted for cooperation and sharing information with the UN. Previous incidents have not been included in the annual report of the Secretary-General due to concerns that once an individual or organization is seen or perceived as cooperating with OHCHR or UN human rights mechanisms, this exposure can lead to further harm. Individuals cooperating with the UN have reportedly been subject to threats, harassment and surveillance by government, non-State and private actors, including business enterprises, and local political actors, especially those individuals reporting on indigenous communities and land-related rights such as extractive, infrastructure, and agribusiness projects.

44. On 26 June 2020, special procedures mandate holders addressed concerns about the criminalization and intimidation of human rights defenders in the Papua and West Papua provinces (IDN 2/2020).<sup>34</sup> In particular, they drew attention to the alleged intimidation

<sup>31</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26398&LangID=E>.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35417>.

against **Mr. Wensislaus Fatubun**, human rights defender and advisor for human rights of the Papuan People's Assembly (MRP), who regularly provides documentation, testimony and analyses on human rights issues in West Papua to the UN. In March 2017, Mr. Fatubun cooperated with the Special Rapporteur for the right to health during his visit to Papua. According to information received, on 6 October 2019, personal details were posted about Mr. Fatubun and his family on Facebook, accusing him of affiliation with an armed separatist group, Free Papua Movement. In October 2019, police officers from the Tomohon City Police Precinct and two members of the Indonesian Military Command in Manado, questioned family members about his work.

45. Mr. Fatubun submitted a complaint to the commissioner of the National Commission on Human Rights (Komnas HAM) (IDN 2/2020), which has raised concerns with local authorities, but as of May 2021, surveillance has reportedly continued and no action has been taken. On 17 November 2020, it was reported to OHCHR that 84 people, including Mr. Fatubun, were arrested by Merauke Police ahead of a series of public consultations organized by the Papuan People's Assembly (MRP) to discuss the Special Autonomy Law (OTUS or Otonomi Khusus bagi Provinsi Papua). He was reportedly questioned about his advocacy and engagement with international mechanisms and released the following day (IDN 2/2020).

46. **Mr. Yones Douw**, a member of the indigenous Me tribe, has been investigating, documenting and advocating against alleged human rights violations in West Papua for over ten years (IDN 2/2020), including with the UN. It was reported to OHCHR that he has been targeted in relation to documentation and reporting of alleged violations to OHCHR. On 7 December 2019, two members of the Maleo regiment of Kopassus, the special forces division of the Indonesian military, reportedly visited Mr. Douw at his home in the town of Nabire in Papua province and questioned him about his family life, human rights work and the work of other human rights defenders in Nabire. In particular, the military officers asked Mr. Douw if he planned to hold a public assembly for International Human Rights Day on 10 December 2019. Following that, Mr. Douw has reportedly been monitored and followed by unidentified individuals wearing motorcycle helmets to conceal their identities (IDN 2/2020).

47. On 9 July 2020, the Government responded,<sup>35</sup> affirming the right to peaceful protest in Indonesia and rejecting the allegations. Regarding the complaint by Mr. Fatubun to the National Commission on Human Rights (Komnas HAM), the Government noted that it contacted the Commission to seek clarification but that no petition had been received in this regard and that no domestic grievance mechanism had been used or exhausted.

48. It was reported to OHCHR that additional members of civil society faced threats, harassment and intimidation for their reporting on the situation in West Papua and Papua provinces. This included engaging with OHCHR, such as providing documentation of alleged violations to UN human rights mechanisms or attending UN meetings, for which they were questioned on multiple occasions by security forces, including police, military, and intelligence. Specifically, there have been reported acts of harassment, intimidation and threats against journalist **Mr. Victor Mambor**, affiliated with the newspaper Tabloid Jubi and The Jakarta Post, and human rights lawyer to Papuans, **Ms. Veronica Koman** (see IDN 7/2019<sup>36</sup>).

49. Ms. Koman has provided legal support to **Mr. Victor Yeimo**, a human rights activist in West Papua who is the international spokesperson of the West Papua National Committee (Komite Nasional Papua Barat/KNPB). Mr. Yeimo had been on the Papua police wanted list (no. LP/317/IX/RES.1.24/2019/Direskrimun of 5 September 2019), reportedly targeted for a statement made during the 2019 anti-racism protests in Papua and West Papua Provinces, where he joined in calling for a referendum on independence. Ms. Koman and another lawyer had submitted appeals to special procedures in 2019 regarding the alleged excessive use of force by security forces, arbitrary arrests, and detention of peaceful protestors following the anti-racism violence in September 2019. It was reported to OHCHR that, on 9 May 2021, Mr. Yeimo was arrested without a warrant and is being charged under the Penal Code, *inter alia*, accused of incitement (to riots) and treason. It was reported to OHCHR that on 10 May

<sup>35</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35417>.

<sup>36</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34873>.

2021, the Papua Inspector General of the Papua Province Police, in explaining the crimes allegedly committed, made reference to calls by Mr. Yeimo for self-determination of the Papuan people at the UN Human Rights Council in March 2019.<sup>37</sup>

50. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report, affirming their position condemning intimidation and reprisals for cooperation with the UN, including human rights defenders, which they noted they had made clear during the 43rd session of the Human Rights Council. The Government rejected that the arrest of Mr. Yeimo was related to his cooperation with the UN, including the Human Rights Council in 2019, stating that his case strictly concerns his alleged involvement in the incitement of mass riots of Jayapura, Papua Province on 19 August 2019 and his advocacy for separatism and secession for which he is awaiting trial for treason and public incitement.

## 12. Iran, Islamic Republic of

51. Multiple UN actors raised concerns about obstacles and retaliation preventing civil society actors and their family members from sharing information and providing testimony, including at international fora such as the UN. Several alleged acts of intimidation and reprisals against human rights defenders and protesters, including detention and ill-treatment, threat of arrest, criminal prosecution and convictions, freezing of assets, travel bans, and surveillance, were reported during the reporting period. Many individuals and their families declined UN action on their cases due to a fear of further reprisals.

52. In January 2021, the Special Rapporteur on the human rights situation in the Islamic Republic of Iran reported that **Mr. Manouchehr Bakhtiari**, father of **Pouya Bakhtiari**, who was killed by security forces during the November 2019 protests, has been subjected, together with other relatives, to repeated arrests, interrogations and threats for publicly calling for justice ([A/HRC/46/50](#), para. 18). In a 29 May 2020 letter addressed to the High Commissioner for Human Rights and others, Mr. Bakhtiari called for an international investigation into the November 2019 crackdown (para. 18). Mr. Bakhtiari was arrested in January 2020 together with other members of his family and repeatedly threatened not to speak publicly of his son's death ([A/75/213](#), para. 15). Following his first arrest, he was charged with national security crimes, and subsequently released on bail.

53. On 13 July 2020, he was arrested again and transferred to a prison in Bandar Abbas. Following an initial period of incommunicado detention, he was released on bail on 6 December 2020. On 7 April 2021, Mr. Bakhtiari was among over 20 relatives of victims of the November 2019 protests who were arrested by security forces in Esfahan and released the following day. On 29 April 2021 he was arrested again, and it was reported in July 2021 that he was sentenced on national security-related charges to three years and six months in prison, and two years and six months in exile in another province in Iran.

54. It was reported to OHCHR that **Messrs. Vahid and Habib Afkari**, detained following their participation in protests, were placed in solitary confinement on 5 September 2020 (see [A/HRC/47/22](#), para. 24) reportedly in retaliation for their family's request for UN action on behalf of their brother, **Mr. Navid Afkari**, and to prevent them from sharing information about the circumstances of his execution, which followed a few days after the submission of the request, on 12 September 2020 (paras. 7, 22). The situation of their brother, Mr. Navid Afkari, who was accused of murder and allegedly tortured to confess, following his participation in protests in 2018,<sup>38</sup> was raised by OHCHR and multiple special procedures mandate holders, who called his execution "deeply disturbing."<sup>39</sup>

55. In September 2020, the Special Rapporteur on the human rights situation in the Islamic Republic of Iran raised concerns about the arbitrary execution of Mr. Navid Afkari

<sup>37</sup> Item 4, General Debate, 32nd Meeting, 40th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k15/k15al6ps01> (time stamp 02:14:03).

<sup>38</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26231>; <https://twitter.com/UNHumanRights/status/1306214381949157376>.

<sup>39</sup> <https://news.un.org/en/story/2020/09/1072302>; see also <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26420&LangID=E>.

(see also [A/HRC/46/50](#), para. 6) and drew attention to the lengthy prison sentences imposed on his brothers (IRN 22/2020).<sup>40</sup> In addition to their prolonged solitary confinement, the brothers have reportedly been subjected to ill-treatment in detention. Their family members have also faced repeated threats and harassment for calling for an end to the brothers' solitary confinement.

### 13. Israel

56. During the reporting period, multiple UN actors addressed the alleged targeting of civil society,<sup>41</sup> affecting their participation at UN events and cooperation with UN human rights mechanisms, addressed in previous reports of the Secretary-General.<sup>42</sup>

57. On 13 May 2020, the Israeli Ministry of Strategic Affairs released a public report on Palestinian human rights organization Addameer, which provides legal aid to Palestinian prisoners. The report references Adameer's cooperation with the UN and claims that the organization is "tied to terrorism" and is among the NGOs which "advocate for the boycott of Israel and have a radically anti-Israel agenda."<sup>43</sup> The report alleges that previous and current staff of Addameer are "affiliates" of the Popular Front for the Liberation of Palestine (PFLP), which has been defined as illegal under Israeli military law, and that Addameer is linked to terrorism, including for its provision of legal aid. The report specifically states that "Addameer was active in UN institutions and took part in the Human Rights Council's discussions on Israel, including in March 2018, where it urged the International Criminal Court to take action against Israel. The NGO continues to interact with the UNHRC on issues pertaining to Israel."<sup>44</sup> The Ministry calls on "Western governments, international humanitarian organizations, social media networks, financial institutions and foundations" to refrain from meeting with Addameer's personnel or issuing them visas, to audit their social media posts, and to increase oversight and transparency regarding Addameer's financial accounts to ensure compliance with terror financing laws.<sup>45</sup>

58. On 17 August 2021, the Government responded to the note verbale sent in connection to the present report noting that while Israel does not seek to curtail freedom of expression nor to limit humanitarian activity, it does seek and will continue to act to stop terror and cut off its funding. Regarding Addameer in particular, the Government stated that it promotes the interests of PFLP operatives who serve prison terms in Israel, with emphasis on terrorists who are responsible for serious terrorist attacks committed against Israelis, and that calls by the Ministry of Strategic Affairs to increase oversight and transparency regarding Addameer's financial accounts are legitimate and appropriate.

### 14. Lao People's Democratic Republic

59. On 27 April 2021, special procedures mandate holders raised concern about alleged reprisals for cooperation with the UN by the Lao People's Armed Forces against the **relatives of four members of the Hmong indigenous community** who were forcibly disappeared in March 2020 (LAO 3/2021). The four disappeared Hmong members had been the subject of an earlier communication in August 2020 about alleged indiscriminate attacks against the community, enforced disappearances and the denial of their right to access food, adequate housing, medical care and safe drinking water (LAO 3/2020), and their situation has been under consideration by the Working Group on Enforced or Involuntary Disappearances since June 2020. Reportedly, three of the disappeared individuals were seen in a detention center in the Phou Bia region in early July 2020, but the source of information is unwilling to provide additional information due to a fear of further reprisals (LAO 3/2021).

<sup>40</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35711>.

<sup>41</sup> [A/HRC/46/63](#).

<sup>42</sup> [A/HRC/45/36](#), paras. 81–82; [A/HRC/42/30](#), Annex I, paras. 62–66, Annex II, paras. 63–65.

<sup>43</sup> <https://4il.org.il/wp-content/uploads/2020/05/blood-money-European-funding-palestinian-ngod-A-case-study-Addameer.pdf>, p. 6.

<sup>44</sup> *Ibid*, page 24.

<sup>45</sup> *Ibid*, page 6.

60. The mandate holders note that, following the August 2020 communication by special procedures (LAO 3/2020), relatives of the disappeared individuals, including women, have reportedly been the subject of threats and intimidation by the army. In particular, coinciding with the publication of the communication on the special procedures' public database in October 2020<sup>46</sup> and thereafter, there has reportedly been an escalation of violence against indigenous Hmong residing in the Phou Bia mountain forest by the Lao army. It was reported that, on 8 March 2021, **Mr. Chue Youa Vang**, a 63-year-old male, and a relative of two of the disappeared, was killed by a group of Laotian soldiers in the forest while attempting to escape. A disturbing photo of Mr. Vang's body was taken by the soldiers and disseminated among the Hmong community (LAO 3/2021).

61. On 14 March 2021, authorities in Xaisomboun (Saysombun in Lao) province reportedly issued a decree, circulated via a letter sent to 26 villages in the area, forbidding all civilians, including Hmong villagers, access to the Phou Bia mountain forests in an apparent decision intended to isolate the individuals who have taken refuge in the forests from the rest of their community (LAO 3/2021). The mandate holders expressed "serious concern about what appears to be reprisals against the relatives of the disappeared in apparent retribution for having complained about their disappearance to UN Special Procedures" and that "the fear that the army is spreading among the Hmong population in the area appears to be deliberately intended to isolate these communities, many of whom are already living in militarised villages, under tight security surveillance, to severe links with their members who have fled in the forest, and with the outside world, including UN human rights protection mechanisms" (LAO 3/2021).

62. On 1 August 2021, the Government responded to the note verbale sent in connection to the present report categorically rejecting the allegations made by the Working Group on Enforced and Involuntary Disappearances. It reiterated that, according to the investigation of local authorities, there were no claims or reports filed related to the four missing members of the Hmong community. Moreover, the Government stated that the Xaisomboun provincial authorities had checked and confirmed that the names of the four individuals did not match any of the names of the family registration list recorded in the Ban Pha village and neighbouring villages.

## 15. Libya

63. During the reporting period, the Human Rights, Transitional Justice and Rule of Law Division of the UN Support Mission in Libya (UNSMIL) reported three incidents of intimidation or reprisals associated with UN cooperation. Names and further details are withheld due to fear of further reprisals.

64. On 29 December 2020, in Tarhuna, Murqub District, the Deterrence Agency to Combat Terrorism and Organized Crime (DACOT) reportedly arrested a **survivor of human rights violations** allegedly committed by the pro-Khalifa Haftar 9th Brigade militia, known as al-Kaniyat. At the time, the individual led an organization to defend fellow al-Kaniyat victims. During detention, the individual reportedly faced ill-treatment, torture and threats to their life. The release and return of the individual's property – which al-Kaniyat had reportedly seized in 2018 and DACOT subsequently occupied – was conditioned upon ending all cooperation with the UN and withdrawal of complaints to the UN.

65. In February 2021, another **human rights defender**, who had survived human rights violations by a Tripoli-based armed group, reportedly received threats to his life via text message from militia leaders, accusing him of providing information to UNSMIL. On 1 February 2021, state actors arrested **two men from an internally displaced person (IDP) camp** in Tripoli. During interrogation, they were informed that they were arrested due to a briefing they had provided to a UN humanitarian delegation that same day. The individuals were subsequently released on 4 February 2021.

66. The UNSMIL Human Rights, Transitional Justice and Rule of Law Division has also documented how requirements imposed on civil society organizations have affected their

<sup>46</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25491>.

ability to operate independently and engage with the Mission. Branches of the Civil Society Commission in the east and west of the country reporting to the two competing administrations have reportedly forced local organizations to re-register, according to executive orders and decrees.<sup>47</sup> Requirements imposed by the Commission for organizations to pledge not to communicate with international entities and obtain prior authorization for the receipt of funding or the planning of any activities have reportedly severely curtailed their ability to operate.

67. The Division documented a case of intimidation involving a **group of lawyers** cooperating with the Mission to provide legal aid to victims of human rights violations, including conflict-related sexual violence. The legal aid group objected to pledging not to communicate with embassies or international organizations, including the UN, without authorization. It is reported that because of this, the group experienced multiple challenges during their year-long effort in 2019–2020 to register a new organization with the Civil Society Commission in Tripoli, which was finally resolved in July 2020. The legal group further noted that the restrictions would be an obstacle to provide timely support to those arbitrarily detained and compromise the confidentiality of cases, posing a risk to the survivors which the lawyers assist.

68. It has subsequently been reported that, in October 2020, the Tripoli Civil Society Commission issued a circular, in application of executive order 286, requiring all civil society organizations registered in the last five years to register again or be considered illegitimate organizations and dissolved by the Commission. In the new registration process, organizations are requested to sign a pledge that they will not enter into communication with any embassy or international entity without prior authorization from executive authorities, which was reinforced in December 2020.

## 16. Maldives

69. On 16 July 2020 and 24 February 2021, the Committee on the Elimination of Discrimination against Women addressed allegations in writing to the Government of online vilification and threats by religious groups and individuals against members of the women's human rights organization **Uthema**, following the publication of its submission to the Committee. Uthema's submission was prepared for the consideration of the sixth periodic report of the Maldives (**CEDAW/C/MDV/6**), initially scheduled for June/July 2020 and rescheduled for October/November 2021 due to the COVID-19 pandemic.<sup>48</sup>

70. In May 2020, following the online posting of the submission, a coordinated campaign on social media was reportedly launched against Uthema, suggesting that its content contravened Islam. The campaign was reportedly led by religious groups and individuals, including religious scholars working in State institutions. The NGO was labelled as an “apostate group” and as an anti-Islamic organization. Some of the posts made explicit references to individual members of the organization and included threatening expressions. A formal complaint was filed with the Maldives Police Service, alerting it to harassment and intimidation against Uthema and direct threats against individuals. On 19 January 2021, the Government responded to the Committee's confidential letters, providing additional information and addressing key aspects of the case and investigation.

71. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report indicating that none of the Government agencies are currently pursuing any measures of penalty against the NGO Uthema. The Government further stated that the Maldives Police Service has decided to not proceed with the case lodged against Uthema

<sup>47</sup> Resolution of Presidential Council of the (former) Government of National Accord No. 4, Forming of National Accord Government (2016); and Resolution of Presidential Council No. 12, Granting Task Delegation (2016), Resolution of Presidential Council of the (former) Government of National Accord, Decree 286 - Regulating Civil Society Organizations (2018).

<sup>48</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2488&L ang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2488&L ang=en).

based on the evidence obtained and is in the process of filing the case. The Government is in regular contact with the Committee on this matter.

## 17. Mali

72. During the reporting period, two incidents of intimidation and reprisals were reported to the Human Rights and Protection Division of the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), allegedly perpetrated by law enforcement personnel and the military, as part of a broader context of violence,<sup>49</sup> threats and intimidation documented by the Division. One victim was a **government employee** who, in November 2020, was detained for a night following a meeting with MINUSMA and was accused during detention of cooperating with the Mission. Following this incident, the individual suspended collaboration with MINUSMA for five months. Further details are withheld for fear of additional reprisals.

73. In a second incident, on 19 April 2021, a **man** in Boni (Douentza) received death threats by telephone from a member of the Malian Armed Forces (FAMa), reportedly admonishing him for informing MINUSMA of human rights violations committed by the FAMa. Despite immediate advocacy efforts by MINUSMA with the FAMa hierarchy, the source received a second call on 21 April 2021 from the Malian Gendarmerie in Boni, reiterating the death threat, unless the victim stopped passing information to MINUSMA.

## 18. Mexico

74. According to information received by OHCHR, the **Justice Centre for Peace and Development (CEPAD)**, an NGO documenting and reporting violations in the state of Jalisco, was the target of harassment, stigmatization, surveillance and on-line attacks since June 2020 following its cooperation with OHCHR in Mexico and the Committee on Enforced Disappearances. The reprisals took place in the context of demonstrations in Guadalajara about the extrajudicial execution of Mr. Giovanni López Ramírez, who was reportedly arrested during the implementation of emergency health measures to fight the COVID-19 pandemic, and who died in detention on 5 May 2020.

75. OHCHR in Mexico, including through the support of civil society organizations such as CEPAD, monitored the demonstrations and expressed concerns to authorities about excessive use of force by the police, and arbitrary arrests, detentions and alleged enforced disappearances between 4 and 6 June 2020.<sup>50</sup> CEPAD reported incidents to the Committee on Enforced Disappearances, including one in which a group of protestors were reportedly intercepted, detained without a warrant by men in civilian clothes, had their money and mobile phones confiscated, and taken to the Prosecutor's Office, to be finally released.

76. Following these events, CEPAD and its staff were reportedly the target of harassment, intimidation, and physical surveillance near their offices. They were reportedly subjected to the wiretapping of their mobile phones, as well as discrediting remarks on and the hacking of Twitter accounts and WhatsApp groups. The attacks were reportedly carried out by security forces or other state authorities in the state of Jalisco. In view of CEPAD's engagement in the Urgent Action procedure of the Committee on Enforced Disappearances, and reprisal allegations potentially linked to such engagement, the Committee addressed the allegations and raised concerns with the State party in confidential letters sent in June, August and December 2020 through its Rapporteur on Reprisals. OHCHR in Mexico is in contact with relevant authorities.

<sup>49</sup> S/2021/299, paras. 54–60; A/HRC/46/68, paras 32–33.

<sup>50</sup> <https://hchr.org.mx/comunicados/la-onu-dh-condena-la-muerte-en-custodia-de-alejandro-giovanni-lopez-ramirez-en-jalisco/>; <https://twitter.com/ONUDHmexico/status/1269387302662537217>; <https://twitter.com/ONUDHmexico/status/127363518547722112>; [https://hchr.org.mx/onu\\_dh\\_medios/gracias-por-defender-los-derechos-humanos/](https://hchr.org.mx/onu_dh_medios/gracias-por-defender-los-derechos-humanos/).

## 19. Myanmar

77. Multiple UN actors, including the Special Rapporteur on the human rights situation in Myanmar, received information about pro-democracy activists and human rights defenders that faced reprisals for reporting violations to the UN after the military takeover of 1 February 2021, in the context of their documentation and advocacy of the conflict. OHCHR received reports alleging that Myanmar security forces targeted individuals involved in opposition movements during public civil disobedience demonstrations and for online activism, many of whom have been subjected to arbitrary arrest and detention, prosecution, as well as ill-treatment, harassment and intimidation (see also MMR 1/2021).<sup>51</sup>

78. The Tatmadaw has reportedly used defamation charges in an attempt to silence those speaking out, including those providing information to the UN and other international organizations. Some individuals reported to OHCHR that they have declined to provide information to the UN or give consent to have their case addressed by UN entities due to the risks involved. Others have fled their homes, went into hiding or sought asylum outside of Myanmar. Names and further details are withheld due to fear of further reprisals.

79. In its March 2021 resolution, the Human Rights Council “Call[ed] for immediate, full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms, including the Independent Investigative Mechanism for Myanmar, the Special Rapporteur on the situation of human rights in Myanmar, the Special Envoy of the Secretary-General on Myanmar, the Office of the United Nations High Commissioner for Human Rights and relevant United Nations agencies and international and regional courts, tribunals and human rights bodies to independently monitor the situation of human rights, and to ensure that civil society organizations, human rights defenders, lawyers, victims, survivors, witnesses and other individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisals, intimidation or attack” ([A/HRC/RES/46/21](#), para. 25).

## 20. Nicaragua

80. It was reported to OHCHR by civil society organizations that the application of Law 140 on the Regulation of Foreign Agents, adopted in October 2020, is affecting their ability and willingness to cooperate with the UN, including through the receipt of technical assistance and/or funding for service provision, research, reporting and advocacy. The Foreign Agent Law foresees the cancellation of the legal registration of organizations obtaining foreign funds “for activities interfering in the internal affairs of Nicaragua, threatening its independence, self-determination, sovereignty and economic and political stability”. It also makes registration mandatory with the Ministry of the Interior, imposes the duty to inform authorities in detail about foreign funds obtained, and prohibits anonymous donations. OHCHR has expressed concern about these provisions of the law and offered technical assistance to ensure its alignment with international human rights norms and standards, to no avail ([A/HRC/46/21](#), paras. 19–20). Special procedure mandate holders have also expressed concern about the Law (OL NIC 3/2020).

81. The High Commissioner for Human Rights, at the 44th and 45th sessions of the Human Rights Council<sup>52</sup> and in her 2021 report on Nicaragua ([A/HRC/46/21](#), paras. 13–20), noted increasing restrictions on the work of civil society organizations and harassment and threats against their representatives. The High Commissioner noted that this includes three men and four women who were subject to reprisals for cooperation with the UN (para. 16; see also Annex II).

82. In March 2021, the Human Rights Council adopted resolution [A/HRC/RES/46/2](#) on the promotion and protection of human rights in Nicaragua “condemning all acts of intimidation and reprisal, both online and offline, by State and non-State actors against

<sup>51</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36172>.

<sup>52</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26027&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26228&LangID=E>.

individuals and groups who seek to cooperate or have cooperated with the United Nations.” The Council called upon the “Government to prevent, refrain from and publicly condemn, investigate and punish any acts of intimidation or reprisal for cooperation with the United Nations (A/HRC/RES/46/2, para. 14).”

## 21. Pakistan

83. On 21 December 2020, special procedures mandate holders addressed continued intimidation, threats of reprisal and harassment, including for cooperation with the UN, faced by human rights defender **Mr. Fazal ur Rehman Afridi**, president of the Institut de recherche et d'études stratégiques de Khyber (IRESK) and member of the Pashtun Protection Movement, who has been in exile since 2009 (PAK 12/2020). Mr. Afridi has raised alleged patterns of enforced disappearances related to military activities by the Pakistani Government in the Khyber Pakhtunkhwa province, including of members of the Pashtun and other minorities. He made statements at the Human Rights Council in 2019 and 2020<sup>53</sup> and submitted information to special procedures, including to the Working Group on Enforced or Involuntary Disappearances. It is reported that threats, harassment and intimidation against Mr. Afridi intensified as a result of his reporting of cases of missing and forcibly disappeared persons to the UN, and that Mr. Afridi’s relatives and associates have been targeted for his international advocacy, including at the UN (PAK 12/2020).

84. According to information received, on 3 September 2020, the Pakistani intelligence services subpoenaed an individual associated with Mr. Afridi to the Inter-Services Intelligence (ISI) office in District Kohat and pressured the individual, under threats of torture, abduction and death, to provide a statement in a local court confirming that he would cut off all contact with Mr. Afridi. In September 2020, ISI agents reportedly ordered a person associated with Mr. Afridi and his brothers to organize a press conference at the local press club in Kohat, Pakistan, and coerced them to read a previously prepared written statement stating that Mr. Afridi actively participates in protests and political activities to harm Pakistan and that he had been in direct contact with foreign intelligence services. The statement noted that his relatives would agree to the harshest punishment against Mr. Afridi if he did not stop his “anti-Pakistan activities” (PAK 12/2020). These actions are reportedly part of a social media campaign against Mr. Afridi for his human rights advocacy.

85. On 31 March 2021, special procedures mandate holders raised concern about the alleged arbitrary arrest, torture and ill-treatment, as well as prosecution, of several human rights defenders and persons associated with them, including **Mr. Alam Zaib Mehsud** (PAK 4/2021). Mr. Zaib Mehsud is a human rights defender and focal person of the Pashtun Tahafuz Movement (PTM) on enforced disappearances, extra-judicial killings, torture and landmines victims in Khyber Pakhtunkhwa, which he has raised publicly and reported to different international bodies, including UN human rights mechanisms.

86. On 21 January 2019, Mr. Alam Zaib was reportedly arrested in Karachi by police and military secret service members and taken to Malir Can Police station, where he was allegedly beaten and tortured over a period of five days. A First Information Report was registered against him, reportedly for refusing to renounce his human rights activities and, on 26 January 2019, he was charged with raising anti-State slogans and using foul language against national institutions. Mr. Alam Zaib was reportedly transferred to a prison and put in a small dark cell used for individuals accused of terrorism-related activities and other high-profile criminals. On 16 September 2019, after nine months in prison, Mr. Alam Zaib was released on bail by the Supreme Court and, since then, more than 35 criminal cases have been registered against him. He reportedly must present himself monthly to the courts and has been placed on the Exit Control List, which effectively bars his travel from Pakistan. Special procedures mandate holders noted the disruption these proceedings have had on Mr. Alam

<sup>53</sup> Item 4, General Debate, contd 19th-meeting, 42nd Regular Session Human Rights Council, 18 September 2019, at <https://media.un.org/en/asset/k1m/k1mp61syvv> (time stamp 00:01:36:16); Item 4, General Debate, contd 28th meeting, 43rd Regular Session Human Rights Council, at <https://media.un.org/en/asset/k16/k16oosbim2> (time stamp 00:05:45).

Zaib, his family life and work, in particular the documentation and reporting of serious human rights violations, *inter alia* to the UN (PAK 4/2021).

## 22. Philippines

87. Multiple UN actors have addressed concerns about “red-tagging,” or the labelling as communists or terrorists, as a tactic used by state and non-State actors to vilify, including in UN fora, of individuals and groups who cooperate with the UN (A/HRC/45/36, Annex I, para. 98). The Spokesperson of the High Commissioner for Human Rights and special procedures mandate holders (PHL 1/2021) expressed serious concerns about the red-tagging of civil society and human rights defenders, including the Commission on Human Rights of the Philippines (see Annex II).<sup>54</sup>

88. On 7 October 2020, the Human Rights Council adopted resolution A/HRC/RES/45/33 on technical cooperation and capacity-building in the Philippines “condemning all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights.”

89. In October 2020, **Ms. Karen Gomez-Dumpit**, a commissioner of the Commission on Human Rights of the Philippines, made statements during the 45th session of the Human Rights Council,<sup>55</sup> and subsequently to national media, expressing her disappointment regarding resolution 45/33. Following her statements, Ms. Gomez-Dumpit was red-tagged through a series of posts attributed to a military official on Facebook pages run by the Philippine Army (PHL 1/2021), which were disseminated by the Philippines News Agency. The Commander of the Southern Luzon Command and Spokesperson of the National Task Force to End the Communist Local Armed Conflict (NTF-ELCAC) allegedly accused Ms. Gomez-Dumpit, along with the current Chairperson of the Commission on Human Rights (see Annex II), of supporting the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF), and reportedly branded them as “termites trying to destroy our homes from the under” and accused them of benefitting the “enemies of the country”.

90. Consequently, Ms. Gomez-Dumpit, the current Chairperson, and the Commission’s Executive Director, **Ms. Jacqueline Ann C. De Guia**, as well as the institution itself, have been red-tagged through a series of YouTube videos uploaded by Government supporters. On 28 January 2021, special procedures mandate holders publicly expressed their concern regarding a pattern of red-tagging by state officials of civil society actors, including Ms. Gomez-Dumpit.<sup>56, 57</sup>

91. On 2 August 2021, the Government responded to the note verbale sent in connection to the present report in detail. It stated that it has no policy on “red-tagging” and that it has repeatedly drawn attention to the pattern of allegations of reprisal from certain sources, especially before the UN, and it highlighted the need to take into account the country’s political context relating to the activities of the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF) in examining such allegations. As regards allegations concerning personalities of the Commission on Human Rights of the Philippines, the Government stated that it has continued to protect and support the National Commission’s mandate, ensuring that it is effectively fulfilled. In this regard, the Government stated that it has never defaulted in its budgetary support for the National Commission, and it maintains a constructive working relationship with the National Commission.

<sup>54</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26865&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26179&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26696&LangID=E>.

<sup>55</sup> Item 10, 35th Meeting, 45<sup>th</sup> Regular Session of the Human Rights Council, 5 October 2020, at <https://media.un.org/en/asset/k1u/k1u4npdneb> (time stamp 02:11:15).

<sup>56</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26696&LangID=E>.

<sup>57</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35937>.

### 23. Saudi Arabia

92. Multiple UN actors identified alleged acts of intimidation and reprisals in the form of harassment, arbitrary arrest and detention, torture and ill-treatment, and heavy sentencing of those who cooperate or attempt to cooperate with the UN and their relatives. The present report includes allegations of reprisals concerning six individuals in detention and one who died in custody. Additional updates to previously reported cases have not been included due to fear of further reprisals. In its July 2020 report, the Working Group on Enforced and Involuntary Disappearances addressed the “important risk of reprisal in Saudi Arabia,” in the form of threats against those who report the disappearance of family members to the Working Group and “a culture of fear,” stating that Saudi Arabia has been included in eight out of ten reports of the Secretary-General from 2010–2019 ([A/HRC/WGEID/121/1](#), Annex I, para. 3 and 47).<sup>58</sup>

93. UN actors in particular continued to draw attention to the use of counter-terrorism legislation and security-related measures in Saudi Arabia to justify the targeting and prolonged detention of civil society representatives (SAU 3/2021), including for their cooperation with the UN. In December 2020, special procedures mandate holders provided comments to the 2017 Law on Combating Crimes of Terrorism and its Financing (SAU 12/2020). The analysis echoed concerns they raised previously,<sup>59</sup> including in the context of legal justification for the targeting of the Saudi Civil and Political Rights Association (ACPRA),<sup>60</sup> four members of which are mentioned in the present report (see Annex II).

### 24. South Sudan

94. The UN Mission in South Sudan (UNMISS) Human Rights Division reported three cases of reprisals or intimidation during the reporting period for real or perceived cooperation with the UN. All documented cases were reportedly perpetrated by government security operatives, with the alleged aim of discouraging the sharing of information on human rights violations with the Mission (in particular in regard to conflict-related sexual violence).

95. In particular, a pervasive climate of fear was reported about extensive National Security Services (NSS) surveillance, arbitrary arrest and detention without judicial oversight which contributed to a fear of cooperation with the Mission. NSS reportedly routinely used defamation charges as a tool to harass critics and punish dissent, which contributed to induce self-censorship and under-reporting of reprisals incidents to the Mission. According to trends documented by the Commission for Human Rights of South Sudan ([A/HRC/43/56](#), paras. 71–81) the UN is obliged to seek NSS approval for public trainings or other events and to include a NSS operative in the event as a pre-condition for this permission, contributing to a climate of intimidation.

96. In one case not reported to the UN until the current reporting period, the victim reportedly faced arbitrary arrest and detention by NSS after briefing a visiting Security Council delegation in March 2020. The NSS reportedly accused the individual of being paid to raise the issue of sexual violence and accountability during a meeting with members of the Security Council. The individual was interrogated and released the following day. After release, the victim faced ongoing harassment until November 2020, including at their residence, and the confiscation of their identity documents, making them unable to travel and access their bank account. The victim has discontinued any direct contact with UN staff in public, as well as resigned from the civil society organization they represented, and ceased UN cooperation when NSS intimidated their co-workers.

<sup>58</sup> <https://www.ohchr.org/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (para. 47).

<sup>59</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21585&LangID=E>.

<sup>60</sup> SAU 12/2017 and <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22570&LangID=E>; [https://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%20202015%2038\\_SaudiArabia\\_Sheikh\\_al\\_Rashidi%20and%20et\\_final\\_AUV.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%20202015%2038_SaudiArabia_Sheikh_al_Rashidi%20and%20et_final_AUV.pdf).

97. A second reported case involved the arrest of a prominent South Sudanese lawyer who had cooperated with the UNMISS Human Rights Division in providing legal aid to defendants, including death row inmates. The individual was reportedly removed from their office by NSS officials without a warrant and taken to an NSS office for interrogation. During interrogation by NSS agents, the individual was reportedly accused of supporting “foreign ideas” and “regime change.” This individual’s home was raided, and their phone and identity documents were confiscated depriving them of freedom of movement. After release from detention, further surveillance and intimidation reportedly continued, and the individual was threatened with re-arrest for sharing information on their case with UNMISS.

98. A third reported case involved a victim of human rights violations who had reported their arbitrary arrest, detention and ill-treatment to UNMISS. Following this sharing of information, the NSS allegedly intimidated the individual, warning the individual not to cooperate further with the Mission. During UNMISS’s follow-up of the case, an NSS officer reportedly warned staff of the Human Rights Division that the victim would unlikely be able to receive UNMISS assistance ‘next time.’

99. Beyond these three documented incidents, it was reported that government representatives and opposition armed elements regularly intimidate the civilian population to deter its members from providing sensitive information to the UN, in particular representatives of civil society. Upon learning about an impending field visit, the South Sudan People’s Defense Forces and the Sudan People’s Liberation Army in Opposition often inform civilians in areas under their control that they would be beaten if they provide information about human rights violations or security incidents to the UN. Incidents have been reported where detainees have been threatened with re-arrest if they share their experience with the UN, creating an atmosphere of fear and thereby deterring victims and witnesses from contacting or engaging with the UN in public.

## 25. Sri Lanka

100. The High Commissioner for Human Rights in her 9 February 2021 report to the Human Rights Council noted that “a pattern of intensified surveillance and harassment of civil society organizations, human rights defenders and victims appears to have intensified over the past year, including of those who supported the implementation of Human Rights Council resolution 30/1” (A/HRC/46/20, para. 32).<sup>61</sup> The High Commissioner raised concern that this environment “is creating a chilling effect on civic and democratic space and leading to self-censorship” (para. 32) and urged “the authorities to immediately end all forms of surveillance, including intimidating visits by State agents and harassment against human rights defenders, lawyers, journalists, social actors and victims of human rights violations and their families, and to refrain from imposing further restrictive legal measures on legitimate civil society activity.”<sup>62</sup>

101. The report states that “as of December 2020, over 40 civil society organizations had approached OHCHR with reports of harassment, surveillance and repeated scrutiny by a range of security services, including the Criminal Investigation Department, the Counter-Terrorist Investigation Division and the State Intelligence Service, which questioned them about administrative details and the activities of the organization and requested information on staff, including their personal contact details, donors and funding sources” (para. 32). These include organizations who have cooperated, or are seeking to cooperate, with the UN.

102. Further to the adoption of resolution 46/1 by the Human Rights Council in March 2021, it was reported in state-owned media that a senior government official accused civil society activists and other individuals, including members of the political opposition, of providing information to the UN, labelling them as “traitors” for their alleged cooperation with UN human rights mechanisms.

103. On 10 August 2021 the Government responded to the note verbale sent in connection to the present report refuting the claims of “harassment, threats, surveillance.” It invited all

<sup>61</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26695&LangID=E>.

<sup>62</sup> Ibid.

parties alleged to have faced harassment to submit their complaints to the relevant national mechanisms, including law enforcement and independent institutions such as the Human Rights Commission of Sri Lanka or the National Police Commission, for investigation and potential action. The Government reiterated its active interaction with civil society and stated that apart from routine security checks by the Security Forces no specific group in the country is monitored.

## 26. Syria, Arab Republic of

104. In its reports to the 44th and 45th session of the Human Rights Council, the Independent International Commission of Inquiry on the Syrian Arab Republic reported that “its investigations remain curtailed by the denial of access to the country and protection concerns in relation to interviewees” ([A/HRC/44/61](#) para. 3; [A/HRC/45/31](#), para. 2). It further reported “risks of reprisals and other protection concerns continued to affect the Commission’s ability to investigate detention-related human rights violations” ([A/HRC/45/31](#), para. 20). In its report to the 46th session of the Human Rights Council the Commission also noted that “sources in areas under the control of the Government, ISIL, Hay’at Tahrir Al-Sham or the Syrian Democratic Forces were reluctant to report on violations by the entities controlling the territory, owing to the risk of reprisals” ([A/HRC/46/54](#), para. 36).<sup>63</sup>

105. In its report pursuant to its 122nd Session, the Working Group on Enforced or Involuntary Disappearances noted that it continued to receive alarming reports concerning intimidation of and reprisals against relatives of the disappeared because of their legitimate inquiries about the fate and the whereabouts of their disappeared family members ([A/HRC/WGEID/122/1](#), para. 144).

## 27. Tanzania

106. Throughout 2020 and the beginning of 2021, OHCHR received reports by civil society representatives concerning strict implementation of restrictive legislation<sup>64</sup> by the authorities to limit their operations and obstacles to the use of funding for human rights advocacy,<sup>65</sup> affecting their engagement with the UN. This contributed to an environment where people refrained from voicing dissenting views and engaged in self-censorship for fear of criminal penalties and reprisals,<sup>66</sup> including in engagement with the UN. For example, during the reporting period, two victims of human rights violations reported to OHCHR their unwillingness to provide consent for action by UN human rights mechanisms due to a fear of retaliation. Names and further details are withheld due to fear of reprisals.

## 28. Turkmenistan

107. On 17 February 2021, special procedures mandate holders addressed allegations of “allegedly meritless charges, judicial harassment and seemingly arbitrary detention” against **Mr. Nurgeldi Halykov**, an independent journalist, who was sentenced to four years in prison shortly after he had shared a photograph of a World Health Organization (WHO) delegation visiting Turkmenistan in July 2020 to study the COVID-19 pandemic situation (TKM

<sup>63</sup> [A/HRC/46/55](#) paras. 10, 69, and Annex III para. 7.

<sup>64</sup> Cybercrimes Act (2015), the Media Services Act (2016), the Political Party Act (2019), the NGO Act (2019), the Statistics Act (2019) and the Electronic and Postal Communications (Online Content) Regulations (2020) and amendment to the Basic Rights and Duties Enforcement Act (2020).

<sup>65</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26117&LangID=E>. See also TZA 2/2020, TZA 3/2020, TZA 4/2020, TZA 5/2020, TZA 6/2020 and TZA 2/2021, and Government replies: <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35991>; <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35993>.

<sup>66</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26489>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26226>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26806&LangID=E>.

1/2021). On 12 July 2020, Mr. Halykov reportedly sent the photo of the WHO delegation visiting Ashgabat to journalist colleagues abroad, with the aim of raising awareness about the visit. The photo had been shared on social media by an acquaintance. The following day, Mr. Halykov's acquaintance was summoned by the police for questioning, during which time their phone was inspected, including personal and social media contacts, photos, and recent correspondence. Later that day, Mr. Halykov was reportedly also summoned for questioning, reportedly either by police officers or members of the Ministry of National Security of Turkmenistan (MNS), which was the last known update Mr. Halykov gave to his colleagues, after which contact with him through regular channels was reportedly lost.

108. On 15 September 2020, the Bagtyyarlýk district court of Ashgabat sentenced Mr. Halykov to four years in prison for fraud under article 228, Chapter 2 of the Criminal Code of Turkmenistan. Mr. Halykov was informed that he was summoned in relation to a complaint for a 2020 debt, which he had previously not been aware of. Mandate holders noted that the verdict for fraud given to Mr. Halykov was reportedly unusual for debt-related cases that are typically resolved amicably, noting also that it was unclear how a debt-related charge would have evolved into charges of fraud and the immediate imposition of pre-trial detention (TKM 1/2021).

109. Mandate holders expressed concern that the charges against Mr. Halykov were fabricated, and that the reason for his imprisonment was the dissemination of the WHO delegation photograph, which would constitute an act of reprisal for cooperation with the UN. Mandate holders further noted that “it is reportedly likely that the number of such cases is significantly higher but under-reporting and self-censorship are common due to the high level of risk and a widespread environment of fear. Many individuals in Turkmenistan are unwilling to attempt to make their testimonies publicly known, and even when they do, the tightly-controlled media environment and extensive surveillance system mean that they do not often come to light” (TKM 1/2021). On 18 March 2021, the Government responded,<sup>67</sup> indicating that the Bagtyýarlýk District Court in Ashgabat sentenced Mr. Halykov, under article 228 (2) of the Criminal Code, to four years of deprivation of liberty for fraud. Mr. Halykov is currently serving his sentence at the LB-E/12 institution of the police administration of Lebap Province.

110. On 18 August 2021, the Government responded to the note verbale sent in connection to the present report regarding the case of Mr. Nurgeldi Halykov, stating that the allegations that his sentencing was related to the posting of photos of the WHO delegation are groundless and that other nationals have posted such photos without criminal liability. The Government reiterated that Mr. Halykov has been sentenced based on fraudulent activity (promising inhabitants of Ashkhabad employment abroad and luring them out of \$5000). The Government stated that from 15 September 2020 to the present he had one long visit with his mother and received food from her and other relatives 12 times.

## 29. United Arab Emirates

111. Multiple special procedures mandate holders raised alarm during the reporting period about arbitrary detention, long prison sentences and the use of counter-terrorism legislation to justify the targeting of human rights defenders, including those facing reprisals for having cooperated with the UN.<sup>68</sup> In November 2020, during its eighty-ninth session, the Working Group on Arbitrary Detention, in reviewing the situations of two women who had allegedly suffered reprisals for engaging with the UN (see Annex II), noted that they were among the “many cases brought before the Working Group in recent years concerning arbitrary detention in the United Arab Emirates,” and that “this pattern indicates a systemic problem” (A/HRC/WGAD/2020/61, para. 95).

<sup>67</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36065>.

<sup>68</sup> [https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26735&LangID=E#:~:text=GENEVA%20\(10%20February%202021\)%20E2%80%93,urged%20authorities%20to%20release%20them.](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26735&LangID=E#:~:text=GENEVA%20(10%20February%202021)%20E2%80%93,urged%20authorities%20to%20release%20them.)

112. In November 2020, mandate holders provided comments on the 2014 Law No. 7 On Combating Terrorism Offences (Law 7), noting that the law's overly broad definitions of terrorist organizations may curtail the legitimate work of human rights defenders, including their ability to engage in international fora (OL ARE 6/2020).<sup>69</sup>

## 30. Venezuela

113. Multiple UN actors addressed allegations of intimidation and reprisals against human rights defenders and civil society organizations that cooperated or were perceived as cooperating with the UN during the reporting period, in particular the targeting of those implementing UN humanitarian assistance programmes. NGOs cooperating with the UN have been labelled “criminals”, “mercenaries”, “thieves”, “terrorists”, and “enemies of the State”, including in UN fora and on Government-affiliated online portals. On 23 and 24 September 2020, experts of the independent international fact-finding mission on Venezuela (FFM) presented its findings to the Human Rights Council ([A/HRC/45/33](#)) highlighting the need for protection guarantees for those who had provided information to the FFM and their family members, and to ensure that there are no reprisals against them.<sup>70</sup>

114. As an illustration, according to information received, the detention conditions of some individuals held at the Directorate General of Military Counter-Intelligence (DGCIM) worsened reportedly due to their cooperation with the UN, including after the inclusion of their cases in the FFM report. In one particular case, two days after the report's release, navy captain **Mr. Luis de la Sotta** ([A/HRC/45/CRP.1](#), paras. 760–797) was reportedly moved to a cell measuring 60X60cm x 2.75m, where he was kept for at least 12 hours. The size of the cell forced Ms. de la Sotta to remain standing and he was reportedly handcuffed, had difficulty breathing due to lack of ventilation, and had no access to food, water or sanitation facilities.

115. On 9 November 2020, special procedures mandate holders raised concerns about high-ranking State officials' public and social media stigmatization of NGOs, which they said appeared to be acts of reprisals for their cooperation with the UN, including the FFM (VEN 10/2020). On 24 September 2020, the online portal Misión Verdad (Mission Truth) released an article titled “Dismantling the report of the ‘Independent Fact-Finding Mission in Venezuela’: the sources.” The article named five NGO sources for the report and two of its directors: **Comité de Familiares de Víctimas del Caracazo (COFAVIC); Observatorio Venezolano de Conflictividad Social (OVCS); Centro de Justicia y Paz (CEPAZ); Control Ciudadano** (and its director **Ms. Rocío San Miguel**); and **Espacio Público** (and its director **Mr. Carlos Correa**).

116. The article accused the NGOs of “participat[ing] in this compilation of unsupported accusations,” and receiving foreign funding “to destabilize the country”. The article also reportedly featured a photograph of Ms. Liliana Ortega Mendoza, Co-Founder of COFAVIC, whose case was included in the 2019 report of the Secretary-General ([A/HRC/42/30](#), para. 81 and Annex I, para.115). The information was shared on Twitter by the Minister of Foreign Affairs (VEN 10/2020). Subsequently, Government officials have made similar public remarks against members of civil society, including through institutional media channels and official websites.<sup>71</sup> On 6 May 2021, the Government responded to mandate holders, stating that freedom of expression is recognized and protected in Venezuela and that there is open public debate about all topics concerning national affairs in which NGOs are free to participate. In this context, the Government contended that references made by actors in public life cannot be considered as “harassment”. It noted that NGOs, as key actors in the democratic debate, are subject to a higher level of scrutiny and should have higher tolerance to criticism.<sup>72</sup>

<sup>69</sup> [A/HRC/40/52](#), paras. 60, 61, 65.

<sup>70</sup> Fact-finding Mission on Venezuela (Cont'd), 19th Meeting, 45th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k1s/k1sv4d3zve> (time stamp 01:11:30).

<sup>71</sup> [A/HRC/47/55](#), para.57.

<sup>72</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36191>.

117. On 11 February 2021, mandate holders addressed the arbitrary detention of five members of the NGO Azul Positivo, which provides humanitarian aid to communities in Zulia, in particular people living with HIV/AIDS. Messrs. **Johan Manuel León Reyes**, **Yordy Tobias Bermúdez Gutierrez**, **Layners Christian Gutierrez Díaz**, **Alejandro Gómez Di Maggio**, and **Luis Ramón Ferrebuz Canbrera** were detained in connection to their work as implementing partners of the UN (VEN 1/2021). On 12 January 2021, officers of the Directorate General of Military Counter-Intelligence (DGCIM) reportedly visited the Azul Positivo's headquarters in Maracaibo, interrogated the staff, and seized computers, benefit cards of the humanitarian program, the database of beneficiaries, and cell phones. Subsequently, Messrs. León Reyes, Mr. Bermúdez, Gutiérrez Díaz, and Gómez Di Maggio were reportedly taken to the DGCIM state headquarters without access to legal assistance or communication with their families during that time. Later that day, Mr. Ferrebuz, was reportedly arrested at his home.

118. On 14 January 2021, the military declared that it did not have jurisdiction to hear the case, which was transferred to the Criminal Judicial Circuit of the State of Zulia. The Prosecutor confirmed the charges of “fraudulent handling of smart cards or similar instruments,” “money laundering” and “association to commit a crime” for which the five defendants had been detained (VEN 1/2021). According to information received by OHCHR, Azul Positivo's legal defense team was intimidated and harassed while the five members were detained, and the privacy and confidentiality of their communications were not guaranteed.

119. On 29 January 2021, multiple UN actors,<sup>73</sup> including the Spokesperson of the Secretary-General, expressed deep concern about the detention of the five members of Azul Positivo, noting it was an important partner of the UN. The Spokesperson informed that they were following up with the authorities and had requested their immediate release.<sup>74</sup> On 18 February 2021, special procedures mandate holders publicly welcomed their release on 10 February 2021, while regretting that charges had not been dropped.<sup>75</sup> On 18 February 2021, the Government responded to mandate holders, rejecting the press release and indicating that the legal proceedings against members of Azul Positivo respected their constitutional right to due process and a fair trial.<sup>76</sup>

120. In her 11 March 2021 oral update to the Human Rights Council, the High Commissioner for Human Rights underscored the intimidation, harassment and criminalization of multiple sectors of civil society and restrictions on the operations of NGOs, highlighting the charges related to anti-terrorism legislation and money laundering facing the five individuals of Azul Positivo for having provided assistance as part of the UN's Humanitarian Response Plan. She noted that more NGOs are the object of investigations on similar grounds.<sup>77</sup> In her June 2021 report to the Human Rights Council, the High Commissioner noted that these events generated a climate of fear and led to the suspension of humanitarian assistance programmes.<sup>78</sup>

121. On 18 December 2020, special procedures mandate holders publicly raised concerns that the new National Assembly of Venezuela would prioritize the adoption of a law that would significantly restrict access to foreign funding for NGOs, noting that these measures have “paralyzing effects” on NGOs that provide humanitarian support for vulnerable populations.<sup>79</sup> As noted, implementing partners in receipt of funds for UN humanitarian assistance have been targeted for their cooperation with the UN (see examples above). Mandate holders noted this legislation would add additional oversight of NGOs' funding and

<sup>73</sup> [https://www.unaids.org/es/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210129\\_venezuela](https://www.unaids.org/es/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210129_venezuela); See also: <https://mobile.twitter.com/onuvenezuela/status/1355133629177982980>; [https://twitter.com/OCHA\\_Venezuela/status/1352240655469338626](https://twitter.com/OCHA_Venezuela/status/1352240655469338626); <https://twitter.com/UNAIDS/status/1355094157937807361>.

<sup>74</sup> <https://www.un.org/press/en/2021/db210129.doc.htm>.

<sup>75</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26757&LangID=E>.

<sup>76</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35987>.

<sup>77</sup> Interactive Dialogue, High Commissioner for Human Rights, 30th Meeting 46th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k1w/k1w2ide59u> (time stamp 06:15).

<sup>78</sup> A/HRC/47/55, para. 62.

<sup>79</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26620&LangID=E>.

financial operations by the office of the bank sector's superintendent and the adoption of a new registry for NGOs linked to terrorism. In its oral update on 10 March 2021, the FFM expressed concern about the Government's tightening of requirements for the registration, funding and operation of NGOs, as well as detention of NGO workers under the Law on Organized Crime and Financing of Terrorism, stating that public officials have fuelled harassment against NGOs through narratives that criticize cooperation with international organizations and actors or the receipt of foreign funds.<sup>80</sup>

122. On 26 August 2021, the Government responded to the note verbale sent in connection to the present report, stating that none of the cases included can be linked to intimidation and reprisals for cooperation with the UN. The Government categorically rejected the way in which the report has approached the cases as alleged reprisals for cooperation with the UN when most of them are allegations and assertions without any legal basis, including those made in connection with the fact-finding mission. Regarding the case of NGOs Azul Positivo, the Government referred to its firm and exhaustive reply provided to special procedures mandate holders on the case. Furthermore, the Government informed that a process of dialogue is currently underway with NGOs working on human rights and humanitarian law to exchange ideas and opinions on their work and the possible obstacles they have faced, and with the cooperation of the OHCHR Office in Venezuela.

### 31. Viet Nam

123. Multiple UN actors during the reporting period, including the Spokesperson of the High Commissioner for Human Rights and special procedures mandate holders, identified alleged acts of intimidation and reprisals for cooperation or attempted cooperation with the UN, in a broader context of increased targeting of journalists, bloggers, lawyers, and human rights defenders and their relatives. Incidents reported include surveillance, cyber-attacks, intimidation, passport confiscation, arbitrary arrest and detention, and heavy sentencing of those who cooperate or attempt to cooperate with the UN. UN actors have expressed concerns that this contributes to an environment of fear leading to self-censorship and potentially inhibits others from cooperating or sharing information with the UN.

124. On 17 September 2020, special procedures mandate holders addressed allegations of police action to prevent **Mr. Nguyen Tuong Thuy**, vice chairperson of the Independent Journalist Association of Vietnam (IJAVN) and a human rights defender, from meeting with UN representatives. On 7 March 2018, Mr. Nguyen Tuong Thuy was reportedly confined at his residence by approximately twenty police officers to prevent him from meeting with an OHCHR delegation at the UN Representative's Office in Hanoi (VNM 3/2020). The incident was not publicly reported at the time for fear of further retribution. Mandate holders also referred to Mr. Nguyen Tuong Thuy's arrest on 23 May 2020 on suspicion of "making, storing, and disseminating documents and materials for anti-State purposes" under Article 117 of the Penal Code also listed under Offenses Against National Security (VNM 3/2020). On 28 December 2020, the Government responded<sup>81</sup> confirming Mr. Nguyen Tuong Thuy's arrest and charges.

125. On 5 January 2021, Mr. Nguyen Tuong Thuy was sentenced to 11 years in prison and three years on probation. The Spokesperson for the High Commissioner for Human Rights expressed concerns at the severe sentence handed down. The Spokesperson also expressed concerns that individuals who try to cooperate with the UN's human rights bodies are subjected to intimidation and reprisals, potentially inhibiting others from sharing information about human rights issues with the UN.<sup>82</sup> On 14 January 2021, mandate holders publicly addressed Nguyen Tuong Thuy's sentence as part of a rising trend in arbitrary detention, reprisals, ill treatment and unfair trials targeting independent journalists, bloggers, pro-democracy activists and human rights defenders.<sup>83</sup> According to information received by

<sup>80</sup> Interactive Dialogue, Fact-finding Mission on Venezuela, 29<sup>th</sup> Meeting, 46<sup>th</sup> Regular Session Human Rights Council, at <https://media.un.org/en/asset/k1h/k1h75sdsyi> (time stamp 00:09:20).

<sup>81</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35828>.

<sup>82</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26644&LangID=E>.

<sup>83</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26661&LangID=E>.

OHCHR, on 15 April 2020, Mr. Nguyen Tuong Thuy was transferred to An Phuoc prison, where detention conditions are reportedly better and his relatives were allowed to visit him for the first time since May 2020. Reportedly, Mr. Nguyen Tuong Thuy's physical and mental health seriously deteriorated during the first few months of 2021.

126. According to information received by OHCHR, five women who are wives of prisoners of conscience were also expected to join the 7 March 2018 meeting with an OHCHR delegation at the UN Representative's Office in Hanoi. However, on the day of the meeting, State security agents closely guarded **Ms. Vu Minh Khanh**, the wife of Mr. Nguyen Van Dai, and reportedly forbade her from leaving her house. **Ms. Nguyen Thi Huyen Trang**, wife of Mr. Pham van Troi, and **Ms. Nguyen Thi Kim Thanh**, wife of Mr. Truong Minh Duc, were reportedly stopped by security agents when trying to get to the meeting venue and escorted back to the place where they were staying. **Ms. Nguyen Thi Lanh**, Mr. Nguyen Trung Ton's wife, and **Ms. Bui Thi Kim Phuong**, the wife of Mr. Nguyen Bac Truyen (see Annex II), arrived at the UN office, but detected a large presence of plainclothes state agents surrounding the building. Ms. Bui Thi Kim Phuong was questioned by the police at the gate. Both were eventually able to enter UN premises and escorted on their way out for safety reasons. The incidents were addressed with the authorities at the time but not publicly reported for fear of further retribution.

127. On 3 May 2020, special procedures mandate holders addressed concerns regarding the cyber-attack targeting the NGO **Vietnamese Overseas Initiative for Conscience Empowerment (VOICE)** following increased cooperation with the UN during the reporting period. VOICE works outside the country advocating for human rights, promoting civic space, and helping Vietnamese refugees and asylum seekers resettle in third countries (VNM 2/2021). The mandate holders noted alleged credible evidence that VOICE may have been targeted with a cyber-attack due to cooperation with the UN, including working closely and visibly with OHCHR and submitting information and reports to the treaty bodies, special procedures, and the UPR (VNM 2/2021). On 29 April 2020, VOICE received an email containing spyware that, once downloaded, would have allowed full access to the systems of the compromised devices. VOICE also received an alert that some passwords for email accounts associated with the organization could have been stolen. This was one of a number of reportedly organized and sophisticated cyber-attacks targeting Vietnamese human rights defenders allegedly conducted by Ocean Lotus (also known as APT32), a hacking company with a link reportedly to the Vietnamese Government and known for targeting dissidents, foreign governments and companies (VNM 2/2021).

128. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report, stating that the allegations that several individuals were prevented from meeting with the UN representatives were unfounded and untrue, and Vietnamese law enforcement did not prevent or harass those who intended to participate in the meeting. The competent authorities did not receive any reports or complaints related to the mentioned incident.

129. Concerning the cases of Mr. Pham Chi Dung and Mr. Nguyen Tuong Thuy, the Government stated that they were prosecuted due to their activities which violated Vietnamese law, not for the exercise of their fundamental freedoms. It stated that the legal proceedings were carried out on sound legal grounds and with full respect for Vietnamese law that is consistent with international conventions to which Viet Nam is a party. Mr. Thuy is currently serving his sentence in An Phuoc, Binh Duong province, in normal health conditions and has access to healthcare, medical examination, food, and clothes. Regarding allegations that the Government of Viet Nam has a link with the organization named "Ocean Lotus", the Government contends that they are incorrect and groundless.

## 32. Yemen

130. In September 2020, the Group of Eminent International and Regional Experts on Yemen (GEE) expressed regret that, for a second year, it was not able to access Yemen (A/HRC/45/6 paras. 7–8). The GEE also expressed continued "concern over the climate of fear in Yemen, which deters victims, witnesses and organizations from engaging with their

investigators and sharing information” (para. 8), and noted that it had documented violations which “continued to target human rights defenders, journalists, lawyers and activists to repress dissent and curtail criticism” (para. 80).

131. OHCHR documented government restrictions on humanitarian and development activity which inhibited UN operations. Following the 6 November 2019 decree (No. 201) issued by the Houthis (who also call themselves Ansar Allah) establishing the Supreme Council for Management and Coordination of Humanitarian Affairs and International Cooperation (SCMCHA), local authorities have regularly limited access for OHCHR staff during human rights investigations. Despite the cooperation agreement with the Ministry of Foreign Affairs and Expatriates, OHCHR has been required to seek approval for travel between governorates and to access IDP camps managed by SCMCHA, as well as to conduct workshops and activities in areas under Houthi control.

132. Further, on 10 January 2021 the Houthis published a statement determining that local civil society organizations must not conduct online activities, events, research or communication without prior approval of the SCMCHA. As a result, many civil society actors are reportedly reluctant to engage with the UN, and on several occasions have declined to cooperate with OHCHR’s remote investigations.

133. It was reported to OHCHR that **Mr. Abdulmajeed Sabrah**, a lawyer representing journalists and human rights defenders in the northern areas of Yemen under the control of the Houthi forces, has been intimidated for sharing information with the UN and informed him that he was being actively monitored. He has advocated for his clients in meetings with OHCHR and other UN entities, including on the health conditions of four detained journalists whom he was assisting, and received threats including on social media warning him not to continue with these cases. Between May 2020 and April 2021, he was accused verbally by officials in the Specialized Criminal Prosecution Office in Sana'a for collaborating with international bodies, among other entities.

## Annexe II

[Anglais seulement]

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

#### 1. Andorra

1. The case of **Ms. Vanessa Mendoza Cortés**, from the NGO **Associació Stop Violències Andorra**, was included in the 2020 report of the Secretary-General<sup>84</sup> on allegations of a criminal investigation following her engagement with the Committee on the Elimination of Discrimination against Women (CEDAW) in October 2019. It was reported to OHCHR that, as a consequence of the situation described below, the NGO has experienced a decrease in the number of women and girls approaching it for information and services for fear of exposure and retaliation.

2. On 7 January 2021, special procedures mandate holders addressed allegations of judicial harassment against Ms. Mendoza Cortés on the basis of her statement during the CEDAW session and the content of the NGO's alternative report to the Committee in 2019 (AND 1/2020). On 16 September 2020, Ms. Mendoza Cortés was notified of an investigation against her on counts of defamation (Article 172 of the Criminal Code), defamation against the co-Princes (Article 320), and crimes against institutions (Article 325), punishable by up to four years' imprisonment and a fine of up to 30,000 Euros (AND 1/2020). On 26 February 2021, the Government responded, noting that Ms. Mendoza Cortés had used her participation in the CEDAW session to accuse different Government entities of extremely serious practices and that her conduct could constitute criminal offences. Consequently, the Government had informed the Public Prosecutor's Office to ascertain the accuracy of her allegations. On 17 February 2021, Ms. Mendoza Cortés was summoned to appear before a judge to provide her testimony of the facts.<sup>85</sup>

3. In November 2020, during a meeting of the Working Group of the UPR of Andorra, the case of Ms. Mendoza Cortés was noted (A/HRC/46/11, para. 60), and a recommendation made "to stop the judicial harassment, reprisals and intimidation against human rights defenders in relation to the exercise of human rights and fundamental freedoms and engagement with the United Nations" (A/HRC/46/11, para. 84.51). While noting the recommendation, the Government of Andorra stated that the Government and the justice system did not engage in any judicial harassment, and that the judiciary was an independent entity that followed the procedures established by law (A/HRC/46/11/Add.1, 84.51). During the UPR adoption on 16 March 2021, Ms. Mendoza Cortés reported that she was facing judicial harassment, including for her collaboration with the Committee, and that the alternative report to the Committee was part of the evidence used against her. In its closing remarks, the Government noted that Ms. Mendoza Cortés' case was with the judiciary.

4. On 15 July 2021, the Government responded to the note verbale sent in connection to the present report. The Government underlined that, although it is true that Ms. Mendoza Cortés was summoned by the Andorran Police on 8 November 2019, she was summoned in connection with the organization on 28 September 2019 of a peaceful demonstration in favour of abortion. The Government noted that organizers did not respect the specific instructions given by the police thus endangering the participants. The Government further informed that, on 6 May 2021, the General Prosecutor's Office concluded that the preliminary proceedings initiated by the police should be closed since it considered that no specific crime could adapt to the infringements committed during the demonstration. This decision was officially notified to Ms. Mendoza Cortés on 7 May 2021. Regarding the preliminary proceedings initiated on 16 September 2020 by the General Prosecutor's Office

<sup>84</sup> A/HRC/45/36, para. 44, Annex I paras. 5-7.

<sup>85</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36025>.

against Ms. Mendoza Cortés, the Government noted that on 17 February 2021, Ms. Mendoza Cortés appeared before the judge. It informed that on 1 June 2021, the General Prosecutor's Office, upon the facts and evidence gathered during the instruction of the case, decided to only pursue the case on grounds of infringement of article 325 of the Criminal Code (crimes against the prestige of the institutions), which is a minor crime and does not imply imprisonment. At the time of writing, the case is pending for a judgment.

## 2. Bahrain

5. The case of **Mr. Hassan Mushaima**, the former Secretary of the main opposition group Haq Movement for Liberty and Democracy, who was imprisoned and sentenced to life, was included in the 2012 and 2011 reports of the Secretary-General<sup>86</sup> following his engagement with the UN human rights mechanisms, including the Human Rights Council and the Committee against Torture. Special procedures mandate holders addressed his situation on multiple occasions,<sup>87</sup> to which the Government has replied,<sup>88</sup> indicating that Mr. Mushaima, amongst others, formed part of a “terrorist cell.” The Government has provided information on his situation including on access to health care, family visits and books, most recently in November 2019.<sup>89</sup>

6. According to information received by OHCHR, as of May 2021 Mr. Mushaima remains in Jau Prison with severe underlying health conditions and is routinely denied access to adequate medical care by prison authorities. During the reporting period, serious concerns have been raised, including by the High Commissioner for Human Rights,<sup>90</sup> on the worsening of the situation in Bahrain prisons due to the COVID-19 pandemic. In this context, it is reported that Mr. Mushaima is at a higher risk of contracting COVID-19, in particular due to his age (73 years old) and his severe health conditions.

7. The cases of **Mr. Abdulhadi Al-Khawaja** and **Mr. Abduljalil Al-Singace** were included in the 2012 and 2011 reports of the Secretary-General on allegations of reprisals following their engagement with several UN bodies and mechanisms, including the UPR and the treaty bodies.<sup>91</sup> Mr. Al-Khawaja is a human rights defender and former Protection Coordinator of Frontline Defenders as well as former President of the Bahrain Centre for Human Rights (BCHR). In 2012, the Working Group on Arbitrary Detention found the detention of Mr. Al-Khawaja arbitrary (Opinion No. 6/2012).<sup>92</sup> Mr. Abduljalil Al-Singace was the Director and Spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy. Special procedures mandate holders have addressed his situation on multiple occasions. Mr. Al-Singace has a disability and requires the use of a wheelchair, addressed by special procedures mandate holders on several occasions<sup>93</sup> and to which the Government has provided several replies.<sup>94</sup>

8. On 3 May 2021, special procedures mandate holders addressed concerns about arbitrary detention and sentencing of Mr. Al-Khawaja and Mr. Al-Singace, carrying prison

<sup>86</sup> A/HRC/21/18, paras. 51, 53; A/HRC/18/19, paras. 15–16, 23.

<sup>87</sup> BHR 2/2007; 3/2011; 4/2011; 17/2011; 4/2012; 5/2014, and 1/2019.

<sup>88</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30287>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30648>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30187>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30864>.

<sup>89</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34961>.

<sup>90</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27042&LangID=E>.

<sup>91</sup> A/HRC/21/18, paras. 53–54; A/HRC/18/19, paras. 16–19, 20–21, 24.

<sup>92</sup> BHR 3/2012; 18/2011; 17/2011; 9/2011; 5/2011; 4/2011; 2/2009; 2/2007; 6/2005.

<sup>93</sup> BHR 1/2019, 5/2016, 18/2011, 4/2011, 7/2010 and 5/2010.

<sup>94</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34960>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=2110>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30543>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30544>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30542>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30545>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30187>.

sentences of 10 years or more in connection to their human rights work, as well as allegations of torture, ill treatment and poor conditions of detention. Mandate holders noted that Mr. Al-Khawaja's health continues to deteriorate while in prison and he has reportedly been denied access to family correspondence, which other inmates allegedly have access to. Mr. Al-Singace reportedly suffers the effects of polio and sickle-cell anaemia. The two human rights defenders are allowed to speak with relatives via phone due to COVID-19 restrictions (BHR 2/2021). On 28 June 2021, the Government responded to mandate holders (translation forthcoming).<sup>95</sup>

9. On 2 August 2021, the Government responded to the note verbale sent in connection to the present report and provided information on the judicial processes concerning the individuals above including the judicial guarantees afforded to them. The Government addressed in detail the health status of the three individuals indicating that they are regularly monitored both by general practitioner and specialized doctors. The three have received COVID-19 vaccines according to their wishes.

### 3. Bangladesh

10. The case of human rights organization **Odhikar** and its Secretary Advocate, **Mr. Adilur Rahman Khan**, was included in the 2020, 2019 and 2011 reports of the Secretary-General<sup>96</sup> 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. Mr. Khan and Odikhar's Executive Director, Mr. Nasiruddin Elan, were detained in August and November 2013, respectively, and charged under the Code of Criminal Procedure and the 2006 Information and Communications Technology Act (amended in 2009 and 2013). They were released on bail in October and December 2013, respectively. Their detention and charges as well as ongoing threats, harassment, surveillance and the killing of one of Odikhar's staff have been addressed by special procedures mandates holders since 2013.<sup>97</sup> The Government has responded on the situation of Odhikar and its staff, including noting that the Foreign Donations Regulations Bill applies to all NGOs.<sup>98</sup> Odhikar has continued to engage with the UN, including by submitting joint reports to the 2013 and 2018 UPRs of Bangladesh<sup>99</sup> and to the Committee against Torture in 2019.<sup>100</sup>

11. It was reported to OHCHR that, as of May 2021, Odhikar's bank accounts remain frozen, preventing the organization from making banking transactions or receiving any funds, therefore continuing to limit its capacity to operate. Similarly, Odhikar's application to the NGO Affairs Bureau for the renewal of its registration remains pending since 2014. Odhikar and its staff reportedly continue to be under surveillance. Mr. Khan and Mr. Elan reportedly filed a Criminal Appeal before the High Court Division against the charges brought against them, which was dismissed. They subsequently filed an appeal with the Appellate Division of the Supreme Court, which on 14 February 2021 rejected the petition and sent the case to the Cyber Crimes Tribunal. As of May 2021, the case remains under appeal.

<sup>95</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36397>.

<sup>96</sup> A/HRC/45/36, para. 47 and Annex II, paras. 8-9; A/HRC/42/30, para. 40 and Annex II, paras. 11-12; A/HRC/18/19, paras. 25-26.

<sup>97</sup> BGD 9/2013; 10/2013; 15/2013; 2/2014; 6/2015, and 1/2017.

<sup>98</sup> See A/HRC/42/30, Annex II para. 12;

<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31241>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32829>.

<sup>99</sup> [https://lib.ohchr.org/HRBodies/UPR/Documents/Session16/BD/JS6\\_UPR\\_BGD\\_S16\\_2013\\_Jointsubmission6\\_E.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session16/BD/JS6_UPR_BGD_S16_2013_Jointsubmission6_E.pdf);  
[https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointsubmissionSolidarityGroup\\_Bangladesh.pdf](https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/JointsubmissionSolidarityGroup_Bangladesh.pdf).

<sup>100</sup> [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BGD/INT\\_CAT\\_CSS\\_BGD\\_35328\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BGD/INT_CAT_CSS_BGD_35328_E.pdf).

#### 4. Burundi

12. The cases of human rights lawyers **Mssrs. Armel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana** and **Lambert Nigarura** were included in the 2020, 2019, 2018 and 2017 reports of the Secretary-General<sup>101</sup> on allegations of the disbarment of three of the lawyers and suspension of one by the Court of Appeal at the request from the Public Prosecutor following their cooperation with the Committee against Torture during the consideration of a special report on Burundi in July 2016 ([CAT/C/BDI/CO/2/Add.1](#), paras. 33 and 34).

13. The lawyers had been previously accused of participating in an insurrectional movement and attempted coup d'état and have been living in exile due to fears of being targeted. According to information received by OHCHR, on 2 February 2021, the Supreme Court's verdict of 23 June 2020 was made public. Mr. Niyongere, Mr. Bashirahishize, and Mr. Nshimirimana were part of a group of twelve individuals sentenced in absentia to life imprisonment for participating in a revolutionary/insurrectional movement and for attempted coup d'état. The judgement, following a trial where the defendants were absent and had no legal representation, also ordered the defendants to pay financial compensation, which included the seizure of financial assets of their families.<sup>102</sup> To date, the lawyers have not obtained a copy of the judgement, making it difficult to challenge it. Moreover, the claimants' attempt to appeal the judgement from abroad has been dismissed.

#### 5. Cameroon

14. The case of civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** was included in the 2020 report of the Secretary-General<sup>103</sup> on allegations of reprisals following a communication by special procedures (CMR 3/2019).<sup>104</sup> Allegations included the expulsion from the country of **Mr. Jan Joris Capelle**, a Belgian national and co-founder of the organization, threats against traditional chief, **Mr. Prince Vincent Awazi**, and death threats and attacks against **Mr. Elvis Brown Luma Mukuma**, the organization's lawyer, and his relatives (CMR 5/2019).

15. According to information received by OHCHR, on 26 June 2020, men in military outfits raided OFFGO's offices located in Tudig's Chiefdom Palace, destroying equipment and confiscating documents. As of May 2021, the motive of the raid remains unknown and confiscated documents have not been returned. The case of Mr. Brown Luma Mukuma was documented in the report of the Special Rapporteur on the situation of human rights defenders in 2021 to the Human Rights Council on death threats and killings of human rights defenders ([A/HRC/46/35](#), para. 76), which noted continued threats and physical attacks against his relatives, including as a warning against him to stop his human rights activities.

16. Further, Mr. Brown Luma Mukuma and Mr. Capelle received numerous death threats via telephone between October and December 2020 following their public submission to the Special Rapporteur.<sup>105</sup> A group of individuals in civilian clothes reportedly monitored Mr. Brown Luma Mukuma's house during the holidays in December 2020. These and other incidents have regularly been reported to the National Commission on Human Rights of Cameroon.

<sup>101</sup> [A/HRC/45/36](#), Annex II, para. 10; [A/HRC/42/30](#), Annex II, paras. 13–14; [A/HRC/39/41](#), Annex II, paras. 12–13; [A/HRC/36/31](#), para. 24, Annex I, paras. 11–15.

<sup>102</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26879&LangID=E>.

<sup>103</sup> [A/HRC/45/36](#), para. 53, Annex I paras. 21–23.

<sup>104</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34800>.

<sup>105</sup> [https://www.ohchr.org/Documents/Issues/Defenders/CFL\\_killings/submissions/civil-societies/cso-offgo-eng-y.doc](https://www.ohchr.org/Documents/Issues/Defenders/CFL_killings/submissions/civil-societies/cso-offgo-eng-y.doc).

## 6. China

17. 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,<sup>106</sup> was included in the 2020 and 2019 reports of the Secretary-General.<sup>107</sup> It was reported to OHCHR that Ms. Li Yuhan met with her lawyer twice in the reporting period and that, in October 2020, the lawyer became aware that authorities had added an additional charge of “fraud” against her and that her trial date had been postponed to 30 November 2020. During a subsequent visit with her lawyer in March 2021, Ms. Li Yuhan stated that she was brought before a judge on 7 January 2021 and ordered to plead guilty to the crimes she was charged with, which she refused to do. The Shenyang Heping District People’s court reportedly issued a notice stating that the Supreme People’s Court had approved the further extension of her trial to 27 May 2021.

18. The case of human rights lawyer **Mr. Liu Zhengqing**, who had engaged with UN human rights mechanisms, was included in the 2020 and 2019 reports of the Secretary-General<sup>108</sup> on allegations of disbarment for that engagement (CHN 13/2011).<sup>109</sup> During the reporting period, it was reported to OHCHR that Mr. Liu Zhengqing remained disbarred and therefore unable to engage in any work related to his legal profession.

19. The case of **Ms. Xu Yan**, who had engaged with UN human rights mechanisms, was included in the 2020 and 2019 reports of the Secretary-General<sup>110</sup> 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](#))<sup>111</sup> and other special procedure mandate holders (CHN 5/2018).<sup>112</sup> It has been reported to OHCHR that Ms. Xu Yan learned that her husband had been secretly convicted and sentenced to four years prison on 17 June 2020, and transferred to a Nanjing Prison (see also CHN 16/2020<sup>113</sup>). She was only able to confirm the location of his imprisonment after repeated calls to multiple authorities in February 2021 and was able to visit her husband on 15 March 2021 for the first time since his detention in January 2018. Ms. Xu Yan reportedly remained under surveillance by authorities, who at times prevented her from leaving her home, including on 10 December 2020, blocking her public participation in Human Rights Day.

20. The case of **Ms. Chen Jianfang**, a human rights defender, was included in the 2020, 2019 and 2014 reports of the Secretary-General<sup>114</sup> on allegations of intimidation and reprisal for her campaign for civil society participation in the UPR, including a tribute to Ms. Cao Shunli<sup>115</sup> on the fifth anniversary of her death (CHN 11/2013).<sup>116</sup> On 19 August 2019, special procedures mandate holders raised concern about Ms. Chen Jianfang’s alleged arbitrary detention and enforced disappearance (CHN 16/2019).<sup>117</sup> It was reported to OHCHR that a Shanghai court convicted Ms. Chen Jianfang of “subversion of state power” on 19 March 2021 and sentenced her to three years in prison. She reportedly rejected multiple attempts by the Government to appoint a lawyer for her because they were not of her choosing. Despite suspicions, she finally met with a lawyer, Mr. Zhang Lei, and a trusted intermediary, former

<sup>106</sup> Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.

<sup>107</sup> [A/HRC/45/36](#), Annex II, para. 14; [A/HRC/42/30](#), para. 45 and Annex I, paras. 13, 15.

<sup>108</sup> [A/HRC/45/36](#), Annex II, para. 15; [A/HRC/42/30](#), para. 45 and Annex I, paras. 13, 16.

<sup>109</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30914>.

<sup>110</sup> [A/HRC/45/36](#), Annex II, para. 16; [A/HRC/42/30](#), para. 45 and Annex I, paras. 13, 17.

<sup>111</sup> Opinion No. 15/2019 by the Working Group on Arbitrary Detention at its eighty-fourth session, concerning Yu Wensheng (China), 24 April–3 May 2019.

<sup>112</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33962>.

<sup>113</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35654>.

<sup>114</sup> [A/HRC/45/36](#), Annex II, para. 19–20; [A/HRC/42/30](#), Annex II, para. 18; [A/HRC/27/38](#), para. 17.

<sup>115</sup> [A/HRC/45/36](#), Annex II, paras. 19, 21, 34; [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.

<sup>116</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32042>.

<sup>117</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34911>.

human rights lawyer Ms. Wang Yu (see below), who could verify his identity and credibility. However, on the court date at which they were supposed to meet, plainclothes police reportedly appeared at the hotel room of Ms. Wang Yu and prevented her from appearing in the courtroom. Ms. Chen Jianfang subsequently dismissed her lawyer, Mr. Zhang Lei, because she was unable to verify his identity.

21. The case of lawyer **Ms. Wang Yu** was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>118</sup> on allegations of arrest and charges of “subversion of state power,” (CHN 6/2015),<sup>119</sup> including in connection to her role in the case of **Ms. Cao Shunli** who had cooperated with the UN. It was reported to OHCHR that, during the reporting period, Ms. Wang Yu continued to face surveillance and harassment from police (see above). On 26 November 2020, the Beijing Justice Bureau reportedly cancelled Ms. Wang Yu’s license to practice law. Ms. Wang Yu was reportedly prevented from traveling or using the Internet freely by authorities and was unreachable for a week in early March 2021, coinciding with the time when she was due to receive an award from the Government of the United States of America for her human rights work. On 19 March 2021, Ms. Wang Yu’s family and friends lost contact with her as she traveled to Shanghai, allegedly when she was detained briefly by authorities in her hotel room to prevent her from attending the trial of rights defender Ms. Chen Jianfang (as mentioned above).

22. The cases of **Mr. Qin Yongmin**, and his wife, **Ms. Zhao Suli**, were included in the 2020, 2019 and 2018 reports of the Secretary-General.<sup>120</sup> During the reporting period, Mr. Qin Yongmin remained in prison serving a 13-yearprison sentence for engaging in human rights that included promotion of engagement with UN human rights mechanisms, and his long-term detention was raised by special procedures mandate holders (see CHN 4/2021<sup>121</sup>). According to information received, Mr. Qin Yongmin reportedly continues to suffer from poor health. His family’s most recent communication with him was a letter received in August 2020, dated December 2019. His family reports that authorities do not permit him to convey anything about conditions in prison. After one visit in January 2020, authorities reportedly refused the family’s monthly visitation requests, citing the COVID-19 outbreak, although quarantine measures in the region had ended and other criminal justice proceedings in the area had returned to normal. A lawyer engaged by his family attempted to visit Mr. Qin Yongmin in person at Qianjiang Guanghua Prison in Hubei province in November 2020 but was denied due to COVID-19 and informed that he would need to sign documentation to be granted a video visit. Ms. Zhao Suli reportedly remains under 24-hour surveillance. and is therefore unable to work. Her son has been monitored by national security officers.

23. The cases of **Mr. Mi Chongbiao** and his wife **Ms. Li Kezhen** were included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>122</sup> after Mr. Mi Chongbiao posted a complaint online that was submitted to the Human Rights Council. During the reporting period, Mr. Mi Chongbiao and Ms. Li Kezhen remained in their home in Yanyun District in Guiyang, Guizhou province under informal house arrest, as they have since 2012. Their residence is reportedly surrounded by guards, and they cannot leave home unaccompanied by police.

24. The case of **Ms. Li Wenzu** was included in the 2020, 2019 and 2017 reports of the Secretary-General<sup>123</sup> 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).<sup>124</sup> During the reporting period, Ms. Li Wenzu and her family reportedly remain under surveillance by the authorities, who at times prevent

<sup>118</sup> A/HRC/45/36, Annex II, para. 21; A/HRC/42/30, Annex II, para. 19; A/HRC/39/41, Annex I, paras. 10–12.

<sup>119</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32826>.

<sup>120</sup> A/HRC/45/36, Annex II, para. 22; A/HRC/42/30, and Annex II, para. 20; A/HRC/39/41, Annex I, paras. 13–14.

<sup>121</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36396>.

<sup>122</sup> A/HRC/45/36, Annex II, para. 23; A/HRC/42/30, Annex II, para. 21; A/HRC/39/41, Annex I, paras. 15–16.

<sup>123</sup> A/HRC/45/36, Annex II, para. 24; A/HRC/42/30, Annex II, para. 22; A/HRC/36/31, Annex I, paras. 20–21.

<sup>124</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33318>.

her from leaving her home, including on 10 December 2020, blocking her public participation in Human Rights Day. In July 2020, Ms. Li Wenzu's husband, Mr. Wang Quanzhang, whose four-year detention was taken up by the Working Group on Arbitrary Detention,<sup>125</sup> revealed that he was tortured during his detention in a publicized legal complaint made to the Beijing Chaoyang District People's Court regarding his detention, and the family has reported the significant psychological toll the case has taken.

25. The case of **Ms. Wang Qiaoling** was included in the 2020, 2019 and 2017 reports of the Secretary-General<sup>126</sup> 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).<sup>127</sup> On 17 September 2020, Ms. Wang Qiaoling was reportedly physically assaulted and detained for five hours by several plainclothes officers as she was on her way to attend a Constitution Day event at the Embassy of the United States of America in Beijing. Ms. Wang Qiaoling and her husband, human rights lawyer Mr. Li Heping (CHN 6/2015; CHN 5/2017; CHN 3/2017),<sup>128</sup> remain under surveillance by authorities, who at times reportedly prevent them from leaving their home, including on 10 December 2020, blocking their public participation in Human Rights Day. Mr. Li Heping remains disbarred.

26. The case of lawyer **Mr. Jiang Tianyong** was included in the 2020, 2019, 2018 and 2017 reports of the Secretary-General<sup>129</sup> 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<sup>130</sup> and was the subject of actions by special procedures mandate holders (CHN 9/2019<sup>131</sup> and CHN 13/2016, CHN 15/2016;<sup>132</sup> CHN 3/2017)<sup>133</sup>,<sup>134</sup> On 24 September 2019, special procedures mandate holders<sup>135</sup> had called upon China to immediately end harassment and surveillance of Mr. Jiang Tianyong. During the reporting period, according to information received, he remained under house arrest at his parents' home, where he has been since his release from prison in February 2019. He is reportedly under continuous police and camera surveillance and is not allowed to leave without a police escort. His parents and younger sister are reportedly also under surveillance and are often harassed by authorities. It is also alleged that visitors are confronted by government authorities, who require the visitors to produce identification and frequently detain them for interrogation. Mr. Jiang Tianyong is reportedly subject to a travel ban, preventing him from leaving the country and reuniting with family abroad.

## 7. Colombia

27. The case of **Mr. Wilmer Orlando Anteliz Gonzalez**, a protected witness and whistleblower in a criminal investigation by the National Prosecutor's Office on alleged links between a criminal armed group and members of the National Police Department in Tolima, was included in the 2020 and 2019 reports of the Secretary-General.<sup>136</sup> Mr. Anteliz had been subject to disciplinary investigations, demotions, unsolicited transfers, death threats and lack

<sup>125</sup> Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.

<sup>126</sup> A/HRC/45/36, Annex II, para. 25; A/HRC/42/30, Annex II, paras. 23–24; A/HRC/36/31, Annex I, paras. 20–21.

<sup>127</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33318>.

<sup>128</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33516>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33449>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32826>.

<sup>129</sup> A/HRC/45/36, Annex II, paras. 26–28; A/HRC/42/30, para. 46 and Annex II, paras. 25–26; A/HRC/39/41, Annex II, paras. 14–16; A/HRC/36/31, Annex I, paras. 22–24.

<sup>130</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987>.

<sup>131</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34846>

<sup>132</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33355>.

<sup>133</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33449>.

<sup>134</sup> See Opinion No. 62/2018 by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.

<sup>135</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25046&LangID=E>.

<sup>136</sup> A/HRC/45/36, Annex II para. 35; A/HRC/42/30, Annex I, para. 25.

of adequate protection measures following his cooperation with OHCHR in Colombia on the investigation. There has reportedly been no progress on the case pertaining to the internal investigation of his supervisors or in the review of the denial of his promotion, despite evident legal grounds for such a review.

28. According to information received by OHCHR, during the reporting period Mr. Anteliz continues to be subject to reprisals for his cooperation with the UN, including ongoing physical surveillance. On 19 November 2020, a security guard of Mr. Anteliz's protection team was transferred after he refused to send live updates of Mr. Anteliz's whereabouts to his superiors. Mr. Anteliz was reportedly informed about changes to protection measures, but he was not given enough notice to challenge the decision on time. On 19 April 2021, his appeal to address inadequate protection measures was denied.

29. On 25 August 2020 two unidentified armed individuals killed the official replacing Mr. Anteliz as Commander of Police of Bachilleres of Cúcuta, an attack suspected to have been directed at Mr. Anteliz. On 15 February 2021, there was an unlawful entry and robbery in the legal residence of Mr. Anteliz resulting in the theft of a laptop, a mobile phone and USB keys. In February 2021, Mr. Anteliz was transferred, reportedly without justification, to a rural area in the department of Norte de Santander, a non-family duty station.

30. The case of **Mr. Germán Graciano Posso**, a member and legal representative of the Peace Community of San José de Apartadó, was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>137</sup> on allegations of criminalization, death threats and an assassination attempt following his participation in the November 2017 Forum on Business and Human Rights (COL 1/2018). He had been accused by the 17th Brigade of the Colombian Army in a legal action ("desacato de tutela") against the Peace Community of San José de Apartadó, of which he is the legal guardian, for publicly denouncing alleged criminal behaviour by the armed forces, including at the UN.

31. On 21 August 2020, the Constitutional Court ruled in favour of the 17th Brigade of the Colombian Army, and against the Peace Community of San José de Apartadó, on the basis that the Community had harmed the honour and good name of the military detachment located in Antioquia. The Court based its decision on public statements made by the Community between February and August 2018, following Mr. Graciano Posso's cooperation with the UN, his subsequent assassination attempt, and a reported increase in violence in the region. The Court deemed that the statements contained information that had a negative impact on the reputation and the public perception of this military unit. However, the Court denied the Brigade's request that the Community retract its statements, acknowledging that the Community's suspicion of links between the Colombian Army and illegal groups was not unfounded.

32. On 24 August 2021, the Government responded to the note verbale sent in connection to the present report. Regarding the case of Mr. Antéliz Gonzalez, the Government provided information about protection measures requested by the National Police as well as about a criminal investigation initiated in connection to recent reported incidents. Regarding the case of Mr. Germán Graciano Posso, the Government informed about an open investigation into ongoing threats against him since events dated 29 December 2017.

## 8. Cuba

33. The case of **Mr. Juan Antonio Madrazo Luna**, member of the Comité Ciudadanos por la Integración Racial (CIR), was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>138</sup> on allegations of travel restrictions that prevented his engagement with the Committee on the Elimination of Racial Discrimination (CERD) and the UPR session in 2018. The case of **Ms. Marthadela Tamayo González**, member of CIR, was included in the

<sup>137</sup> [A/HRC/45/36](#), Annex II paras 36-37; [A/HRC/42/30](#), Annex II, paras. 33-35; [A/HRC/39/41](#), para. 33 and Annex I, para. 18.

<sup>138</sup> [A/HRC/45/36](#), Annex II, para. 39; [A/HRC/42/30](#), Annex II, paras. 36-37; [A/HRC/39/41](#), Annex I, para. 25.

2018 report of the Secretary-General for the same reasons.<sup>139</sup> On 18 January 2021, special procedures mandate holders addressed allegations of surveillance, threats, travel bans, and alleged arbitrary detentions on a regular basis since 2017 against several members of the CIR, including Mr. Madrazo Luna and Ms. Tamayo González (CUB 1/2021).

34. Incidents in October and November 2020 have reportedly included searches at the place of residence of Mr. Madrazo Luna with a warrant from the Public Prosecutor’s Office, confiscation of equipment and documents linked to his work, and questioning and threats by police officers. They also included the arrest of Ms. Tamayo Gonzalez on the eve of a public event on racial discrimination which prevented her from participating (CUB 1/2021). On 11 March 2021, mandate holders publicly addressed the situation of CIR and its members, including travel restrictions.<sup>140</sup> On 3 and 16 March 2021, the Government responded, regretting that UN human rights mechanisms are used to channel and validate false allegations. It indicated that there are no complaints on alleged threats and intimidation by state agents against Mr. Madrazo Luna and Ms. Marthadela Tamayo, questioned the “misuse of the term human rights defenders” and provided information on trips by both of them outside the country between 2013 and 2019.<sup>141</sup>

35. The case of **Ms. Yamilka Abascal Sánchez**, of youth rights’ network Mesa de Diálogo de la Juventud Cubana, was included in the 2020 report of the Secretary-General<sup>142</sup> on alleged interrogation and threats against her and her relatives during and following her trip to Geneva in November 2019 when she engaged with the UN. OHCHR has received information alleging that Ms. Abascal Sánchez is under constant surveillance by the authorities. In August 2020, her husband was released from prison on parole. Since then, on several occasions, state security agents have reportedly visited her house and threatened to revoke her husband’s parole if she participates in any advocacy activity. On 12 March 2021, a state security patrol car parked outside the home of Ms. Abascal Sánchez for several hours and an officer reportedly told her and her husband that they could not leave the house that day without providing an explanation.

36. The case of **Mr. José Ernesto Morales Estrada**, of Consejería Jurídica e Instrucción Cívica (CJIC), was included in the 2020 and 2018 reports of the Secretary-General<sup>143</sup> on allegations of interrogation following his engagement with the UN in Geneva in 2019, and due to threats and a travel ban after his engagement with the CERD and the Forum on Minority Issues in 2017. According to information received by OHCHR, reprisals against Mr. Morales Estrada continue as a consequence of his and the CJIC’s cooperation with various international bodies, including the UN. During the reporting period he has documented and reported to UN human rights mechanisms aspects of the COVID-19 pandemic in the country. On 21 May 2020, Mr. Morales Estrada was reportedly violently arrested by police officers. On 23 May 2020, Mr. Morales Estrada and his sister were allegedly physically attacked by a neighbour who identified himself as a state security agent. Since May 2020, Mr. Morales Estrada was reportedly subjected to the arbitrary imposition of fines on thirteen occasions by police agents, allegedly with the aim of hindering his work and intimidating him.

37. On 2 August 2021, the Government responded to the note verbal sent in connection to the present report reiterating that the allegations about acts of reprisals and travel restrictions against Mr. Madrazo Luna, Ms. Tamayo Gonzalez and Mr. Morales Estrada are false. The Government also qualified the allegations of surveillance, harassment and threats by police authorities against Ms. Abascal Sanchez and her spouse as false. It is the view of the Government that in none of the above cases there is a demonstrated link between their cooperation with the UN and the alleged actions against the individuals. The Government firmly rejects of the use of UN human rights mechanisms to channel false allegations with the only aim of tarnishing its human rights record.

<sup>139</sup> A/HRC/39/41, Annex I, para. 25.

<sup>140</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26875&LangID=E>.

<sup>141</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36028> and <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36044>.

<sup>142</sup> A/HRC/45/36, para. 62 and Annex I paras. 34–35.

<sup>143</sup> A/HRC/45/36, Annex II paras. 40–41; A/HRC/39/41, Annex I, paras. 22–23.

## 9. Djibouti

38. The case of **Mr. Kadar Abdi Ibrahim**, of the Mouvement pour la démocratie et la liberté (MoDEL) was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>144</sup> on allegations of passport confiscation related to his engagement with the UPR review of Djibouti in May 2018 (DJI 1/2018).<sup>145</sup> In September 2018, the Government indicated that Mr. Ibrahim had been placed under surveillance due to suspicion of connection with extremist movements. According to information received by OHCHR, as of 30 April 2021, Mr. Ibrahim's passport remains confiscated by the Service de Documentation et Sécurité (SDS), to whom he has made multiple inquiries. According to information received, the prolongation of the travel ban in place since 2018 reportedly obstructs Mr. Ibrahim from undertaking his human rights work and prevents him from directly engaging with partners and actors outside the country, including the UN.

39. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report, reiterating that Mr. Ibrahim continues his anti-constitutional and illegal activities and remains at the head of a religious organization which aims to recruit vulnerable people into its network. The Government stated that this organization receives funds from abroad and has connections with extremist movements and it therefore reserves the right to restrict his movements.

## 10. Egypt

40. The case of **Mr. Ebrahim Abdelmonem Metwally Hegazy**, human rights lawyer and the co-founder of the Association of the Families of the Disappeared, was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>146</sup> on allegations of enforced disappearance and torture for his attempted cooperation in September 2017 with the Working Group on Enforced and Involuntary Disappearances (WGEID). In 2019, the Working Group on Arbitrary Detention found Mr. Metwally's detention arbitrary, noting that it amounted to an act of retaliation for cooperation with the UN, and urged his immediate release as well as compensation and other reparations.<sup>147</sup> In its August 2020 report, the WGEID continued to condemn the ongoing detention of Mr. Metwally (A/HRC/45/13, para. 63). At the March 2021 session of the Human Rights Council, a group of 26 Member States called for Mr. Metwally's release.<sup>148</sup>

41. On 29 July 2020, special procedures mandate holders addressed Mr. Metwally's detention and deteriorating health condition (EGY 10/2020). According to information received by OHCHR, on 26 August 2020, the Criminal Court of Cairo ordered the release of Mr. Metwally under precautionary measures in Case No. 1470 of 2019 on charges of "joining a terrorist group" and "funding terrorism". The nature of the precautionary measures is unknown. Despite this decision, Mr. Metwally was reportedly kept in detention until 6 September 2020, when he was brought before the Supreme State Security Prosecution and attached to case no. 786/2020. He was accused of "leadership of a terrorist group formed while in detention," "communicating with foreign agents to harm State security", and "using the internet for terrorist purposes" (punishable under arts. 12, 14 and 29 of the Anti-Terrorism Law), as well as establishing an illegal organization and publishing false news and rumours (arts. 86 bis and 188 of the Penal Code). Mr. Metwally is reportedly still facing charges of "founding and leading a group established in contravention of the provisions of the law", "publishing and spreading false news", and "communicating with foreign entities in order to

<sup>144</sup> A/HRC/45/36, Annex II, paras. 42-43; A/HRC/42/30, Annex II, paras. 40-41; A/HRC/39/41, Annex I, para. 31.

<sup>145</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34341>.

<sup>146</sup> A/HRC/45/36, Annex II, paras. 44-46; A/HRC/42/30, Annex II, paras. 42-44; A/HRC/39/41 para. 38 and Annex I, paras. 32-35.

<sup>147</sup> A/HRC/WGAD/2019/41, paras. 34, 40, 46, 51, 56.

<sup>148</sup> Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, 12 March 2021, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamp 00:42:30).

undermine national security” (Case No. 900 of 2017). He is currently held in Maximum Security Prison II within the Tora Prison complex.

42. The case of **Dr. Ahmed Shawky Abdelsattar Mohamed Amasha**, human rights defender and co-founder of the League for the Families of the Disappeared who supported families of those forcibly disappeared and arbitrarily detained, including by submitting cases to the WGEID, was included in the 2019, 2018 and 2017 reports of the Secretary-General<sup>149</sup> on allegations of abduction, detention, and torture. In November 2017, the Working Group on Arbitrary Detention found Dr. Amasha’s detention arbitrary, requested his immediate release and called on the Government to provide him compensation and other reparations<sup>150</sup>. On 4 October 2019, he was released on bail and required to report to the police station twice a week.

43. According to information received by OHCHR, on 17 June 2020, Dr. Amasha was arrested by police officers and his fate and whereabouts remained unknown until 12 July 2020 when he appeared at the office of the Supreme State Security Prosecutor for investigation on the charge of “joining a terrorist group” (Case No. 1360 of 2019). His whereabouts were again unknown until 7 December 2020, when Dr. Amasha was seen in a glass cell along with other detainees in Tora Maximum Security Prison II. He is reportedly summoned to appear before the Prosecutor every 15 days, who reportedly extends Dr. Amasha’s detention in absentia. During its September 2020 session, the Working Group on Enforced or Involuntary Disappearances transmitted the case of Dr. Amasha under its urgent procedure ([A/HRC/WGEID/122/1](#), para.79).

44. The case of **Mr. Bahey El Din Hassan**, of the Cairo Institute for Human Rights Studies (CIHRS), was included in the 2020 and 2019 reports of the Secretary-General<sup>151</sup> following criminal charges, travel ban and asset freeze allegedly related to his cooperation with the UN (EGY 16/2017). On 19 September 2019, Mr. Hassan was sentenced in absentia to three years in prison and a fine by the Cairo Felony Court (Case No. 5530/2019) for a Twitter commentary he posted related to the Public Prosecution.

45. On 2 October 2020, special procedures mandate holders addressed Mr. Hassan’s conviction in absentia on 25 August 2020 by the Fifth Terrorism Circuit Court in Cairo to 15 years imprisonment under article 34 of the 2018 cybercrimes law in apparent reprisals for his cooperation with the UN (EGY 13/2020). Allegedly, the file against Mr. Bahey El Din Hassan included his Twitter activity and a photograph of him speaking at a NGO side event in the margins of the June 2018 session of Human Rights Council. Together with the 2019 verdict, Mr. Bahey El Din Hassan would face 18 years in prison. On 8 October 2020, mandate holders said that the verdict was “an act of reprisal, seemingly punishing for his cooperation with the United Nations”<sup>152</sup> (see also EGY 13/2020). They stated that the “exercise of free speech and human rights work are being treated as terrorism” and “Egypt is using exceptional ‘Terrorism Circuit Courts’ to target human rights defenders, silence dissent, and to lock up activists during the COVID-19 pandemic.”<sup>153</sup>

46. The case of **Mr. Mohamed El-Baqer**, a human rights lawyer affiliated with the Adalah Center for Rights and Freedoms, was included in the 2020 report of the Secretary-General<sup>154</sup> related to his arrest, ill-treatment and terrorism and national security charges following Adalah’s engagement in Egypt’s 2019 UPR related to the human rights situation of the Nubians (EGY 11/2019). On 29 July 2020, special procedures mandate holders addressed Mr. El-Baqer’s pre-trial detention and fair trial guarantees under case 1356/2019 related to publishing false news, belonging to a terrorist group, and receiving funds to carry out the goals of this group (EGY 10/2020). On 18 February 2020, the Tora Assize Court ordered the release of Mr. El-Baqer, but the decision was overturned after an appeal by the

<sup>149</sup> [A/HRC/42/30](#), Annex II, paras. 45–46; [A/HRC/39/41](#), Annex II, paras. 17–18, 21; [A/HRC/36/31](#), Annex I, para. 34.

<sup>150</sup> [A/HRC/WGAD/2017/78](#), paras. 89–91.

<sup>151</sup> [A/HRC/45/36](#), Annex II, para. 49; [A/HRC/42/30](#), Annex II, para. 50.

<sup>152</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26364&LangID=E>.

<sup>153</sup> *Ibid.*

<sup>154</sup> [A/HRC/45/36](#), para. 67 and Annex I, paras. 45–46.

Supreme State Security Prosecutor. Since his arrest, M. El-Baquer's detention has been reportedly renewed in absentia by the Criminal Court in Cairo every 15 to 45 days.

47. According to information received by OHCHR, on 31 August 2020 Mr. El-Baquer was brought before the Supreme State Security Prosecutor and accused under a new Case No. 855/2020 for “joining a terrorist organization” and “participating in a criminal agreement with the intention of committing a terrorist crime.” Mr. El-Baquer’s pre-trial detention is reportedly renewed periodically under the first case. On 23 November 2020, the Cairo Criminal Court reportedly published its decision to add Mr. El-Baquer to the terrorist list in the Egyptian Official Gazette on 19 November 2020, which includes restrictions such as a travel ban and a freeze of assets for three years. At the March 2021 session of the Human Rights Council, a group of 26 States addressing cases of alleged reprisals, amongst other issues, called for Mr. El-Baquer’s release.<sup>155</sup>

48. The case of **Mr. Ramy Kamel Saied Salib**, human rights defender of the Maspero Youth Foundation working on the rights of members of the Coptic Christian minority, was included in the 2020 report of the Secretary-General<sup>156</sup> related to his arrest, detention and torture, allegedly for his attempted participation in the 2019 Forum on Minority Issues (EGY 13/2019<sup>157</sup>). On 23 November 2019, he was reportedly taken from his home without a warrant by plain-clothes officers and members of the Special Forces and placed in pre-trial detention on charges of joining a terrorist group and spreading false news (Case No.1475/2019).

49. On 29 July 2020, special procedures mandate holders addressed Mr. Kamel’s pre-trial detention and fair trial guarantees under case 1475/2019. His detention has been periodically renewed without his presence or that of his lawyers. They also addressed his health conditions and attempts by his family to send him medication (EGY 10/2020). On 4 August 2020, mandate holders raised concerns publicly about the imprisonment of Mr. Kamel and other defenders, who find their lives at increasing risk of Covid-19 due to pre-existing medical conditions, and who have reportedly not been allowed to communicate regularly with their families or lawyers.<sup>158</sup> In February 2021, mandate holders addressed the situation of Mr. Kamel again expressing concerns about his health condition, which has reportedly deteriorated significantly since his arrest (EGY 2/2021). According to information received by OHCHR, since his arrest, Mr. Kamel’s pre-trial detention has been continuously renewed pending investigations. No trial has reportedly been set for his case. On 5 May 2021, Mr. Kamel’s was reportedly summoned by the Public Prosecution who informed him that he is banned from international travel.

50. Multiple UN actors have addressed Egyptian legislation impacting individuals and civil society groups’ ability to cooperate with the UN, which has been included in the report of the Secretary-General since 2017.<sup>159</sup> According to information received by OHCHR, February 2020 amendments made to the Terrorist Entities Law (Law 8 of 2015) and the Anti-Terrorism Law (Law 94 of 2015) reportedly continue to be used in the reporting period to target human rights defenders, and inhibit or punish them for their cooperation with the UN.

51. On 11 January 2021, the implementing regulations of NGO Law 149/2019 (see [A/HRC/45/36](#), Annex II para. 51–53) were published in the official gazette following their adoption (Prime Ministerial Decree 104 of 2021). The regulations reportedly further restrict the work of national and international civil society organizations and associations by defining a narrow role for them, significantly constraining their activities, and granting the authorities wide-ranging monitoring power and broad discretion to regulate and dissolve them. This includes civil society’s engagement with foreign entities such as the UN, for which prior authorization by the Ministry of Interior is required. Relatedly, a number of organizations

<sup>155</sup> Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, 12 March 2021, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamp 00:42:30).

<sup>156</sup> [A/HRC/45/36](#), para. 69 and Annex I paras. 47–48.

<sup>157</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35195>.  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35512>.

<sup>158</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26182&LangID=E>.

<sup>159</sup> [A/HRC/45/36](#), Annex II, paras. 50–53; [A/HRC/42/30](#), Annex II, paras. 48–50; [A/HRC/39/41](#), Annex I, paras. 19, 22; [A/HRC/36/31](#), Annex I, para. 33.

mentioned in previous reports of the Secretary-General remain under travel ban (see [A/HRC/42/30](#), Annex II, para. 50).

52. In two joint statement at the March 2021 session of the Human Rights Council, while expressing concerns over restrictions to civil society, 26 and 31 Member States (see Annex I), respectively recognized that the new NGO Law establishes a new legal framework more favourable for the operation of civil society organizations, and underlined that it is “crucial that the positive step of adopting the 2019 NGO law and recently its bylaws is urgently implemented in a way that guarantees civil society to work freely and ensures full respect for rights and freedoms stipulated in Egypt’s constitution and under international law”.<sup>160</sup> During the reporting period, special procedures mandate holders and the Spokesperson of the High Commissioner for Human Rights addressed the use of NGO law as well as counter-terrorism legislation and practices to target human rights defenders more broadly (see also Annex I).<sup>161</sup> Several civil society organizations raising human rights issues at UN fora, including at the Human Rights Council and in side events on its margins, have been targeted in the media and labelled as “terrorist organizations” (see EGY 6/2019).

## 11. Guatemala

53. Alleged acts of reprisals against **judges and prosecutors**, including those who work on cases investigated by the International Commission against Impunity (CICIG), were included in the 2020 and 2019 Secretary-General’s reports.<sup>162</sup> During the reporting period, OHCHR documented continued attacks against judges and prosecutors for their work in cases investigated by the Attorney General’s Office with the technical assistance of CICIG. Many of these attacks occurred in the context of elections of magistrates to the Supreme Court of Justice and Court of Appeals for the period 2019–2024, and the election of magistrates to the Constitutional Court for the period 2021–2026. Acts of intimidation and reprisals have included requests to lift the judges’ immunity for criminal prosecution; the misuse of other legal remedies/tools such as injunctions, disciplinary proceedings and habeas corpus requests; and vilification campaigns on social media, including continued accusations of corruption for real or perceived collaborations with the CICIG ([A/HRC/46/74](#), paras. 10, 65–68).

54. On 22 October 2020 and 22 March 2021, special procedures mandate holders addressed intimidation and attempts to impeach the magistrates of the Constitutional Court and judges with competence in high-risk cases (GTM 10/2020 and GTM 3/2021, respectively). On 26 June and 18 November 2020 and 3 March 2021, the Supreme Court of Justice admitted proceedings to impeach magistrates of the Constitutional Court, **Ms. Gloria Porras** and **Mr. José Francisco de Mata Vela**. On 7 August 2020, the Attorney General’s Office referred additional requests to impeach magistrates Ms. Porras, Mr. de Mata Vela, and other magistrates of the Court, including substitute magistrate **Mr. Mynor Par Usen** who lost immunity on 14 April 2021 following the conclusion of his mandate as magistrate of the Constitutional Court. On 1 July and 25 November 2020, the Supreme Court admitted proceedings against two judges with competence in high-risk cases, **Ms. Erika Aifán** and **Mr. Pablo Xitumul**, respectively, referring these cases to the Congress to declare if admissible.

55. Ms. Porras, former president of the Constitutional Court, was re-elected to the bench on 4 March 2021, and was due to resume her duties for another five-year term on 14 April 2021. On 23 March 2021, the Congress established an investigative commission to withdraw Ms. Porras and Mr. de Mata Vela’s judicial immunities. The UN Special Rapporteur on independence of judges and lawyers expressed concerns publicly on 19 April 2021 at Congress’s refusal to swear in Ms. Porras, condemning the continued harassment and

<sup>160</sup> Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, 12 March 2021, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamps 00:36:20 and 00:42:30).

<sup>161</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26523&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26682&LangID=E>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26739&LangID=E>.

<sup>162</sup> [A/HRC/45/36](#), Annex II, paras. 56–59; [A/HRC/42/30](#), para. 54, Annex I, paras. 40–42.

intimidation of members of the judiciary in the country.<sup>163</sup> On 6 May 2021, the current President of the Constitutional Court responded to the Congress committee of enquiry that Ms. Porras no longer has immunity.

56. Between May and September 2020, at least 20 criminal cases and disciplinary complaints were brought against the Head of the Special Prosecutor's Office against Impunity, **Mr. Juan Francisco Sandoval**, allegedly as reprisal for his work in high-profile cases, including cases investigated with the technical assistance of the CICIG.

57. The President of the Supreme Court of Justice eliminated or reduced serious disciplinary sanctions against former personnel of Ms. Erika Aifán. The Special Rapporteur for the independence of judges and lawyers has raised her case (GTM 6/2019<sup>164</sup>), most recently in March 2021, addressing allegations of increased attacks against Ms. Aifán, including death threats on social media. On 14 July 2020, the Constitutional Court granted Ms. Aifán a provisional writ of amparo that suspended the decision of Supreme Court of Justice to admit proceedings to impeach her (GTM 3/2021). According to information received by OHCHR, on 17 June 2021 the Constitutional Court revoked this amparo resulting in the continuation of the investigation process against her.

58. On 25 May 2021, the Government responded to mandate holders providing detailed information about the legal framework applicable to the cases mentioned above as well as measures adopted to guarantee the independence of the judiciary.<sup>165</sup>

59. The situation of the national human rights institution and its Ombudsperson, **Mr. Augusto Jordán Rodas**, was included in the 2020 and 2019 reports of the Secretary-General<sup>166</sup> following attempts to undermine the institution for its support to the CICIG's work. The High Commissioner noted in her 2020 report on the situation of human rights in Guatemala, that Mr. Rodas has faced smear campaigns and attempts of interpellations in the Congress (A/HRC/46/74, para. 10). These attacks are related to injunctions presented by Mr. Rodas in favour of magistrates of the Constitutional Court, amongst others. On 6 May 2021, the High Commissioner expressed concern at attempts to remove Mr. Rodas.<sup>167</sup>

60. On 26 August 2021, the Government responded to the note verbale sent in connection to the present report providing detailed information on the selection of Supreme Court and Appellate Court magistrates, including a timeline of actions by Congress between May 2020 and July 2021. The Government also provided information concerning the selection of Constitutional Court magistrates, in particular regarding the swearing into office on 13 April 2021 of the three newly appointed magistrates and four substitutes. Furthermore, the Government informed about the different protection measures adopted with respect to magistrates and judges within the framework of the interim measures requested by the Inter-American Commission for Human Rights.

61. The Government also provided detailed information about the latest risks assessments and protection schemes provided to Ms. Gloria Porras Escobar, Mr. Francisco de Mata Vela, Mr. Mynor Par Usen, Ms. Erika Aifán, Mr. Pablo Xitumul, and Mr. Juan Francisco Sandoval. Regarding the situation of the national human rights institution (Procurador de Derechos Humanos), the Government informed that, since 2016, the institution has been granted a budget of at least 120 million Quetzals (about USD15.5 million), and that in 2020 the budget increased by 30 million Quetzals. The Government further stated that the institution has acted freely and without any restrictions.

## 12. India

62. The 2020 report of the Secretary-General<sup>168</sup> referred to a July 2019 OHCHR report on the situation of human rights in Indian-administered Kashmir and Pakistan-administered

<sup>163</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27006&LangID=E>.

<sup>164</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35432>.

<sup>165</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36292>.

<sup>166</sup> A/HRC/45/36, Annex II, para. 61; A/HRC/42/30, para. 55, Annex II, para. 52.

<sup>167</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27063&LangID=E>.

<sup>168</sup> A/HRC/45/36, para. 76 and Annex II, paras. 74–76.

Kashmir, which noted reprisals against **Central Jammu and Kashmir Coalition of Civil Society (JKCCS)**, a union of various non-profit organizations based in Srinagar, which regularly cooperates with the UN.<sup>169</sup> Names of additional sources for OHCHR's reports, including victims of torture, were withheld due to a fear of further reprisals (Annex II, para. 74). The situation of JKCCS and its chair, **Mr. Kurram Parvez**, and other members of the coalition were also included in the 2019, 2018 and 2017 reports of the Secretary-General.<sup>170</sup> Mr. Parvez has been subject to travel bans, arbitrary arrest and detention in relation to his cooperation with the UN, and it was reported to OHCHR in May 2021 that three "First Information Reports" filed by police in 2016 before a court in Srinagar were still unresolved and that Mr. Parvez remains under travel ban.

63. On 20 December 2020, special procedures mandate holders addressed concerns about raids on the JKCCS offices and attacks against Mr. Parvez (IND 20/2020), amongst other organizations and individuals, including alleged intimidation, searches and confiscations by national security agents in Jammu and Kashmir. On 28 October 2020, the National Investigation Agency (NIA), Jammu & Kashmir Police and the Central Reserve Police Forces reportedly targeted the office of JKCCS, confiscating laptops, mobile devices, and documents ranging from passports to salary strips, as well as hard drives containing surveys, testimonies, report drafts and highly sensitive data collected over decades about human rights violations, victims and their families (IND 20/2020). The NIA reportedly issued a First Information Report for the case (No RC-37/2020/NIA/DLI), referencing the Unlawful Activities (Prevention) Act (UAPA, articles 17, 18, 22A, 22C, 38, 39 and 40), highlighting the receipt of funds of the organizations from abroad and accusing them of ties to terrorism (IND 20/2020).

64. Mandate holders expressed concern that the alleged counter-terrorism measures may be aimed at discrediting the work of the targeted organizations and their staff, "in an effort to stop their reporting on regional and national political and human rights affairs" and deter further reporting by defenders in Jammu and Kashmir (IND 20/2020; see also OL IND 7/2020). They noted that the "reported seizure of their personal and professional equipment, their call data records and contacts information, could adversely affect their work and endanger and compromise their sources." On 18 January 2021 the Government responded, the details of which were not made public due to their confidential nature.<sup>171</sup>

65. The situation of **Mr. Henri Tiphagne**, from the Centre for Promotion of Social Concerns (CPSC, also known as People's Watch), was included in the 2019 and 2018 reports of the Secretary-General.<sup>172</sup> Special procedures mandate holders had expressed concern at the use of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to restrict the work of non-governmental organizations seeking to cooperate with the UN (OTH 27/2017), and noted that the non-renewal of CPSC's license was a clear case of reprisal for Mr. Tiphagne's cooperation with the UN (IND 14/2018). The refusal to renew the organization's license to receive foreign funding was upheld by the High Court of New Delhi in January 2017, and the case was adjourned to 31 August 2018, but has reportedly since remained pending. According to information received in May 2021, the High Court of New Delhi had listed, but not heard, the case 12 times before the COVID-19 lockdown commenced in India in March 2020 (between 18 August 2018 and 3 March 2020), and subsequently six times when Indian judicial operations had resumed remotely (between 3 April 2020 and 15 April 2021).

66. Allegations of reprisals against the **Centre for Social Development (CSD)** in Manipur and its staff, including its secretary **Mr. Nobokishore Urikimbam**, were included in the 2020, 2019 and 2018 reports of the Secretary-General.<sup>173</sup> Staff had reportedly been under surveillance for submitting information to and meeting with the UN on human rights and other concerns related to uranium mining and cement factories in Meghalaya, and,

<sup>169</sup> [https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf).

<sup>170</sup> A/HRC/42/30, para. 58 and Annex II, para. 59; A/HRC/39/41, Annex II, paras. 23–24; A/HRC/36/31, paras. 36.

<sup>171</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35911>.

<sup>172</sup> A/HRC/42/30, para. 58 and Annex II, para. 58; A/HRC/39/41, para. 50, and Annex I, paras. 61–62.

<sup>173</sup> A/HRC/45/36, para. 76, Annex II, paras. 72–73; A/HRC/42/30, Annex II, para. 57; A/HRC/39/41, para. 50 and Annex I paras. 63–65.

consequently, the organization's bank account was frozen on claims that it violated the FCRA (IND 18/2019). In a separate incident, special procedures mandate holders drew particular attention to the attempted shooting of Mr. Urikimbam's daughter, which appeared to be linked to his work in defence of human rights and his engagement with the UN (IND 18/2019).

67. During the reporting period, concerns raised about the suspension of registration of CSD in September 2019 (IND 18/2019) and the surveillance, threats and attacks against its staff and their family members and that of other organizations in the United NGOs Mission Manipur (UNM-M) reportedly continued. Between October and December 2020, uniformed and plain clothed police officers allegedly surveilled CSD's offices on a daily basis. OHCHR has been informed that CSD has refrained from sharing information, in particular, detailed reports gathered about environmental damage and health risks to communities from mining in Manipur, with the UN for fear of further reprisal. Given the September 2020 amendments to the FCRA, CSD is concerned about the receipt of foreign funds which they rely on for their research and advocacy, including at the UN.

68. Regarding the attempted shooting of Mr. Urikimbam's daughter in July 2019, it was reported to OHCHR that as of May 2021, the investigation remained pending. Mr. Urikimbam's family reportedly provided the police with the names of five witnesses who could provide information on the shooting, but the police reportedly declined to consider gathering their testimonies.

69. The situation of the **International Dalit Solidarity Network (IDSN)** was included in the 2020 report of the Secretary-General<sup>174</sup> related to its application for consultative status with the ECOSOC, which had been repeatedly deferred by the Committee on Non-Governmental Organizations, the body mandated to consider applications.<sup>175</sup> IDSN reportedly has the longest pending application in the history of the Committee, with 25 deferrals,<sup>176</sup> after having reportedly received 97 written questions in total from the Government of India,<sup>177</sup> which the organization has reportedly answered. In July 2020, the Government stated that the references to IDSN, an NGO being considered by the 19-member NGO Committee in an inter-governmental process where several other long-standing NGO applications are pending, ignores the facts, that IDSN is not based in India, and that the Government is not aware of any incident of reprisal or intimidation against this organization by India. During the reporting period, due to constraints related to the impact of COVID-19 on the working arrangements of ECOSOC and sessions of its subsidiary bodies, the 2020 resumed session of the Committee did not take place as scheduled.<sup>178</sup> The application of IDSN was deferred during the Committee's 2021 regular session, pending the receipt of responses to questions posed to them by the Committee (E/C.2/2021/CRP.39/Rev.1, para. 5).

70. On 20 August 2021, the Government responded to the note verbale sent in connection to the present report, refuting the allegations of intimidation and reprisals on the follow up cases previously reported to which they have replied (regarding Mr. Khurram Parvez and NGOs Centre for Social Development (CSD) in Manipur and International Dalit Solidarity Network, IDSN), stating that these cases' inclusion represents "an unfortunate testament to intransigence to consider the viewpoints of the State." The Government noted that there are 3.4 million NGOs working in India and civil society has been well-represented in the work of the UN, reaffirming its commitment to civil society engagement. Regarding IDSN, the Government reiterated that the organization is not based in India, the Government is not aware of any incident of reprisal or intimidation against this organization by India, and that legitimate scrutiny of an application for a special status with the UN cannot be termed as a 'reprisal.'

71. Regarding the preventive detention of Mr. Parvez, the Government reiterated that it has been drawn from the cases registered against him Under Section (U/S) 151, 107 Code of

<sup>174</sup> A/HRC/45/36, para. 75 and Annex I, paras. 58-59.

<sup>175</sup> <https://www.un.org/press/en/2020/ngo905.doc.htm>.

<sup>176</sup> ECOSOC/6958-NGO/882; <https://www.un.org/press/en/2019/ecosoc6958.doc.htm>; E/2020/32.

<sup>177</sup> See A/69/365, para. 74 and A/HRC/33/19, para. 13.

<sup>178</sup> [http://csonet.org/content/documents/Information%20Note%202021%20Regular%20Session%20of%20the%20Committee%20on%20NGOs%20\\_14.05.21.pdf](http://csonet.org/content/documents/Information%20Note%202021%20Regular%20Session%20of%20the%20Committee%20on%20NGOs%20_14.05.21.pdf).

Criminal Procedures (CRPC) for his activities against the public order and that he has been found to be instigating and executing violent acts and disturbances since 2016. The Government stated that his detention, which they state is justified by the 1978 Jammu and Kashmir Safety Act, is lawful and he is provided medical assistance and access to family with no obstacles to legal assistance, subject to security requirements.

72. Regarding the FCRA, the Government stated the Act was enacted for the regulation of the acceptance and utilization of foreign contributions or foreign hospitality by individuals, associations or companies to ensure these funds are not detrimental to the national interest. The Financial Action Task Force requires that non-profit organizations not be used for the financing of terrorism. The FCRA registration of the CSD has been assessed and suspended as it was found to be in violation of the FCRA.

### 13. Iraq

73. The situation of members of **Al Wissam Humanitarian Assembly**, a civil society organization which documented cases of enforced disappearances in Iraq, including for their submission to the UN human rights mechanisms, have been included in successive reports of the Secretary-General. Special procedures mandate holders had raised concern about what seemed to be a pattern of reprisals against employees and volunteers of Al Wissam Humanitarian Assembly for their engagement with the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances (IRQ 3/2018; IRQ 2/2018). Updates on the cases of **Mr. Imad Amara**, **Mr. Imad Al Tamimi**, **Mr. Faisal Al Tamimi**, **Ms. Israa Al Dujaili**, and **Mr. Riyad Al Karawi** were included in the 2019, 2018, 2017, and 2016 reports of the Secretary-General.<sup>179</sup>

74. During the reporting period, it was reported to OHCHR that, as a result of the ongoing threats and intimidation, Mr. Imad Amara left his work at Al Wissam and cut off all communication with his colleagues. In May 2020, Mr. Faisal Al Tamimi fled abroad, where groups allied to political parties in Iraq have reportedly subjected him and his family to further harassment and intimidation including threats to harm his son, who remains in Iraq. Ms. Israa Al Dujaili reportedly continues to face pressure, death threats and attacks on social media from members and supporters of Iraqi militias and certain political parties. Mr. Riyad Al Karawi has sought asylum abroad.

### 14. Israel

75. The case of **Mr. Issa Amro**, founder of Youth Against Settlements in Hebron and winner of the 2010 OHCHR Human Rights Defender of the Year in Palestine award, was included in the 2014 report of the Secretary-General.<sup>180</sup> Mr. Amro had engaged with the Human Rights Council in June 2013 and special procedures mandate holders addressed allegations that, upon Mr. Amro's return to Israel in July 2013, Israeli soldiers confiscated his passport and he was beaten, threatened and handcuffed at a military police station in Hebron (ISR 7/2013). Reportedly, the Youth Against Settlements centre was invaded and Mr. Amro and three others shot at in front of the centre ([A/HRC/27/38](#), para. 25). On 6 January 2021, Mr. Amro was convicted of six charges related to his human rights activities between 2010 and 2016 by an Israeli military court,<sup>181</sup> addressed by special procedures mandate holders.<sup>182</sup> He was sentenced on 22 March 2021 by the Israeli military court in Ofer to a suspended sentence of three months' imprisonment, which can be invoked within two years, and a fine.

76. The case of **Mr. Laith Abu Zeyad**, Amnesty International campaigner on Israel and the Occupied Palestinian Territories (OPT), was included in the 2020 report of the Secretary-

<sup>179</sup> [A/HRC/42/30](#), para. 60, Annex I, paras. 58-61 and Annex II, para. 62; [A/HRC/39/41](#), Annex II, paras. 28-29; [A/HRC/36/31](#), Annex II, para. 4; and [A/HRC/33/19](#), para. 24.

<sup>180</sup> [A/HRC/27/38](#), para. 25.

<sup>181</sup> ISR 9/2016; ISR 3/2014.

<sup>182</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26688&LangID=E>.

General.<sup>183</sup> In April 2020, special procedures mandate holders had raised concern about the travel ban which prevented him from leaving the OPT, following his engagement with the UN<sup>184</sup> (ISR 1/2020) where he called on States to support the UN database and the work of OHCHR in this regard (A/HRC/RES/31/36).<sup>185</sup> On 15 June 2020, the Government<sup>186</sup> stated that the travel ban against Mr. Zeyad was issued for security reasons. It was reported to OHCHR that Mr. Zeyad's petition to the Jerusalem District Court to lift the travel ban was heard on 31 May 2020 and later rejected. The Court reportedly accepted the evidence submitted by the Israeli Internal Security Agency, alleging that Mr. Zeyad poses a "security threat." Additional petitions were filed in November 2020, which were dismissed. The Jerusalem District Court held a hearing on the case on 6 April 2021, but as of May 2021 had not issued a decision.

77. On 17 August 2021, the Government responded to the note verbale sent in connection to the present report. Regarding the situation of Mr. Issa Amro, the Government shared information on his sentencing and charges, currently under appeal, and stated that his organization "Youth against Settlements" acts as a proxy for the terror organization Hamas in the West Bank. Regarding the travel ban against Mr. Abu Zeyad, the Government stated that this was issued for security reasons because he is currently involved in Popular Front for the Liberation of Palestine (PFLP) activity, but that as of August 2021 a new request for travel by Mr. Abu Zeyad would be allowed should he commit in writing to refrain from terror activities, which is still pending.

## 15. Kuwait

78. The case of international lawyers working for law firms **Omnia Strategy, Crowell & Moring, Doughty Street Chambers and 4 New Square** was included in the 2020 report of the Secretary-General<sup>187</sup> on allegations of threats and stigmatization following their engagement with the UN Working Group on Arbitrary Detention and the World Bank's International Centre for Settlement of Investment Disputes in their representation of the case of Ms. Maria Lazareva (KWT 4/2019).<sup>188</sup>

79. In its 25 November 2020 Opinion, the Working Group on Arbitrary Detention noted from the individual communication submitted to it that the legal team had been threatened by the Kuwait Port Authority for filing complaints to the UN special procedures on the case of Ms. Lazareva (A/HRC/WGAD/2020/60, paras. 48–50). According to the source of the communication, the press release of the Port Authority equated the work of the legal team, including its legitimate engagement with UN special procedures, with "treason" and "warned" of the consequences for working on her case. The Government contested these allegations, recalling the principle of freedom of the press guaranteed in the Constitution. It also contested the veracity of the statements made by the source of the communication, which they noted had misrepresented the facts (para. 72). On the alleged reprisals against the legal team, the Working Group noted that it was not convinced by the Government's response as it did not provide evidence (para. 95).

80. The Working Group referred the matter to the Special Rapporteur on the independence of judges and lawyers for further consideration and appropriate action (para.106). On 1 February 2021, the Special Rapporteur addressed the alleged intimidation and reprisals against the legal team, expressing concern at the reported systematic intimidation and harassment faced as a result of the legitimate exercise of their professional functions (KWT 1/2021). On 1 February and 22 March 2021, the Government responded, rejecting the allegations that Ms. Lazareva's legal team may be exposed to reprisals because of it resorting to international bodies. It contended that this was confirmed by the lawyers' repeated visits

<sup>183</sup> A/HRC/45/36, para. 79 and Annex I, paras. 62–63.

<sup>184</sup> <https://www.un.org/unispal/wp-content/uploads/2019/02/Briefing-by-Amnesty-International-Notes.pdf>.

<sup>185</sup> See A/HRC/43/71.

<sup>186</sup> <https://spcomreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35341>.

<sup>187</sup> A/HRC/45/36, para. 82 and Annex I paras. 66–67.

<sup>188</sup> <https://spcomreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34926>.

to the country and the cooperation by the State of Kuwait with any inquiries from international bodies, in all openness, on this subject.<sup>189</sup>

81. On 27 July 2021, the Government responded to the note verbale sent in connection to the present report reaffirming that the allegations contained in this annex are erroneous and rejected them categorically. With regard to the opinion by the Working Group on Arbitrary Detention, the Government stated that it had provided a comprehensive response, including corrections and clarifications. The Government also expressed its objection to the opinion of the Special Rapporteur on the independence of judges and lawyers who in its view had formed a preconceived belief regarding the credibility of the complainant and made a statement on Twitter against Kuwait and in support of the complainant's point of view before he sent his communication requesting clarifications. The Government reiterated that the allegations reported to both the Working Group and the Special Rapporteur are false and fabricated.

82. Regarding the statement from the Kuwait Ports Authority cited by Ms. Lazareva's legal team, the Government stated that it was not issued without reason, but as a reaction to the statements and declarations made and the smear campaign carried out by the public relations departments of certain law firms whose aim was to undermine Kuwait's judicial system and the country's economic and investment security, and to raise doubts regarding the integrity of several officials. The Government stated these firms sought to defame the Kuwait Ports Authority, including by threatening to resort to the UN in an attempt to intimidate, obstruct justice and influence the judiciary's decision. The Government further stated that Kuwait allows Ms. Lazareva's international legal team to visit the country to do interviews without any hindrance, and that they did not lodge any complaints with the competent authorities in Kuwait, including the judiciary.

## 16. Lao People's Democratic Republic of

83. The alleged enforced disappearance of **Mr. Od Sayavong** was included in the 2020 report of the Secretary-General.<sup>190</sup> Mr. Sayavong, a Lao refugee recognized by UNHCR living in Bangkok and former member of "Free Lao", a group of Lao migrant workers and human rights defenders in Thailand, had engaged with the Special Rapporteur on extreme poverty and human rights prior to his visit in March 2019 (LAO 2/2019).<sup>191</sup> In January 2020, the Government reported that it had undertaken an investigation, including verifying information with the Lao Embassy in Thailand and visiting Mr. Sayavong's family, but that it could not ascertain the activities nor whereabouts of Mr. Sayavong and denied any involvement in his alleged disappearance.<sup>192</sup>

84. On 11 December 2020, special procedures mandate holders addressed the reported "lack of progress in the search and investigation" of this and other cases (LAO 4/2020). The mandate holders noted that, on 22 June 2020, Mr. Sayavong's family were invited by the Thai Department of Special Investigation to discuss the case and DNA of one family member was collected. The case has been transferred to the Department of Special Investigation (DSI) for investigation as no progress had been made in the case by the local police in Beungkum Police Station. They expressed concern that Mr. Sayavong's fate and whereabouts continued to be unknown and noted that his case is being treated under the humanitarian mandate of the Working Group on Enforced or Involuntary Disappearances remains outstanding (LAO 4/2020).

<sup>189</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36082>.

<sup>190</sup> A/HRC/45/36, para. 83 and Annex I, paras. 68–69.

<sup>191</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25087&LangID=E>.

<sup>192</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35121>.

## 17. Maldives

85. The case of the **Maldives Human Rights Commission** was included in the 2015 report of the Secretary-General<sup>193</sup> following the Supreme Court's judgement that found the Commission's report to the 2014 UPR of the Maldives unlawful. The High Commissioner for Human Rights and the Special Rapporteur on the independence of judges and lawyers publicly expressed concerns about the decision.<sup>194</sup> In 2015, the Supreme Court alleged that the Commission had committed 20 unlawful acts by stating, in its 2014 UPR report, that the judiciary of the Maldives was controlled by the Supreme Court. It accused the Commission of committing acts against national security and interests, and of unlawfully disseminating information and reports in the name of the State to foreign bodies in violation of the Constitution and the Judicature Act. The Supreme Court requested the Commission to abide by 11 guidelines according to which it must, *inter alia*, refrain from undermining peace, security, and order.

86. In its 19 February 2021 Views, the UN Human Rights Committee recognized the context and forum in which the criticism of the Supreme Court was made, i.e., in a written report submitted to the UPR ([CCPR/C/130/D/3248/2018](https://ccpr.cie.ohchr.org/treaties/CCPR/C/130/D/3248/2018), para. 87). It stated that “the allegations and findings of unlawful acts and guidelines issued by the Supreme Court constituted disproportionate limitations” (para. 8.9) on the Commission's freedom of expression, and “were not necessary to achieve a legitimate aim within the meaning of article 19 (3) of the Covenant” (para. 8.9). The Committee further noted the “harsh allegations, findings and guidelines restricted the ability of the Commission, including its members, to seek, receive and impart information and ideas, and may have created a chilling effect” (para. 7.4).<sup>195</sup>

87. The case of human rights organization **Maldivian Democracy Network (MDN)** was included in the 2018 report of the Secretary-General<sup>196</sup> on allegations of an investigation following participation by its members in an NGO side event in the margins of the June 2017 Human Rights Council, and for the exercise of their freedom of expression on Twitter (MDV 3/2018).<sup>197</sup> Some of the below updates on the situation of the MDN and its members were not reported previously due to fear of further retaliation at the time.

88. On 7 November 2019, special procedures mandate holders addressed the Government's decision to dissolve the MDN following the 2016 publication of a report on radicalization on its website. They also raised concern about the online harassment, intimidation, threats and death threats against its members, including **Ms. Shahindha Ismail**, **Ms. Azra Naseem**, and **Mr. Mushfiq Mohamed** (MDV 1/2019). On 15 January 2020, the Government responded, stating that the decision to dissolve the NGO was not reached arbitrarily but after completion of due process, including a thorough and impartial investigation concluding that the report had content that intentionally sought to mock the tenets of Islam. The Government highlighted its renewed efforts in combatting religious extremism in its quest to maintain a modern liberal society while balancing religious values.<sup>198</sup> According to information received by OHCHR, in August 2020, the MDN filed a suit against the reportedly arbitrary closing of its organization at the Maldives Civil Court. As of May 2021, the case was ongoing.

89. It was reported to OHCHR that, following the MDN's presentation of a joint submission to the November 2020 UPR of the Maldives,<sup>199</sup> the NGO and some of its

<sup>193</sup> [A/HRC/39/41](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16106&LangID=E#:~:text=GENEVA%20(19%20June%202015)%20E2%80%93,the%20UN%20human%20rights%20system.%E2%80%9DOHCHR;), Annex I, paras. 30-31.

<sup>194</sup> [https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16106&LangID=E#:~:text=GENEVA%20\(19%20June%202015\)%20E2%80%93,the%20UN%20human%20rights%20system.%E2%80%9DOHCHR;](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16106&LangID=E#:~:text=GENEVA%20(19%20June%202015)%20E2%80%93,the%20UN%20human%20rights%20system.%E2%80%9DOHCHR;)

[https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16101.](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16101)

<sup>195</sup> [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDV/CCPR\\_C\\_130\\_D\\_3248\\_2018\\_32363\\_E.docx.](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDV/CCPR_C_130_D_3248_2018_32363_E.docx)

<sup>196</sup> [A/HRC/39/41](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16106&LangID=E#:~:text=GENEVA%20(19%20June%202015)%20E2%80%93,the%20UN%20human%20rights%20system.%E2%80%9DOHCHR;), para. 55 and Annex I paras. 71-72.

<sup>197</sup> [https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34216.](https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34216)

<sup>198</sup> [https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35112.](https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35112)

<sup>199</sup> [https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7986&file=EnglishTranslation.](https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7986&file=EnglishTranslation)

members were the target of another coordinated media and on-line vilification campaign, including threats. They were portrayed as “anti-Islamic”, “blasphemous”, “promoting extremist ideology”, and as a “threat to the nation”. Some posts contained threatening language such as “Blood is boiling...teeth are clenching...Fists are shaking”. Due to the continued serious threats, MDN’s members Ms. Shahindha Ismail, Ms. Azra Naseem, Mr. Mushfiq Mohamed and Mr. Leevan Sharif have relocated abroad.

90. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report. Regarding the Maldives Human Rights Commission, the Government acknowledged that the 2015 Supreme Court decision negatively impacted the independent functioning of the Commission and constituted an unjustified encroachment of its freedom of expression. The Government noted that legislative amendments have now been enacted reinstating and reinforcing the Commission’s authority to independently operate as the National Human Rights Institution of Maldives. As such, the Human Rights Commission Act was enacted into law on 22 September 2020.

91. Regarding the MDN, the Government referred to the detailed reply submitted to mandate holders on the decisions made concerning the report published by the MDN. The Government reiterated that the decision was not reached arbitrarily, but after completing due process involving a thorough and comprehensive investigation by the Maldives Police Service.

## 18. Mexico

92. The case of **Mr. Felipe Hinojo Alonso** was included in the 2020 report of the Secretary-General<sup>200</sup> on allegations of intimidation, threats and surveillance for his cooperation with the UN in the documentation of alleged violations in the state of Aguascalientes. According to information received by OHCHR, threats against Mr. Hinojo Alonso have persisted during the reporting period due to his documentation and public advocacy of torture-related cases, and for his cooperation with authorities, such as the Federal Prosecutor’s Office, as well as the National Human Rights Commission and the UN, including OHCHR in Mexico. Threats have reportedly originated from authorities in the state of Aguascalientes, including telephone calls urging Mr. Hinojo Alonso to hide or be cautious that “some people want to harm him.” OHCHR in Mexico is in contact with relevant authorities.

93. The case of **Ms. Alma Delia Reyna**, a defender working on the rights of women deprived of liberty, was included in the 2020 report of the Secretary-General<sup>201</sup> following threats and attacks against her and her family due to her collaboration with OHCHR in Mexico. The attacks included the kidnapping and abuse of her son, who was finally released. According to information received by OHCHR, during the reporting period Ms. Reyna fled her hometown with her family due to the high security risk to her and her close relatives. The local authorities have reportedly lost the records of the investigation of her son’s kidnapping, generating doubts about its effectiveness. Ms. Reyna and other members of her family are reportedly suffering from severe distress and have reportedly not received protection or other type of support from the relevant authorities. OHCHR in Mexico is in contact with relevant authorities.

## 19. Morocco

94. The case of **Ms. Aminatou Haidar**, of the Collectif des Défenseurs Sahraouis des Droits de l’Homme, was included in the 2020 report of the Secretary-General<sup>202</sup> on allegations of threats, attacks and online stigmatization for her ongoing engagement with the UN. On 7 January 2021, special procedures mandate holders addressed allegations of harassment and increased surveillance by police since September 2020 following the

<sup>200</sup> [A/HRC/45/36](#), para. 86, Annex I, para. 76.

<sup>201</sup> [A/HRC/45/36](#), para. 86, Annex I, para. 77.

<sup>202</sup> [A/HRC/45/36](#), para. 88, Annex I paras. 79–81.

establishment by Ms. Haidar of a new association in Laayoune, the Sahrawi Organ against the Moroccan Occupation (ISACOM). On 29 September 2020, the Public Prosecutor's Office reportedly ordered the opening of a judicial investigation into ISACOM, alleging that it was undermining Morocco's territorial integrity (MAR 5/2020).

95. On 19 April 2021, the Government responded, noting that Ms. Haidar participated in a meeting on 20 September 2020 in Laayoune in violation of the preventive COVID-19 health measures in place, and that relevant authorities were not notified about the establishment of the new association. The Government stated that, following the meeting, the group called for the commission of acts punishable by criminal legislation and that undermine territorial integrity, which prompted the corresponding judicial inquiry. Regarding the reported surveillance of Ms. Haidar's residence, the Government noted the deployment of public forces in Laayoune since March 2020 to implement the health emergency plan against the spread of COVID-19, indicating that the deployment was about 200 meters from Ms. Haidar's home.<sup>203</sup>

96. The case of **Ms. Naiha el-Khalidi** was included in the 2020 and 2019 reports of the Secretary-General<sup>204</sup> on allegations of interrogation following action of special procedures mandate holders on her case. She was further convicted for practicing journalism without accreditation, and reportedly subject to an online vilification campaign through sexist and gender-biased posts on social media. On 7 January 2021, special procedures mandate holders addressed allegations of death threats against Ms. el-Khalidi on social media following her posting of information on 3 October 2020 about alleged repression against Sahrawi activists (MAR 5/2020). Mandate holders noted an example of a death threat on social media which stated there was an alleged order from the King which implied that she would be attacked and killed. On 21 and 22 November 2020, police and military officers reportedly surrounded Ms. el-Khalidi's home and adjacent streets in Laayoune preventing anyone from entering or leaving when she and her fiancé were preparing for their wedding. Law enforcement officers reportedly justified the measures as necessary to prevent the spread of COVID-19, even though the ceremony reportedly respected the required physical distances (MAR 5/2020).

97. On 19 April 2021, the Government responded, noting that the home of Ms. el-Khalidi was surrounded on 21 and 22 November 2020 while she was preparing for her wedding. It stated that a delegation of administrative authorities and law enforcement visited the homes of Ms. el-Khalidi and her husband to sensitize them on preventive sanitary measures to combat the spread of COVID-19 (Decision n° 5916 of 12 November 2020). The Government rejected allegations that military officers surrounded Ms. el-Khalidi's home and adjacent streets which prevented anyone from entering or leaving.<sup>205</sup>

98. The case of **Mr. Ennaâma Asfari** was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>206</sup> 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. According to information received by OHCHR, on 25 November 2020, the Court of Cassation in Rabat sentenced Mr. Asfari and confirmed the 2017 verdict of the Court of Salé to 30 years in prison, leaving no option other than a royal pardon to free Mr. Asfari before he completes his term. Mr. Asfari continues to be imprisoned in Kenitra, 2,000 km away from his family. During the reporting period, Ms. Mangin-Asfari sent a large number of books to Mr. Asfari that were allegedly returned with no reason and the couple were reportedly only allowed two five-minute phone calls per week. Reportedly, Mr. Asfari has not been allowed to go out into the large courtyard where there is sun, the gym or the library. Mr. Asfari has allegedly not been permitted to see an ophthalmologist for nine years.

<sup>203</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36034>.

<sup>204</sup> <http://specimireports.onchi.org/THResultsBase/DownLoadFile.aspx?ID=3> A/HRC/45/36, Annex II paras. 90-92; A/HRC/42/30, Annex I, para. 74.

205 *Ibid.*

<sup>206</sup> [A/HRC/45/36](#), Annex II, paras. 88-89; [A/HRC/ 42/30](#), Annex II para. 73; [A/HRC/39/41](#), para. 57 and Annex I, para. 77.

99. The case of **Mr. Ali Aarrass** was included in the 2019 and 2013 reports of the Secretary-General<sup>207</sup> on allegations of threats and prison transfer in connection to his cooperation with the Special Rapporteur on torture during his visit to the country. His situation was addressed by special procedures mandate holders (MAR 11/2012; MAR 2/2013; and MAR 7/2015). The Government responded to the allegations in 2013<sup>208</sup> and 2015<sup>209</sup>. In a decision of 14 May 2014 on the case of Aarrass v. Morocco, the Committee against Torture noted allegations of reprisals following the visit of the Special Rapporteur, and found a violation of article 2(1) and articles 11, 12, 13 and 15 of the Convention against Torture ([CAT/C/52/D/477/2011](#), paras. 6.8, 7.4 and 11).

100. In a Decision published in January 2020 on the case of Aarrass v. Morocco ([CAT/C/68/D/817/2017](#)), the Committee against Torture found a violation of articles 16 and 2 (1), read in conjunction with articles 1 and 11, and of article 14 of the Convention (para. 9). It noted that Mr. Aarrass' conditions of detention had not improved and that this constituted a failure to implement its first decision on the case (CAT 477/2011). It was reported that, according to the complainant, his conditions of detention may have amounted to reprisals for insisting in the implementation of CAT's first decision, and for submitting the second complaint to the Committee. The Decision noted that to protest his conditions of detention and the acts of intimidation he has suffered in relation to the complaints he has submitted at the national and international levels, the complainant has gone on several hunger strikes (para. 2.12). The Committee invited the State party to submit information on the case and take steps to respond to its observations, including by the provision of full, adequate and fair compensation to the complainant for all the violations of the Convention (CAT 817/2017, para.10).

101. According to information received by OHCHR, on 2 April 2020, Mr. Aarrass was released upon completion of the 12-year sentence, but reportedly not allowed to leave Morocco until July 2020, despite repeated requests, allegedly further aggravating his mental and physical suffering. Once abroad in Belgium, a medical examination of Mr. Aarrass reportedly revealed serious physical concerns and psychological trauma related to his conditions of detention and abuse while in prison. This update on the situation of Mr. Aarrass was not included in the 2020 report of the Secretary-General due to fear of further retaliation at the time.

## 20. Nicaragua

102. The case of **Ms. Vilma Nuñez de Escoria**, of the Centro Nicaragüense de Derechos Humanos (CENIDH), was included in the 2020 report of the Secretary-General<sup>210</sup> on allegations of harassment following her engagement with the High Commissioner and concerns expressed about the situation of CENIDH by various UN actors (NIC 4/2021). The February 2021 report of the High Commissioner noted that CENIDH and nine other civil society organizations continue to be deprived of their legal registration for alleged administrative omissions or activities contrary to their statutory purposes, including providing support to “terrorist actions” ([A/HRC/46/21](#), paras. 18–20). Their assets have been liquidated and disposed of by the Government. Six of the nine organizations challenged the withdrawal of their legal registration before the Supreme Court of Justice, whose decision remained pending as of December 2020 (para. 18).

103. On 25 February 2021, Ms. Nuñez briefed the Human Rights Council about the human rights situation in Nicaragua, including about its COVID-19 response. According to information received by OHCHR, on 8 April 2021, while Ms. Nuñez was receiving the COVID-19 vaccine, unknown individuals took unauthorized pictures of her that were disseminated with stigmatizing messages on social media. The messages labeled Ms. Nuñez

<sup>207</sup> [A/HRC/42/30](#), Annex II paras. 74–75; [A/HRC/24/29](#), para. 27.

<sup>208</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32132>.

<sup>209</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32540>.

<sup>210</sup> [A/HRC/45/36](#), para. 95 and Annex I, para. 89.

as “opportunist” for being vaccinated by the same Government whose response to the pandemic she had criticized publicly.<sup>211</sup>

104. The case of **Mr. Anibal Toruño**, of Radio Darío, was included in the 2020 report of the Secretary-General<sup>212</sup> on allegations of threats following UN action on his case. On 12 May 2020, special procedures mandate holders addressed the alleged lack of effective investigations of the attacks against employees of Radio Darío, in a wider context of reported attacks, harassment, threats, undue pressure against and confiscation of equipment and materials from journalists and media outlets (NIC 2/2020). According to information received by OHCHR, between 4 January and 4 February 2021, Mr. Toruño’s residence in the city of León was raided by police without search warrants on at least three occasions. Police officers reportedly damaged the house’s doors and the vehicle parked in the garage, as well as seized mobile phones, computers and broadcasting equipment. In January 2021, Mr. Toruño relocated outside the country due to fear of being arbitrarily arrested.

105. The case of **Mr. Marcos Carmona**, of the Comisión Permanente de Derechos Humanos (CPDH), was included in the 2020 and 2019 reports of the Secretary-General<sup>213</sup> on allegations of threats, harassment and intimidation by police for regularly engaging with OHCHR. During the reporting period, members of the CDPH were reportedly the target of arbitrary detention, harassment, and intimidation by police officers, and police patrols have frequently been stationed outside CDPH’s offices in Managua (A/HRC/46/21, para. 17). According to information received by OHCHR, on 11 September 2020, Mr. Carmona and his son questioned the police about their presence outside the house of Mr. Carmona’s son. The police reportedly responded with threats and one officer fired his gun into the ground near Mr. Carmona’s son. The next day, Mr. Carmona went to two police stations in Managua to register a formal complaint but was refused. He eventually was able to file the complaint with the Public Prosecutor’s office, but reportedly no action has been taken.

106. The case of **Mr. Jonathan López**, a prominent student leader, was included in the 2020 and 2019 reports of the Secretary-General<sup>214</sup> on allegations of detention, interrogation and harassment by police following his cooperation with the UN. According to information received by OHCHR, Mr. López has continued to be the target of harassment and intimidation by police, who keep his house under constant surveillance. Between 2 January and 25 February 2021, the presence of police patrols was reported for 50 days, ranging from a few hours to more than 12 hours per day. Constant police presence and intimidation allegedly increased at the time of the release of the High Commissioner’s report on the situation of human rights in Nicaragua on 19 February 2021, the report’s presentation to the Human Rights Council on 26 February 2021, and the adoption of resolution 46/2 in the Human Rights Council. On 19 February 2021, Mr. López was reportedly threatened by police agents near his home who told him that he should have not shared information with OHCHR and urged him to “stop spreading misinformation” to international organizations or else they would detain him and his family. The constant and intense police harassment is reportedly causing Mr. López and his family serious emotional distress.

## 21. Philippines

107. According to information received by OHCHR, during the reporting period, the **Commission on Human Rights of the Philippines and its staff** continued to receive threats and were subjected to intimidation and “red-tagging” for their engagement with the UN (see also Annex I). Alleged reprisals in the form of surveillance, public vilification and calls for resignation of the current Chairperson, **Mr. Jose Luis Martin (Chito) Gascon**, and other staff of the Commission on Human Rights of the Philippines (PHL 12/2017), and the arbitrary detention of its former Chair and Senator **Ms. Leila De Lima** were included in the 2020,

<sup>211</sup> High Commissioner Report on Nicaragua, 10th Meeting, 46th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k1a/k1affp8c5o> (time stamp 00:55:50).

<sup>212</sup> A/HRC/45/36, para. 95 and Annex I para. 90.

<sup>213</sup> A/HRC/45/36, Annex II, paras. 95-96; A/HRC/42/30, Annex I, para. 78.

<sup>214</sup> A/HRC/45/36, Annex II, para. 97; A/HRC/42/30, Annex I, paras. 78, 81-83.

2019 and 2018 reports of the Secretary-General<sup>215</sup> in relation to their cooperation with the UN. On 24 February 2021, special procedures mandate holders reiterated their call for the immediate release of Ms. De Lima. While they welcomed her acquittal on one of three charges, they noted with concern that she still faces two other charges and has been in pre-trial detention since 2017.<sup>216</sup>

108. The cases of the **Karapatan Alliance of People's Rights**, a national alliance of human rights organizations, and of its Secretary General, **Ms. Cristina Palabay**, were included in the 2020 and 2019 reports of the Secretary-General<sup>217</sup> on allegations of intimidation and reprisals for their engagement with the UN. Special procedures mandate holders addressed alleged killings of two members of the Karapatan alliance as well as the arbitrary detention and legal cases against Karapatan members and staff, stating that incidents were believed to be reprisals for their international advocacy, including before the Human Rights Council (PHL 1/2020).

109. On 28 September 2020, special procedures mandate holders addressed the killing of another Karapatan member on 17 August 2020 (PHL 5/2020). It was reported to OHCHR that, following this killing, Government officials red-tagged Ms. Palabay and Karapatan staff and volunteers with public statements, including during discussions at the 45th session of the Human Rights Council, prior to and after the adoption of resolution 45/33 when civil society actors were actively engaging with the UN. Armed Forces of the Philippines Southern Luzon Commander and spokesperson of the National Task Force to End Local Communist Armed Conflict red-tagged Karapatan reportedly in relation to its role in providing information to the UN on the human rights situation in the Philippines. Karapatan and its members were accused of association with the CPP-NPA-NDF and portrayed as “conspiring to commit terrorist action” (PHIL 5/2020).

110. On 2 August 2021, the Government responded to the note verbale sent in connection to the present report stating that it has exhaustively addressed allegations of reprisals against the Commission on Human Rights and Senator Leila de Lima in its 2019 and 2020 responses to the UN Secretary-General's reports. The Government stated that it respects the independence of the Supreme Court and noted its verdict dismissing allegations of extrajudicial killings, reprisals, intimidation, threats and red tagging in the case filed by Karapatan, Gabriela and the Rural Missionaries of the Philippines. The Government maintains that Karapatan presents an emblematic case for the merits of enhancing due diligence among UN agencies when assessing allegations from sources and expecting civil society to observe reasonable standards of accountability for the claims they present before UN human rights mechanisms.

## 22. Russian Federation

111. The 2020 and 2019 reports of the Secretary-General<sup>218</sup> noted the effects that restrictive legislation, in particular laws on “foreign agents” or “undesirable organizations,” have had on the willingness and ability of civil society actors to engage with international bodies, especially with the UN. These include the N 121-FZ Foreign Agent Law for Non-Commercial Organizations, adopted in July 2012 and amended in June 2016 (N 147-FZ and N 179-FZ). The operations of civil society organizations have reportedly been subject to particular scrutiny, in particular their receipt and use of foreign funding. The issue has been raised by multiple UN actors, including during the 2018 UPR of the Russian Federation,<sup>219</sup> by the High Commissioner for Human Rights,<sup>220</sup> by special procedures mandate holders,<sup>221</sup>

<sup>215</sup> A/HRC/45/36, Annex II paras. 98-99; A/HRC/42/30, Annex II paras. 79–80; A/HRC/39/41, paras. 61–62 and Annex I, paras. 84–85.

<sup>216</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26789&LangID=E>.

<sup>217</sup> A/HRC/45/36, Annex II paras. 100-101; A/HRC/42/30, Annex II, para. 83.

<sup>218</sup> A/HRC/45/36, Annex II paras. 105-107; A/HRC/42/30, Annex II, para. 88.

<sup>219</sup> A/HRC/39/13, paras. 147.61–67; 147.83–95.

<sup>220</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21316&LangID=E>.

<sup>221</sup> A/HRC/23/39, paras. 27-34; RUS 5/2012, 3/2013, 13/2013, 5/2014, 9/2014, 4/2015, 2/2016; 4/2016; 8/2016; 5/2019; 9/2019.

to which the Government has replied,<sup>222</sup> and by the treaty bodies.<sup>223</sup> The Government has stated that the right to freedom of association is guaranteed in Article 30 of the Constitution, and that the inclusion in the foreign agent register does not prevent non-profit organization from accessing foreign funding, and does not place them in a discriminatory position compared to non-profit organizations that do not receive this type of funding (A/HRC/45/36, Annex II, para. 107).

112. According to information received by OHCHR, on 30 December 2020, several pieces of federal legislation were signed into effect further expanding the list of actors that can be designated “foreign agents” to include unregistered NGOs and individuals, regardless of nationality. Reportedly, media is prohibited from publishing any information about such NGOs and unregistered public associations without indicating that they are included in the register of “foreign agents.” Federal Law No. 538-FC reportedly introduced a five-year prison sentence for libel, which had been criminalized in 2012, and Federal Law No. 525-FZ reportedly introduced criminal liability for malicious violation of the duties of a “foreign agent” with a penalty of up to five years in prison. On 5 April 2021, Bills No.1052327-7 and 105895-7 were adopted and published, reportedly introducing amendments and penalties for non-compliance with the norms mentioned above.

113. The High Commissioner for Human Rights, in her oral update to the Human Rights Council on 25 February 2021, regretted the entry into force in late 2020 of new legal provisions further limiting fundamental freedoms and the growing expansion of the definition of ‘foreign agent.’<sup>224</sup> She had previously expressed concern that the definition “further expanded its application to individuals who distribute foreign media, or publish material, while also receiving money from outside the country” and “will have chilling effect”.<sup>225</sup> It has been reported to OHCHR that the enforcement of the aforementioned legislation, as well as the new pieces of federal legislation, have further contributed to self-censorship and reluctance of civil society to engage with the UN. While some civil society organizations have continued to cooperate with the UN, including from outside the country, some human rights defenders reportedly decline international attention, including by the UN, to their issues or situations for fear of retaliation. In particular, some have reportedly expressed concerns about repercussions for participating in side-events in the margins of the Human Rights Council and have therefore avoided taking part. Names and further details are withheld due to fear of further reprisals.

### 23. Saudi Arabia

114. The case of **Ms. Loujain Al-Hathloul**, a woman human rights defender, was included in the 2019 and 2020 reports of the Secretary-General<sup>226</sup> on allegations of disappearance, detention and torture following her engagement with the Committee on the Elimination of Discrimination against Women in March 2018. The Committee and special procedures mandate holders have addressed her situation repeatedly with the relevant authorities (SAU 8/2020; 1/2019; 7/2018). On 7 August 2020, the Government responded to mandate holders

<sup>222</sup> See Government replies:  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31675>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31889>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32479>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32078>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31870>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=31664>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33257>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34888>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35210>.

<sup>223</sup> CAT/C/RUS/CO/6 paras. 28 and 29 (c); E/C.12/RUS/6, paras. 7-8; CEDAW/C/RUS/CO/8 paras. 15-16; CERD/C/RUS/CO/23-24 para. 11; and CCPR/C/RUS/CO/7 para. 22.

<sup>224</sup> Item 2, General debate, 12<sup>th</sup> meeting, 46 Regular session of the Human Rights Council, 26 February 2021, at <https://media.un.org/en/asset/k1s/k1sd492fyx> (time stamp 00:03:09).

<sup>225</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25621&LangID=E>.

<sup>226</sup> A/HRC/45/36, Annex II, paras. 110-111; A/HRC/42/30, para. 73 and Annex I, paras. 91-93.

stating that the allegations are inaccurate and based entirely on unfounded and unsubstantiated information; it provided information about Ms. Al-Hathloul's legal proceedings, conditions of detention, health situation and access to medical care.<sup>227</sup> In its opinion No. 33/2020, the Working Group on Arbitrary Detention found Ms. Al-Hathloul's detention to be arbitrary, requested her immediate release, and called for the Government to provide compensation and reparations ([A/HRC/WGAD/2020/33](#), paras. 100–103). On 10 December 2020, experts from the Committee and multiple special procedures mandate holders expressed concerns publicly about the detention and legal proceedings against Ms. Al-Hathloul, reported that she was deprived of regular contact with her family, and called for her immediate release.<sup>228</sup>

115. On 16 February 2021, special procedures mandate holders addressed Ms. Al-Hathloul's sentencing on 28 December 2020 by the Specialized Criminal Court to 5 years and 8 months in prison, with two years and ten months of suspended sentence and a 3-year probation period in addition to the time already served, and a 5-year travel ban (SAU 3/2021). Ms. Al-Hathloul was reportedly sentenced *inter alia* for "harming national security" and "communicating with international rights groups", and "speaking to foreign diplomats and with international media about women's rights in the kingdom." On 10 February 2021, Ms. Al-Hathloul was released from prison, which was welcomed by the High Commissioner for Human Rights.<sup>229</sup> Due to the suspended sentence and travel ban, she could be returned to prison if she is perceived to have engaged in any criminal activity (SAU 3/2021).

116. According to information received by OHCHR, on 10 March 2021, her appeal to the Supreme Court against the ruling of the Specialized Criminal Court regarding the torture investigation was rejected. Ms. Al-Hathloul family in Saudi Arabia is reportedly also under a travel ban. On 10 May 2021, the Government responded providing information about Ms. Al-Hathloul's charges and conviction under articles 34 and 43 of the Act to Combat Terrorist Crimes and Their Financing Act.<sup>230</sup> They noted investigations and court decisions related to the allegations of Ms. Al-Hathloul's torture or other cruel, inhuman or degrading treatment while in detention, stating that they found no evidence of torture.

117. The case of **Ms. Samar Badawi** was included in the 2020, 2019 and 2015 reports of the Secretary-General<sup>231</sup> on allegations of threats and interrogations following her statement at the Human Rights Council in 2014. Ms. Badawi was arrested in July 2018 and appeared for the first time before the Criminal Court in Riyadh on 27 June 2019, without legal representation. Prosecutors have reportedly requested the maximum penalty under article 6 of the Cybercrime Law and pursued charges of "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."

118. On 2 June 2020 and 20 May 2021, special procedures mandate holders addressed Ms. Badawi's case. They expressed concern at her prolonged detention without sufficient legal basis (SAU 8/2020) and reported that a trial session was scheduled on 25 November 2020, the outcome of which remained unknown (SAU 3/2021). On 7 August 2020, the Government responded stating that allegations are inaccurate and based entirely on unfounded and unsubstantiated information; it provided information about Ms. Badawi's conditions of detention and access to medical care.<sup>232</sup> On 26 June 2021, Ms. Badawi was reportedly released from prison following the completion of her sentence.

119. The case of **Mr. Mohammad Fahad Al Qahtani**, of the Saudi Association for Civil and Political Rights (ACRPA), was included in the 2020, 2019, 2013 and 2012 reports of the Secretary-General<sup>233</sup> on allegations of interrogation, travel ban and sentencing to 10 years of

<sup>227</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35473>.

<sup>228</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26593&LangID=E>.

<sup>229</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26806&LangID=E>.

<sup>230</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36216>.

<sup>231</sup> [A/HRC/45/36](#), Annex II, para. 112; [A/HRC/42/30](#), Annex I, para. 91 and Annex II, para. 95; [A/HRC/30/29](#), para. 36.

<sup>232</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35473>.

<sup>233</sup> [A/HRC/45/36](#), Annex II, para. 114; [A/HRC/42/30](#), Annex II, para. 92; [A/HRC/24/29](#), para. 42; [A/HRC/21/18](#), paras. 35–37.

imprisonment for providing false information to outside sources, including UN human rights mechanisms. Mr. Al Qahtani is currently held in Al-Ha'ir Prison in Riyadh. According to information received by OHCHR, in December 2020 and March 2021, Mr. Al Qahtani carried out hunger strikes jointly with other inmates to protest harassment and lack of family contact, access to books and essential medication. In April 2021, Mr. Al Qahtani reportedly tested positive for COVID-19 and since 7 April 2021 has been denied any contact with the outside world.

120. On 16 February 2021, special procedures mandate holders addressed Mr. Al Qahtani's situation and requested information, *inter alia*, on any restrictions placed on his contact with family members (SAU 3/2021). On 10 May 2021, the Government responded providing information about Mr. Al Qahtani's sentence for national security offences and crimes punishable under the Repression of Cybercrime Act.<sup>234</sup> The Government stated that no restrictions have been placed on contact with family members beyond those related to COVID-19 and noted that the grounds for Mr. Al Qahtani's hunger strike were investigated and addressed by the prison authorities.

121. The case of **Mr. Essa Al Nukheifi**, a human rights defender and anti-corruption activist, was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>235</sup> following his six-year prison sentence, with a six-year travel and social media ban upon release for his cooperation with the Special Rapporteur on extreme poverty to Saudi Arabia during a visit in January 2017 (SAU 2/2017). In November 2019, the Working Group on Arbitrary Detention stated that Mr. Al Nukheifi's detention was arbitrary ([A/HRC/WGAD/2019/71](#), paras. 76, 83, 90, 95), and raised particular concern about the reprisals against him for his consultation with the Special Rapporteur on extreme poverty (para. 93). Mr. Al Nukheifi is currently held in Al Ha'ir Prison in Riyadh.

122. According to information received by OHCHR, between 6 and 14 March 2021, Mr. Al Nukheifi joined other prisoners in a hunger strike in protest over harassment, included being denied family contact and access to books and newspapers. On 11 March 2021, he was reportedly transferred to hospital as a result of the hunger strike. On 20 May 2021, special procedures mandate holders raised the case of Mr. Al Nukheifi and other human rights defenders expressing concerns about the alleged arbitrary detention and long prison sentencing as well as abuse and torture in connection to their work (SAU 6/2021).

123. 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 2020, 2018 and 2017 reports of the Secretary-General<sup>236</sup> related to a sentence of 11 years in prison followed by an 11-year travel ban and a fine of 100,000 Riyals following his cooperation with the UN. In November 2019, the Working Group on Arbitrary Detention stated that Mr. Al-Hamid's detention was arbitrary ([A/HRC/WGAD/2019/71](#), paras. 76, 83, 90, 95) noting 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). On 20 May 2021, special procedures mandate holders raised the case of Mr. Al-Hamid and other human rights defenders expressing concerns about their alleged arbitrary detention and long prison sentencing as well as abuse and torture in connection to their work (SAU 6/2021).

124. The case of **Mr. Fawzan Mohsen Awad Al Harbi**, human rights defender and member of Saudi Civil and Political Rights Association (ACPRA), was included in the 2020, 2019 and 2014 reports of the Secretary-General<sup>237</sup> on allegations of arrest and detention for his cooperation with the UN. As of May 2020, he was serving a 10-year prison sentence 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 included in the 2020 and 2019 report of the Secretary-

<sup>234</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36216>.

<sup>235</sup> [A/HRC/45/36](#), Annex II, paras. 115-116; [A/HRC/42/30](#), para. 74 and Annex II, para. 93; [A/HRC/39/41](#), para. 65 and Annex I, paras. 95–96, 98.

<sup>236</sup> [A/HRC/45/36](#), Annex II, para 117; [A/HRC/39/41](#), Annex II, paras. 49–50; [A/HRC/36/31](#), para. 49 and Annex I, paras. 68–69.

<sup>237</sup> [A/HRC/45/36](#), Annex II, para. 118; [A/HRC/42/30](#), para. 74 and Annex II, para. 94; [A/HRC/27/38](#), para. 30.

General.<sup>238</sup> On 20 May 2021, special procedures mandate holders raised the case of Mr. Al Harbi and other human rights defenders expressing concerns about their alleged arbitrary detention and long prison sentencing as well as abuse and torture in connection to their work (SAU 6/2021).

125. The case of **Mr. Abdullah Al Hamid**, 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 2020 and 2013 reports of the Secretary-General.<sup>239</sup> 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. 76). In 2015, the Working Group on Arbitrary Detention had found his detention arbitrary<sup>240</sup> and urged his release.<sup>241</sup>

126. On 2 June 2020, special procedures mandate holders addressed the conditions under which Mr. Al Hamid died in custody, expressing concern that the delay to Mr. Al-Hamid’s treatment may have arbitrarily deprived him of his right to life. They noted that he was not considered for early release in light of the COVID-19 pandemic, and telephone calls to his family were heavily restricted since the spread of the virus (SAU 8/2020). They expressed their deep concern at the lack of medical care from prison authorities and the allegations that, instead of allowing Mr. Al-Hamid to stay in hospital to, inter alia, undergo the urgent surgery ordered by the doctor, his operation had been delayed and he was forced to remain in prison without access to appropriate medical treatment and care (SAU 8/2020).

127. On 24 July 2020, the Government responded, reiterating the legal framework under which Mr. Al Hamid was sentenced and imprisoned<sup>242</sup> noting the restrictions imposed in prisons due to the COVID-19 pandemic. The Government stated the restrictions were applied equally, including that telephone calls to families were restricted due to the need to disinfect the telephone after each use and for social distancing. The Government detailed the medical examinations of Mr. Al Hamid, stated that the Human Rights Commission monitored the case, and noted that prison administration is not involved in medical care of inmates. The Government refuted the allegations that Mr. Al Hamid was denied medical care and stated that an investigation confirmed Mr. Al Hamid denied naturally of a stroke.

## 24. Thailand

128. The alleged enforced disappearance of **Mr. Od Sayavong** was included in the 2020 report of the Secretary-General.<sup>243</sup> Mr. Sayavong, a Lao refugee recognized by UNHCR living in Bangkok and a former member of “Free Lao,” a group of Lao migrant workers and human rights defenders in Thailand, had engaged with the Special Rapporteur on extreme poverty and human rights prior to his visit in March 2019 (THA 8/2019; LAO 2/2019). Special procedures mandate holders had urged the Government of Thailand to clarify the steps taken to locate Mr. Sayavong, in particular given his refugee status.<sup>244</sup>

129. On 11 December 2020, special procedures mandate holders addressed the reported “lack of progress in the search and investigation” of this and other cases (THA 8/2020; LAO 4/2020). The mandate holders noted that, on 22 June 2020, Mr. Sayavong’s family were invited by the Thai Department of Special Investigation to discuss the case and DNA of one family member was collected. The case has been transferred to the Department of Special Investigation (DSI) for investigation as no progress had been made in the case by the local police in Beungkum Police Station. Members of his family expressed concern that Mr. Sayavong’s fate and whereabouts continued to be unknown and noted that his case, which is

<sup>238</sup> A/HRC/45/36, Annex II, para. 118; A/HRC/42/30, Annex II, para. 94.

<sup>239</sup> A/HRC/45/36, para. 108 and Annex II, paras. 108-109; A/HRC/24/29, para. 32.

<sup>240</sup> 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.

<sup>241</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20886&LangID=E>.

<sup>242</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35473>.

<sup>243</sup> A/HRC/45/36, para. 83, Annex I, paras. 68-69.

<sup>244</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25087&LangID=E>.

being treated under the humanitarian mandate of the Working Group on Enforced or Involuntary Disappearances, remains outstanding (THA 8/2020; LAO 4/2020).

130. On 14 December 2020, the Government responded, noting that the concerns had been forwarded to the relevant authorities.<sup>245</sup> According to information reported to OHCHR, as of May 2021, the case is still pending with the police without any further investigation, and no new evidence has been presented. Reportedly, the National Human Rights Commission of Thailand, which has a mandate to receive complaints of alleged incidents of enforced disappearance that take place in the country, has not been seized by the family of Mr. Sayavong due to the Commission's lack of a witness protection program.

131. The 2020, 2019, 2018 and 2017 reports of the Secretary-General<sup>246</sup> drew attention to alleged harassment, intimidation and an online smear campaign against human rights defenders who had documented cases of torture and ill-treatment by military in the Southern Border Provinces, including of individuals recipients of a grant of the UN Voluntary Fund for Victims of Torture. Grant recipient **Ms. Angkhana Neelapaijit**, who continues to cooperate with the UN, were among those targeted (THA 6/2017).<sup>247</sup> It was reported to OHCHR that Ms. Neelapaijit continues to be attacked on social media. On 4 November 2020, Ms. Neelapaijit filed a civil case against the Office of the Prime Minister and Royal Thai Army seeking remedy for damages related to Internal Security Operations Command of the Thai Army's alleged disinformation and smear campaign via the pulony.blogspot.com website, which allegedly used public money to attack women human rights defenders. She petitioned to have the reported fake news, offensive content and disinformation removed. The preliminary hearing has been postponed from May to 30 July 2021 due to the COVID-19 pandemic.

132. The case of **Ms. Sirikan Charoensiri**, of Thai Lawyers for Human Rights, was included in the 2020, 2019 and 2018 reports of the Secretary-General<sup>248</sup> on allegations of criminal charges linked to her participation at the Human Rights Council in September 2016 (THA 2/2017)<sup>249</sup> and her engagement with the Human Rights Committee during the March 2017 session. In July 2020, the Government noted that the criminal charges against her are in no way linked to her participation at the Human Rights Council in September 2016, and that the sedition charge had been forwarded by the Samranrat Metropolitan Police Station to the Royal Thai Police Headquarters in April 2020 for consideration. The Government stated that the Ministry of Foreign Affairs was still awaiting confirmation from the Royal Thai Police on whether to proceed with the other pending charges (A/HRC/45/32, Annex II, para. 125). It was reported to OHCHR that, as of May 2021, the charges under 116 of Thailand's Criminal Code, including sedition and false reporting, which carry a potential sentence of 7 years and 5 years, respectively, remain pending since the initial police investigation in 2016.

## 25. United Arab Emirates

133. The case of **Mr. Ahmed Mansoor**, of the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was included in the 2020, 2019, 2018, 2017 and 2014 reports of the Secretary-General.<sup>250</sup> Mr. Mansoor is alleged to have suffered intimidation and reprisals for his collaboration with UN human rights mechanisms. In 2011 his detention was deemed arbitrary by the Working Group on Arbitrary Detention

<sup>245</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35804>.

<sup>246</sup> A/HRC/45/36, Annex II, paras 119-21, 123-124; A/HRC/42/30, Annex II, para. 101; A/HRC/39/41, Annex II paras. 51-53; A/HRC/36/31, para. 57 and Annex I, paras. 80-81.

<sup>247</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33717>.

<sup>248</sup> A/HRC/45/36, Annex II, para. 122, 125; A/HRC/42/30, Annex II, para. 100; A/HRC/39/41, para. 70, Annex I paras. 105-106.

<sup>249</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33464>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33629>.

<sup>250</sup> A/HRC/45/36, Annex II, paras. 126-127; A/HRC/42/30, para. 79 and Annex II, paras. 103-104; A/HRC/39/41, Annex II, para. 55; A/HRC/36/31, para. 60 and Annex I, paras. 86-87; and A/HRC/27/38, para. 38.

([A/HRC/WGAD/2011/64](#)). Mr. Mansoor has reportedly been subject to torture and held in solitary confinement.<sup>251</sup>

134. On 25 January 2021, special procedures mandate holders addressed concerns at the continued imprisonment and alleged ill-treatment of Mr. Mansoor, as well as his placement in solitary confinement since 2018 (ARE 1/2021). They noted that Mr. Mansoor reportedly received his last family visit in January 2020, before the COVID-19 pandemic restricted in-person visits, and that his family had not received a telephone call from him since April 2020. On 10 February 2021, special procedures mandate holders expressed fear that Mr. Mansoor was among “three human rights defenders serving 10-year prison sentences in the United Arab Emirates [being] mistreated in conditions that may amount to torture and urged authorities to release them.”<sup>252</sup>

135. On 6 May 2021, the Government responded,<sup>253</sup> refuting the allegations as unfounded and noting that all inmates in State penal facilities are allowed to receive family visits and make telephone calls, but that in-person visits have been suspended since early January 2020 due to COVID-19. The Government stated that Mr. Mansoor communicates regularly with his relatives and received a call from his wife in February 2021. The Government stated that Mr. Mansoor has not been subjected to torture or cruel or inhuman treatment nor submitted a complaint that he has experienced any violations amounting to torture.

136. The cases of **Ms. Maryam Soulayman Al-Ballushi** and **Ms. Amina Alabduli** were included in the 2020 and 2019 reports of the Secretary-General.<sup>254</sup> They were arrested in 2015 on state security charges and sentenced to five years in prison, and it was reported to OHCHR that their conditions had worsened after information was transmitted to the UN. In February 2019, special procedures mandate holders had raised allegations of torture and ill-treatment in detention and lack of appropriate medical treatment (ARE 2/2019), to which the Government responded.<sup>255</sup> Subsequently, in 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 (see also ARE 2/2019).<sup>256</sup> The Government, in its response, affirmed that the two women were serving their sentences in accordance with the law and that they were not detained arbitrarily, tortured or held in solitary confinement. The Government noted that the charges for which the women were sentenced affected State security and were classified as terrorism offenses.

137. In November 2020, the Working Group on Arbitrary Detention found the detention of Ms. Al-Ballushi and Ms. Alabduli arbitrary, urged their immediate release and called on the Government to provide compensation and other reparations ([A/HRC/WGAD/2020/61](#), paras. 97–99).<sup>257</sup> The Working Group noted that “their prosecution on new charges appears to be a clear reprisal for seeking the assistance of the international community” (para. 77) and took note of allegations that the two women “have faced reprisals, including ill-treatment in detention that appears to be based on their gender, for having brought their conditions of detention to the attention of special procedures” (para. 94). It was reported to OHCHR in May 2021 that Ms. Al-Ballushi and Ms. Alabduli had finished serving their sentences in November 2020 but have not yet been released. It is alleged that they were transferred from Al Wathba prison in 2020, but their current whereabouts are unknown.

138. The case of **Mr. Ahmad Ali Mekkaoui**, a Lebanese citizen, was included in the 2020 and 2019 reports of the Secretary-General.<sup>258</sup> Mr. Mekkaoui allegedly faced reprisals after the issuance of an opinion of the Working Group on Arbitrary Detention, which found his

<sup>251</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24571&LangID=E>.

<sup>252</sup> <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26735&LangID=E>.

<sup>253</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?Id=36081>.

<sup>254</sup> [A/HRC/45/36](#), Annex II, paras. 128-130; [A/HRC/42/30](#), para. 79 and Annex I, paras. 105-109.

<sup>255</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34572>.

<sup>256</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25726&LangID=E>.

<sup>257</sup> Opinion No. 61/2020 concerning Amina Mohammed al-Abdouli and Maryam Suliman al-Balushi (United Arab Emirates), 23-27 November 2020.

<sup>258</sup> [A/HRC/45/36](#) para. 131; [A/HRC/42/30](#), para. 78 and Annex I, paras. 103-104.

detention arbitrary in August 2017.<sup>259</sup> The opinion was mentioned during an Arabic television segment of Al Arabi on his case in December 2018. Following the broadcast, which featured his lawyer and sister, Mr. Mekkaoui, as an alleged act of reprisal, was moved to solitary confinement and was put in an underground cell, without natural day light, and prevented from contacting his family by telephone. In March 2019, the Public Prosecution initiated new legal proceedings against Mr. Mekkaoui, his sister, his lawyer, as well as his nephew who raised his case on Facebook, accusing them of “misrepresentation and incitement against the UAE”. It was reported to OHCHR that in May 2021 Mr. Mekkaoui remained in detention without in-person contact with his family since the COVID-19 outbreak in early 2020. As of February 2021, he was reportedly able to make brief monitored one- to two-minute calls to his family a few times a month. His physical and mental health is reportedly in critical condition.

139. On 17 August 2021, the Government responded to the note verbale sent in connection to the present report, noting the importance of credible information pertaining to the allegations. The Government stated that all the below-mentioned individuals are being tested regularly for and have been offered a vaccine for COVID-19. Regarding the case of Mr. Ahmed Mansoor, the Government reaffirmed that Mr. Mansoor has access to appropriate health care and is entitled to regular medical examinations, most recently on 27 July 2021. Due to health and safety restrictions necessitated by the pandemic, Mr. Mansoor’s recent communication with his family has occurred through telephone calls, most recently with his wife on 5 August 2021.

140. Regarding Ms. Maryam Soulayman Al-Ballushi, the Government stated that following a fair trial and careful examination of the evidence, on 28 April 2021 she was convicted and sentenced to three years imprisonment for the offence of publishing information that disturbs the public order (case no. 61 for the year 2021) and has chosen not to exercise her right to appeal. Ms. Al-Ballushi is entitled to regular medical examinations, most recently on 9 August 2021, and had her most recent telephone call with her family on 9 August 2021.

141. Regarding the case of Ms. Amina Alabduli, the Government stated that following a fair trial and careful examination of the evidence, on 28 April 2021 she was convicted and sentenced to three years imprisonment for the offence of publishing information that disturbs the public order (case no. 60 for the year 2021) and has chosen not to exercise her right to appeal. Ms. Alabduli is entitled to regular medical examinations, her most recent on 4 August 2021, and has declined to make or receive any telephone calls. Regarding the case of Mr. Ahmad Ali Mekkaoui, the Government confirms he is entitled to regular medical examinations, his most recent on 1 August 2021, and most recently had a telephone call with his family on 8 August 2021.

## 26. Venezuela

142. The case of judge **Ms. Lourdes Afiuni** was included in the 2020 and 2019 reports of the Secretary-General,<sup>260</sup> as well as in previous reports since 2010<sup>261</sup> on allegations of arbitrary detention and ill-treatment following a decision passed in her capacity as judge on the basis of a Working Group on Arbitrary Detention opinion (No. 10/2009). On 4 July 2019, Ms. Afiuni was granted a conditional release. On 25 January 2021, special procedures mandate holders addressed the alleged judicial harassment against Ms. Afiuni in relation to the exercise of her jurisdictional function as Judge of the 31st Control Court of the Metropolitan Area of Caracas.

143. On 8 November 2020, the Criminal Cassation Chamber of the Supreme Court resolved to dismiss Ms. Afiuni’s appeal for being allegedly “manifestly unfounded” and confirmed her five-year imprisonment sentence. The Judge is yet to determine whether her

<sup>259</sup> [A/HRC/WGAD/2017/47](#), paras. 23, 34.

<sup>260</sup> [A/HRC/45/36](#), Annex II, paras. 139–140; [A/HRC/42/30](#), para. 82 and Annex II, para. 109.

<sup>261</sup> [A/HRC/33/19](#), para. 45; [A/HRC/30/29](#), Annex, para. 7; [A/HRC/27/38](#), para. 46; [A/HRC/14/19](#), paras 45–47.

sentence has been fully served. Mandate holders stated that Ms. Afiuni's punishment represents an emblematic case that reportedly results in a generalized fear among the country's judges to issue rulings contrary to the Government's will and reiterated her targeting due to the UN Working Group opinion (VEN 11/2020). On 18 March 2021, the Government responded, providing details on the case, including about past and ongoing legal proceedings, stating that due process had been guaranteed throughout.<sup>262</sup>

144. The case of **Mr. Fernando Albán**, a political opposition figure of the Primero Justicia party, was included in the 2020 and 2019 reports of the Secretary-General<sup>263</sup> following his detention and death in custody, after returning from New York to meet with different actors on the margins of the General Assembly. 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 breach of detention protocols. The September 2020 report of the FFM included the case of Mr. Albán, which noted that high-level officials publicly deemed his death a suicide, although forensic evidence raises doubts about this conclusion. The FFM noted that the examination did not apply the standards required by the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) or the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. His family was unable to undertake an independent autopsy or to bury his remains, despite numerous requests (A/HRC/45/33, para. 51).

145. According to information received by OHCHR, on 8 October 2020, the Twenty-Ninth Trial Court of the Criminal Judicial Circuit of Caracas Metropolitan Area nullified the accusations against the two officers on the basis of violations of due process guarantees. Reportedly, the legal counsel of Mr. Albán's family did not have access to the decision. On 1 May 2021, the Attorney General announced new arrest warrants against the same two SEBIN officers on the charges of manslaughter, breach of detention protocols, and aiding and abetting escape.

146. On 26 August 2021, the Government responded to the note verbale sent in connection to the present report. Concerning the case of Ms. Lourdes Afiuni, the Government contended that the criminal proceedings against Ms. Afiuni cannot be considered as a case of reprisals for allegedly having applied an opinion of the Working Group on Arbitrary Detention. The Government stated that it has been amply demonstrated before the Working Group that at no time did the former judge Ms. Afiuni apply or invoke any decision of the special procedures of the Human Rights Council. Regarding the case of Mr. Fernando Albán, the Government informed that the Public Prosecutor's Office requested an arrest warrant against two SEBIN officers who were guarding him on charges of manslaughter, breach of custody regulations, criminal association, and facilitating the escape of a detainee. The Government stated that this isolated incident is being heard by the competent jurisdictional bodies with all the guarantees of due process and the right to defense.

## 27. Viet Nam

147. The case of **Ms. Dinh Thi Phuong Thao**, human rights defender and pro-democracy activist, was included in the 2020 report of the Secretary-General<sup>264</sup> on allegations of passport confiscation upon her return to Viet Nam in November 2019 in connection with her engagement with various UN human rights mechanisms. Ms. Thao faced an online campaign, allegedly run by pro-government commentators, attacking her work (VNM 5/2019). On 18 March 2020, the Government responded<sup>265</sup> stating that, while entering the country in 2019, Ms. Thao was questioned about activities related to a terrorist group. The Government stated that authorities had neither withdrawn nor confiscated her passport. According to information received by OHCHR, as of May 2021, the passport of Ms. Thao has not been returned, and

<sup>262</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36139>.

<sup>263</sup> A/HRC/45/36, Annex II, para 141; A/HRC/42/30, Annex I, paras. 116–117.

<sup>264</sup> A/HRC/45/36, para. 122, Annex I, paras. 142–143.

<sup>265</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35202>.

her calls to the police on the issue have gone unanswered. Ms. Thao has allegedly remained under surveillance during the reporting period.

148. The case of **Ms. Truong Thi Ha**, a Vietnamese lawyer and human rights defender, was included in the 2020 report of the Secretary-General<sup>266</sup> on allegations of arbitrary arrest and potential enforced disappearance in March 2020 following her cooperation with the Special Rapporteur on the right to freedom of peaceful assembly and association and other UN mechanisms (VNM 1/2020). In May 2020, the Government<sup>267</sup> responded indicating that Ms. Truong was placed in mandatory COVID-19 quarantine when entering the country, and asked to provide personal identity documents, contact tracing information, a health declaration, and travel record.

149. On 15 May 2020, the Working Group on Enforced and Involuntary Disappearances addressed Ms. Thi Ha Truong's case under its urgent action procedure, to which the Government responded on 26 May 2020 (A/HRC/WGEID 121/1, paras. 141–143). According to information provided to OHCHR, on 28 September 2020, Ms. Truong received her documents back from the Hanoi Public Security Department. However, her movements continue to be regularly monitored by the police and she is required to report to the police when she leaves her hometown for more than three days. Police reportedly also regularly make calls to her relatives to enquire on her whereabouts.

150. The case of **Mr. Pham Chi Dung**, chairperson of the Independent Journalist Association of Vietnam (IJAVN) and a human rights defender, was included in the 2020 and 2014 reports of the Secretary-General<sup>268</sup> on allegations of travel restrictions that prevented him from participating in an NGO side event in Geneva at the margins of the second cycle of the UPR of Viet Nam (VNM 5/2014). In January 2020, special procedures mandate holders addressed his November 2019 arrest and detention (VNM 5/2019<sup>269</sup>). On 17 September 2020, mandate holders expressed concerns at allegations that neither Mr. Pham Chi Dung's family nor his lawyer have been allowed to meet or communicate with him since his arrest, and that authorities had refused to accept the lawyer of his choosing (VNM 3/2020). On 28 December 2020, the Government responded stating that the allegations were not accurate, were mostly drawn from unverified sources and did not reflect the nature of the cases. The Government indicated that the arrest and detention of Mr. Pham Chi Dung and the search of his home followed due process of criminal proceedings set forth in the law and provided information on his rights to defence lawyers and family visits.<sup>270</sup>

151. On 5 January 2021, Mr. Pham Chi Dung was sentenced to 15 years in prison and five years on probation. The Spokesperson of the High Commissioner for Human Rights expressed concerns at the lengthy pre-trial detention and severe sentence handed down on crimes against national security. The Spokesperson also expressed concerns that individuals who try to cooperate with the UN's human rights bodies are subjected to intimidation and reprisals, potentially inhibiting others from sharing information about human rights issues with the UN.<sup>271</sup> On 14 January 2021, mandate holders publicly addressed Pham Chi Dung's sentence as part of an increase in prosecutions, arbitrary detention, reprisals, ill-treatment and unfair trials targeting independent journalists, bloggers, pro-democracy activists and human rights defenders in Viet Nam.<sup>272</sup>

152. The case of **Mr. Nguyen Bac Truyen**, was included in the 2020, 2019 and 2016 reports of the Secretary-General<sup>273</sup> on allegations of arrest, detention, and an 11-year sentence for “activities attempting to overthrow the State” following the 2014 visit of the Special Rapporteur on freedom of religion and belief to the country (VNM 4/2014; 11/2014; 8/2016;

<sup>266</sup> A/HRC/45/36, para. 123, Annex I, paras. 144–145.

<sup>267</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35311>.

<sup>268</sup> A/HRC/45/36, Annex II, paras. 142–144; A/HRC/27/38, para. 40.

<sup>269</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35202>.

<sup>270</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35828>.

<sup>271</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26644&LangID=E>.

<sup>272</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26661&LangID=E>.

<sup>273</sup> A/HRC/45/36, Annex II, paras. 145–148; A/HRC/42/30, Annex II, para 110; A/HRC/30/29, para. 42.

6/2017; 4/2018).<sup>274</sup> In 2019 and 2020, OHCHR received reports of alleged ill-treatment and a serious deterioration of Mr. Truyen's health and lack of adequate medical attention. In July 2020, the Government refuted allegations of his deteriorating health situation and lack of proper medical examination, and explained that restrictions for those in detention, including on family visits, were due to the COVID-19 pandemic (A/HRC/45/36, Annex II, para. 148).

153. According to information provided to OHCHR, Mr. Truyen continues to serve his 11-year prison sentence in An Dien prison 1,600 km away from his hometown despite repeated requests to be transferred closer to his home, including during the reporting period. From 20 November to mid-December 2020, Mr. Truyen's went on a hunger strike to protest his detention conditions, including lack of access to medical care and confiscation of letters to his family. During the reporting period, his wife, Ms. Bui Thi Kim Phoung (see Annex I), and other relatives have reportedly been subject to increased surveillance, harassment, and pressure by the police.

154. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report. Regarding allegations that Ms. Thao and Ms. Ha were under surveillance or regularly monitored by the police, the Government indicated that they are inaccurate and reiterated its position of promoting the right of freedom of movement of its people. Regarding the case of Mr. Nguyen Bac Truyen, the Government rejected the allegations as fabricated and distorted information and denied that he was prosecuted due to his human rights activities. The Government informed that Mr. Truyen is now serving his sentence in An Diem prison, Quang Nam province, in normal health conditions and has access to healthcare, medical examination, food, and clothes. On the claim that Mr. Truyen went on a hunger strike, the Government stated that it is inaccurate, indicating that he refuses food from the detention facility and receives and consumes food from his family.

## 28. Yemen

155. The case of **Mr. Akram al-Shawafi** and his co-workers at **Watch for Human Rights** was included in the 2020 report of the Secretary General<sup>275</sup> in relation to the organization's engagement with the Group of Experts and the Security Council Sanctions Committee Panel of Experts on Yemen. The organization has been documenting violations in Ta'izz Governorate since 2015. As of May 2021, the organization's office continues to be closed since it was raided in October 2019 by Government forces, and the organization reportedly continues to face intimidation on social media by security personnel supporting the Government. Mr. al-Shawafi has been accused of collaborating with international bodies, offending the Yemeni military, being biased and paid by the Houthis.

156. Despite the organization's office closure, Mr. al-Shawafi and his colleagues continued to submit cases to the GEE during the reporting period regarding violations against children, women, and civilians committed by parties to the conflict in Yemen. Two additional persons affiliated with Watch for Human Rights have allegedly also been targeted during the reporting period for UN cooperation (names withheld for fear of further reprisals).

157. The first, a **female lawyer**, received death threats on 28 September 2020 after sharing information with OHCHR about the alleged rape of a minor by multiple individuals. The threats allegedly came from a soldier affiliated with Central Security in Ta'izz who reportedly facilitated the escape of the alleged perpetrators who were due to appear in court. On 5 October 2020, after the Ta'izz Bar Association made a complaint on behalf of the lawyer to the Appeals Prosecution Office, three armed individuals apprehended the lawyer, threatened her with death and ordered her not to follow up the case. When she subsequently filed a complaint with the police on 10 January 2021, four gunmen later allegedly sent by a senior

<sup>274</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32016>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32686>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33363>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33851>;  
<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34355>.

<sup>275</sup> A/HRC/45/36, para. 127, Annex I, paras. 157–158.

member of the Special Security Forces, threatened her with death and accused her of insulting the police.

158. In February 2021, the lawyer again communicated with OHCHR to report the ill-treatment and torture of detainees at the Central Prison Correctional Center in Ta’izz, following which the Prison Director reportedly immediately filed a complaint with the Ta’izz Bar Association. The Ta’izz Police issued a press release accusing her of spreading false information. She made a public appeal calling on the Taizz Appeals Prosecution, as well as the Head of the Finance Prosecution and the Military Police Commander for her protection. This reportedly set off a campaign on social media and further death threats instructing her to halt her publicity of the alleged rape case.

159. The second, a **male human rights researcher** for Watch for Human Rights based in Sana'a reportedly faced harassment, intimidation, threats and reprisals during the reporting period for documenting and informing the GEE and Security Council Sanctions Committee Panel of Experts of violations against civilians and the conditions of women detainees in Sana'a. He was reportedly accused of working for Western interests and for international organizations. On 19 December 2020, military personnel affiliated with the Houthis reportedly appeared at the researcher's university and visited his family in their home, declaring that he would be arrested if he did not submit himself to the police. He has since relocated to a governorate outside Houthi territory.

160. The case of the **Mwatana Organization for Human Rights** and members of its staff was included in the 2019 report of the Secretary-General<sup>276</sup> on allegations of detention and prevention of travel following engagement with the Security Council and UN human rights mechanisms (SAU 8/2018<sup>277</sup>; YEM 4/2018). The 2020 report of the Secretary-General<sup>278</sup> mentioned eight incidents of detention, intimidation and threats against Mwatana staff in relation to the organization's cooperation with the UN, including its participation in the Human Rights Council, reportedly committed by the Houthis Security Belt forces, and Government forces.

161. It was subsequently reported to OHCHR that high-ranking public officials within the Government were reportedly behind a campaign in January 2020 to deter ECOSOC from granting the organization consultative status. This included a tweet on 25 January 2020 from the Minister of Information indicating satisfaction with the NGO Committee's decision to defer consideration of Mwatana's consultative status (see [E/2020/32](#) (Part I), para. 14), questioning the impartiality of Mwatana and accusing it of being preoccupied with serving the Houthis. During the reporting period, Mwatana continued to cooperate with OHCHR, the Human Rights Council and the Security Council Sanctions Committee Panel of Experts, and its staff reportedly continued to receive verbal threats. Names and further details are withheld due to fear of further reprisals. During its June 2021 regular session, the NGO Committee decided to defer Mwatana's application, pending receipt of responses to questions posed to them ([E/2020/32](#)(Part I), para. 5).

## 29. State of Palestine

162. The 2020 report of the Secretary-General<sup>279</sup> noted that, in November and December 2019, **several Palestinian and international women's organizations and activists** were reportedly subject to smearing, intimidation and threats for their support for the Convention on the Elimination of Discrimination against Women (CEDAW), and their actual or perceived engagement with the Committee on the Elimination of Discrimination against Women, which reviewed the State of Palestine in July 2018.

163. It was reported to OHCHR that in June 2020, several Palestinian and international women's organizations and activists in the occupied Palestinian Territory, including some that had engaged with the Committee in the context of the review, were subject to

<sup>276</sup> [A/HRC/42/30](#), para. 74, 85, Annex I, para. 94, 124.

<sup>277</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34154>.

<sup>278</sup> [A/HRC/45/36](#), Annex II, para. 149.

<sup>279</sup> [A/HRC/45/36](#), para. 128, Annex I, paras. 159–161.

intimidation and threats for their support for CEDAW. In particular, non-State actors, including individuals and religious and conservative groups, targeted women human rights defenders specifically, including for their online and public activities advocating for adoption of the proposed family protection law in line with the obligations of the State of Palestine under the Convention. Some of those targeted had submitted information about the law to the Committee, which included a recommendation to the State of Palestine to expedite the review and adopt the draft family protection law in their concluding observations ([CEDAW/C/PSE/CO/1](#), para. 15c).

164. For example, in June 2020, four human rights defenders – a male doctor from the Human Rights and Democracy Media Centre, a female presenter at Ma'an News, a member of Women and Media Development and a member of the Women's Study Centre – received death threats and threats of sexual violence on social media directed at them and their family members after discussing the draft family protection law as part of Palestine's implementation of its obligations under CEDAW on a Palestine TV programme on violence against women ([A/HRC/46/63](#), para. 54). Names and further details are withheld due to fear of further reprisals. In June 2020, the human rights defenders filed official complaints with the public prosecutor's office in the occupied West Bank. Two of them reported that there had been no substantive developments in their cases as of May 2021. In one case, a man was charged with allegedly threatening rape and, in another case, the complainant did not pursue the complaint further.

165. The High Commissioner for Human Rights noted in a February 2021 report that “a strong campaign against both the bill and the Convention on the Elimination of All Forms of Discrimination against Women was carried out by sharia lawyers, judges, scholars and religious groups on social and other media platforms” ([A/HRC/46/63](#), para. 29) and that, “apart from a few interventions, Palestinian officials did not publicly address expressions of sentiment against the Convention on the Elimination of All Forms of Discrimination against Women or dispel intimidation against women's human rights defenders” (para. 54) in relation to their work and engagement under the Convention.

166. OHCHR continued to receive information about pressure and threats against detainees in the custody of Palestinian authorities who had been interviewed by OHCHR staff members. OHCHR has raised these concerns with the relevant authorities. Names and further details are withheld due to fear of further reprisals.