



Assemblée générale

Distr. générale
21 août 2023
Français
Original : anglais

Conseil des droits de l'homme

Cinquante-quatrième session

11 septembre-6 octobre 2023

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

Organes et mécanismes chargés 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. Le rapport comprend des observations et des recommandations sur les moyens de combattre les actes d'intimidation et de représailles et de les prévenir, et des informations sur les allégations d'intimidation et de représailles reçues au cours de la période considérée, soit du 1^{er} mai 2022 au 30 avril 2023, ainsi que des renseignements sur la suite donnée aux cas mentionnés dans les rapports précédents.

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

** Il a été convenu que le présent rapport serait publié après la date normale de publication en raison de circonstances indépendantes de la volonté du soumetteur.



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'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme. Il a condamné tous les actes d'intimidation ou de représailles commis par des gouvernements et des acteurs non étatiques contre ces particuliers et groupes, et a invité le Secrétaire général à lui soumettre tous les ans un rapport sur les représailles dont auraient été victimes ces personnes et groupes, ainsi que des recommandations sur la manière de traiter cette question. Le présent document constitue le quatorzième rapport établi en application de la résolution 12/2¹.

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 contre des personnes coopérant ou ayant coopéré avec un large éventail d'entités des Nations Unies, au Siège ou sur le terrain, se sont poursuivies tout au long de la période considérée, de même que les actes d'intimidation visant à décourager toute coopération future avec ces entités ou toute participation à leurs travaux. Des cas concrets ou des tendances ont été examinés, au sein du système des Nations Unies, par le Secrétariat, notamment le Haut-Commissariat des Nations Unies aux droits de l'homme (HCDH), les bureaux extérieurs et les opérations de paix des Nations Unies ainsi que par la Conférence des parties à la Convention-cadre des Nations Unies sur les changements climatiques, l'Entité des Nations Unies pour l'égalité des sexes et l'autonomisation des femmes (ONU-Femmes), l'Organisation internationale du Travail et des organes intergouvernementaux tels que l'Assemblée générale, le Conseil de sécurité, le Conseil des droits de l'homme et ses titulaires de mandat au titre des procédures spéciales, les organes créés en vertu des instruments internationaux relatifs aux droits de l'homme, et d'autres entités telles que le Mécanisme d'experts sur les droits des peuples autochtones, l'Instance permanente sur les questions autochtones, le Fonds de contributions volontaires des Nations Unies pour les victimes de la torture et le forum politique de haut niveau pour le développement durable.

3. La Sous-Secrétaire générale aux droits de l'homme, qui est la haute fonctionnaire de l'ONU chargée par le Secrétaire général de diriger les efforts menés à l'échelle du système pour lutter contre les actes d'intimidation et de représailles, a poursuivi sa collaboration avec les États Membres, les entités des Nations Unies, la société civile, ainsi que d'autres parties prenantes afin d'appeler l'attention sur ces tendances et cas concrets et de mettre en avant les principaux sujets de préoccupation.

4. Les actes d'intimidation et de représailles liés à la coopération avec l'ONU ont fait l'objet de plusieurs résolutions thématiques et résolutions consacrées à un pays particulier adoptées par l'Assemblée générale et le Conseil des droits de l'homme². Le 14 octobre 2022, en application de la résolution 48/17 du Conseil des droits de l'homme, la Sous-Secrétaire générale aux droits de l'homme a présenté pour la première fois le rapport annuel du Secrétaire général à la Troisième Commission de l'Assemblée générale³. Se félicitant de cette présentation, qui constituait une avancée importante, elle a souligné la pertinence du rapport pour l'ensemble du système des Nations Unies, qui, selon elle, devait continuer de faire preuve d'une tolérance zéro à l'égard des actes de représailles. Le 7 novembre 2022, en marge d'une réunion de la Troisième Commission, plusieurs États Membres, le HCDH et des acteurs de la société civile ont organisé une manifestation parallèle sur les tendances mondiales et

¹ Voir les rapports précédents à l'adresse <https://www.ohchr.org/en/reprisals/annual-reports-reprisals-cooperation-un>.

² Voir par exemple les résolutions 77/227 et 77/228 de l'Assemblée générale, et les résolutions 51/20, 51/25, 52/7 et 52/31 du Conseil des droits de l'homme.

³ Voir A/HRC/51/47, A/77/262 et A/77/262/Corr.1.

les bonnes pratiques en matière de lutte contre les actes d'intimidation et de représailles visant des personnes qui coopèrent avec l'ONU.

5. Le 19 octobre 2022, à une réunion de la Troisième Commission, 78 États Membres et l'Union européenne ont fait une déclaration transrégionale sur les représailles, dans laquelle ils exprimaient leurs préoccupations concernant les tendances mondiales recensées par le Secrétaire général⁴. Les États Membres se sont félicités d'avoir la possibilité de débattre du rapport à New York, à la Troisième Commission, ainsi qu'à Genève.

6. La présidence du Conseil des droits de l'homme a reçu des allégations d'intimidation et de représailles concernant cinq États, dont deux étaient membres du Conseil au moment des faits allégués. Les présidents successifs du Conseil ont maintenu la pratique consistant à examiner les allégations avec les représentants permanents des pays concernés.

7. Au cours de la période considérée, des États Membres se sont déclarés préoccupés par les cas de représailles visant des défenseurs des droits de l'homme et des acteurs de la société civile signalés dans le cadre de l'Examen périodique universel, aux cinquante et unième et cinquante-deuxième sessions du Conseil des droits de l'homme.

8. Les titulaires de mandat au titre des procédures spéciales du Conseil des droits de l'homme ont continué à consacrer des communications, des déclarations et des rapports à la question des actes d'intimidation et de représailles visant des personnes qui avaient coopéré avec eux ou elles et avec les autres organismes des Nations Unies⁵. Le présent rapport contient de nouvelles allégations tirées de 10 communications relatives à neuf États (voir annexe I) et un acteur non étatique⁶, ainsi que des informations portant sur la législation et sur la suite donnée à des cas concernant 12 États (voir annexe II)⁷. Les titulaires de mandat ont fait part des préoccupations que suscitaient les actes de représailles visant des personnes qui avaient coopéré avec l'ONU dans huit rapports⁸ et une déclaration orale⁹ au Conseil des droits de l'homme, ainsi que dans trois rapports à l'Assemblée générale¹⁰. Ils ont également abordé cette question dans deux déclarations publiques faisant suite à des visites de pays¹¹ et dans cinq communiqués de presse portant sur des législations restrictives, les mesures prises lors d'une conférence des Nations Unies et deux cas individuels concernant quatre pays¹².

9. Le Comité des disparitions forcées et le Comité pour l'élimination de la discrimination raciale ont examiné des allégations de représailles, et le Comité contre la torture a mis en place des mesures de prévention après que des acteurs de la société civile avaient fait part de leur crainte de subir des représailles pour avoir collaboré avec lesdits Comités¹³. Face aux allégations de risque de représailles, quatre organes conventionnels ont accepté de demander,

⁴ <https://press.un.org/en/2022/gashc4355.doc.htm>.

⁵ A/HRC/52/70, par. 66 et 67.

⁶ Algérie, Allemagne, Arabie Saoudite, Bangladesh, Égypte, Fédération de Russie, Pakistan, Qatar, Viet Nam et Google. Voir les communications BGD 4/2022, DEU 3/2022, DZA 2/2023, EGY 9/2022, PAK 1/2023, QAT 1/2023, RUS 15/2022, SAU 10/2022, VNM 2/2023 et OTH 19/2023.

⁷ Arabie Saoudite, Bahreïn, Bangladesh, Bélarus, Cameroun, Égypte, Fédération de Russie, Guatemala, Indonésie, Nicaragua, Pakistan, et Viet Nam. Voir les communications BHR 1/2023, BGD 1/2023, BLR 1/2022, CMR 4/2022, EGY 10/2022, GTM 6/2022, IDN 1/2023, NIC 2/2022, PAK 8/2022, RUS 16/2022, SAU 10/2022, VNM 2/2023, et VNM 6/2022.

⁸ A/HRC/50/23/Add.1, par. 7 ; A/HRC/50/25, par. 33 ; A/HRC/50/29/Add.1, par. 9 ; A/HRC/50/58, par. 7, 17 et 93 ; A/HRC/51/29, par. 28 à 30 ; A/HRC/51/31, par. 44 et 80 ; A/HRC/52/39/Add.1, par. 55 ; A/HRC/52/36, par. 32.

⁹ <https://media.un.org/en/asset/k1r/k1r4647r>.

¹⁰ A/77/178, par. 108 à 113 ; A/77/181, par. 6 ; A/77/195, par. 10 et 42.

¹¹ Voir https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/country-visit/2022-10-13/EOM_statement_Visit_Mongolia_14Oct2022_EN.pdf ; <https://www.ohchr.org/sites/default/files/documents/issues/defenders/2022-12-08/EoM-Visit-Tajikistan-9Dec2022-EN.docx>.

¹² Voir <https://www.ohchr.org/en/press-releases/2022/09/russia-un-expert-alarmed-continued-targeting-human-rights-defenders> ; <https://www.ohchr.org/en/press-releases/2022/10/egypt-un-experts-alarmed-restrictions-civil-society-ahead-climate-summit> ; <https://www.ohchr.org/en/press-releases/2022/11/saudi-arabia-allow-immediate-contact-human-rights-defender-held> ; <https://www.ohchr.org/en/press-releases/2022/11/egypt-un-experts-alarmed-harassment-civil-society-actors-cop27-climate>.

¹³ HRI/MC/2023/2, par. 29 à 35.

à l'issue de l'enregistrement de communications émanant de particuliers, que des mesures provisoires soient prises ou ont renouvelé des demandes précédemment formulées en ce sens¹⁴.

10. Le 26 janvier 2023, les rapporteurs et les coordonnateurs chargés, au sein des organes conventionnels, de la question des représailles ont participé à la première réunion consacrée à la prévention des actes de représailles dirigés contre les personnes qui coopèrent avec ces organes, et à la lutte contre ces actes¹⁵. Les participants ont fait part des difficultés qu'ils rencontraient, notamment ce qu'ils percevaient comme une culture du déni de la part des États parties et la méconnaissance, par certains acteurs de la société civile, des modalités de signalement des actes de représailles et de ce qu'ils pouvaient attendre d'une telle démarche. Il a notamment été recommandé que les coordonnateurs chargés de la question des représailles au sein des organes conventionnels se réunissent régulièrement, que des campagnes de sensibilisation coordonnées soient menées et que l'accent soit mis sur des mesures de prévention et des partenariats visant à assurer la protection des interlocuteurs des organes conventionnels.

11. Le Fonds de contributions volontaires des Nations Unies pour les victimes de la torture a indiqué que ses bénéficiaires de subventions étaient de plus en plus exposés à des risques, notamment celui de subir des représailles, du fait de leur collaboration avec les mécanismes de l'ONU relatifs aux droits de l'homme, y compris le Fonds¹⁶. En 2022, six bénéficiaires ont signalé des fermetures injustifiées, qui ont entraîné l'annulation d'une des subventions, et une autre subvention a été annulée en raison de craintes pour la sécurité du bénéficiaire.

12. Le 2 mars 2023, dans le contexte de la soixante-septième session de la Commission de la condition de la femme, ONU-Femmes a organisé, en collaboration avec le HCDH et l'organisation non gouvernementale NGO Committee on the status of women (New York), une séance d'information virtuelle sur la prévention des actes de représailles et la lutte contre de tels actes, à laquelle plus de 200 acteurs de la société civile ont participé. Dans son rapport de 2022 sur les femmes et la paix et la sécurité, le Secrétaire général a recommandé que les défenseuses des droits de l'homme dans les pays touchés par les conflits, notamment celles qui intervenaient devant le Conseil de sécurité et participaient à des processus de paix, soient soutenues et protégées¹⁷.

13. En juin 2022, ONU-Femmes a lancé une enquête visant à recueillir des informations sur les actes de représailles dirigés contre les représentantes de la société civile qui avaient été invitées à intervenir devant le Conseil de sécurité, afin d'améliorer le signalement de ces actes et la consignation d'informations à leur sujet. L'enquête a été adressée à 41 femmes qui étaient intervenues devant le Conseil au cours de la période concernée. Dix-sept ont répondu, dont sept ont déclaré qu'elles avaient subi des représailles à la suite de leur intervention. Les cas de trois de ces femmes sont décrits dans le présent rapport, deux d'entre elles ayant choisi de témoigner de façon anonyme, de crainte de subir à nouveau des représailles.

14. Entre octobre et décembre 2022, la Mission d'assistance des Nations Unies pour l'Iraq et le HCDH se sont associés à l'organisation Iraqi Network for Social Media pour former 127 interlocuteurs du système des Nations Unies à la sensibilisation aux outils numériques et à la protection contre les attaques en ligne, y compris aux actes de représailles liés à une coopération avec l'ONU.

15. La Banque mondiale a continué de s'employer à suivre les allégations crédibles de représailles dans le contexte des projets qu'elle soutient et à réagir à ces allégations. En mai 2023, le Panel d'inspection avait été saisi de 164 demandes d'inspection, correspondant à 141 affaires, dont 56 (40 %) concernaient des allégations de représailles, 70 (50 %) des

¹⁴ Ibid., par. 37.

¹⁵ Ibid., par. 14 à 25.

¹⁶ A/HRC/52/57, par. 21 et 22.

¹⁷ S/2022/740, par. 12, 102 et 104 (al. a)).

demandes de traitement confidentiel et 43 (30 %) des allégations de représailles et des demandes de traitement confidentiel¹⁸.

16. En juin 2022, la Réunion des Parties à la Convention sur l'accès à l'information, la participation du public au processus décisionnel et l'accès à la justice en matière d'environnement (Convention d'Aarhus) a élu par consensus Michel Forst Rapporteur spécial sur les défenseurs et défenseuses de l'environnement¹⁹, conformément à la décision VII/9 établissant un mécanisme de réaction rapide destiné à protéger les défenseurs et défenseuses de l'environnement adoptée en octobre 2021²⁰. M. Forst a annoncé que toute allégation de représailles visant des personnes qui coopèrent avec lui au titre de son mandat serait examinée puis transmise à la Sous-Secrétaire générale aux droits de l'homme²¹.

III. Bonnes pratiques adoptées pour prévenir et combattre les actes de représailles

17. Dans sa résolution 48/17, le Conseil des droits de l'homme s'est félicité des bonnes pratiques que les États membres avaient adoptées pour prévenir et combattre les actes d'intimidation ou de représailles, notamment les cadres législatifs garantissant le droit d'accéder aux organismes internationaux et de communiquer et de coopérer avec ceux-ci ; les activités visant à promouvoir et à soutenir l'établissement de conditions sûres et propices pour la coopération avec l'ONU dans le domaine des droits de l'homme ; l'obligation de rendre des comptes et l'accès à des recours en cas d'allégations d'actes répréhensibles²².

18. Dans le contexte de l'élection de membres du Conseil des droits de l'homme pour le mandat 2023-2025, deux États membres candidats se sont engagés de leur propre chef à soutenir les initiatives tendant à prévenir et à combattre les actes de représailles visant les acteurs de la société civile qui coopèrent avec l'ONU, ainsi que les mesures tendant à renforcer la participation des organisations de la société civile aux travaux du Conseil²³.

19. L'Instance permanente sur les questions autochtones a souligné qu'il était nécessaire de suivre les tendances relatives aux actes de représailles visant les peuples autochtones qui collaborent avec l'ONU et de faire rapport à ce sujet, et a demandé qu'un dispositif d'intervention d'urgence soit mis en place face aux actes de représailles dont ces autochtones faisaient l'objet. Elle réfléchira aux moyens de renforcer ses propres dispositifs d'intervention et de consolider sa coopération avec la Sous-Secrétaire générale aux droits de l'homme, conformément à la résolution 77/203 de l'Assemblée générale, notamment en nommant des personnes référentes²⁴.

20. Parallèlement à ses activités de sensibilisation visant à promouvoir une coopération avec l'ONU dans de bonnes conditions de sécurité²⁵, le Bureau de l'Envoyée du Secrétaire général pour la jeunesse a distribué aux jeunes intervenants de la table ronde ministérielle tenue pendant le Forum de la jeunesse du Conseil économique et social en avril 2023 un document d'orientation contenant des indications générales sur la manière dont ils pouvaient coopérer en toute sécurité avant, pendant et après le Forum, et des informations sur la procédure à suivre s'ils subissaient des représailles pour avoir participé au Forum.

¹⁸ Voir *Right to Be Heard: Intimidation and Reprisals in World Bank Inspection Panel Complaints* (décembre 2021).

¹⁹ [ECE/MP.PP/2022/2](https://www.unhcr.org/refugees-and-asylum-seekers/2022/2), par. 14 à 20.

²⁰ [ECE/MP.PP/2021/2/Add.1](https://www.unhcr.org/refugees-and-asylum-seekers/2021/2), p. 75.

²¹ https://unece.org/sites/default/files/2022-11/Vision_for_mandate.pdf.

²² Voir <https://www.ohchr.org/en/reprisals/good-practices-preventing-and-addressing-reprisals>.

²³ Voir [A/77/504](https://www.unhcr.org/refugees-and-asylum-seekers/2022/2) et [A/77/116](https://www.unhcr.org/refugees-and-asylum-seekers/2022/2).

²⁴ [E/2023/43-E/C.19/2023/7](https://www.unhcr.org/refugees-and-asylum-seekers/2023/7), par. 64 et 89.

²⁵ Voir <https://www.un.org/youthenvoy/engaging-safely-at-the-un/>.

A. Bonnes pratiques mises en commun par les États Membres concernant la lutte contre les actes de représailles

21. En mars 2023, la Sous-Secrétaire générale aux droits de l'homme a adressé un questionnaire aux États Membres et a invité les organisations de la société civile à lui faire part des bonnes pratiques qu'elles avaient adoptées pour prévenir et combattre les actes de représailles liés à une coopération avec l'ONU²⁶.

22. S'agissant des bonnes pratiques mises en place dans le cadre juridique et stratégique au niveau national, y compris en matière d'obligation de rendre des comptes, un État Membre a fait savoir que, dans son code pénal, le fait que l'infraction résulte des activités menées par la victime dans le domaine de l'action humanitaire ou de la défense des droits de l'homme, auquel la coopération avec l'ONU pouvait être assimilée, était considéré comme une circonstance aggravante. Une organisation de la société civile a indiqué que des travaux étaient actuellement menés pour évaluer l'incidence des lois internes sur la protection des défenseurs et défenseuses des droits de l'homme, mais que peu de choses avaient été dites sur la nécessité que ces lois prévoient un droit d'accès sans entrave aux organes internationaux et de communication avec ceux-ci, ainsi que sur l'obligation incombant à l'État de protéger ces personnes contre les actes d'intimidation ou de représailles.

23. S'agissant des bonnes pratiques appliquées au niveau national pour permettre une coopération en ligne avec l'ONU en toute sécurité, un État Membre a indiqué que les technologies et les chaînes numériques jouaient un rôle important dans l'action des défenseurs et défenseuses des droits de l'homme, notamment en ce qu'elles permettaient l'accès à l'information et la diffusion de l'information. Il a également souligné que l'inclusion numérique ne concernait pas seulement la connectivité de base, mais aussi les compétences numériques et l'aptitude à se servir des outils numériques, les espaces en ligne dans lesquels les participants ne craignaient pas la censure, ainsi que la sécurité en ligne. Une organisation de la société civile a souligné que l'utilisation de plateformes de communication sécurisées réduisait le risque que les communications soient interceptées.

24. En ce qui concerne les bonnes pratiques appliquées dans la lutte contre les actes de représailles au niveau international, deux États Membres ont indiqué qu'ils soutenaient la participation de la société civile aux travaux des organes intergouvernementaux et la collaboration de la société civile avec les différents mécanismes de l'ONU, notamment aux fins de la présentation de rapports parallèles et de la participation de représentants de la société civile.

25. S'agissant des bonnes pratiques visant à protéger et à soutenir les personnes qui risquent de subir ou ont subi des actes d'intimidation ou de représailles pour avoir coopéré avec l'ONU, deux États Membres ont indiqué qu'ils avaient mis en place des programmes particuliers à l'intention des victimes, des témoins et des défenseurs et défenseuses des droits de l'homme menacés, qui avaient permis de protéger les personnes concernées. Un autre État membre a souligné qu'il importait d'accorder des aides d'urgence, d'organiser des formations sur la sûreté et la sécurité, notamment dans la sphère numérique, et de mener d'urgence des campagnes de plaidoyer. Il a insisté sur l'importance de donner des conseils pratiques aux diplomates et de mettre à leur disposition des ressources, notamment en ce qui concernait les programmes de réinstallation destinés à protéger les défenseurs et défenseuses des droits de l'homme menacés. Ce même État a indiqué qu'il travaillait en étroite collaboration avec des partenaires de la société civile spécialisés dans la protection des défenseurs et défenseuses des droits de l'homme afin de repérer les personnes les plus exposées et de les orienter, en accordant une attention particulière aux risques que couraient les défenseuses des droits de l'homme.

26. Une organisation de la société civile a indiqué que l'ONU devrait, à titre de bonne pratique, mettre en place un mécanisme de réaction rapide pour les cas de représailles graves et a souligné qu'il importait que les présences sur le terrain et les acteurs de la société civile

²⁶ Voir <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-good-practices-prevent-and-address-intimidation-and-reprisals>.

qui coopéraient avec l'ONU entretiennent des rapports étroits, afin de détecter, de prévenir et de traiter tout acte ou toute situation de représailles.

B. Éléments de bonnes pratiques et enseignements retenus par l'ONU

27. Ces cinq dernières années, la Sous-Secrétaire générale aux droits de l'homme, en tant que haute fonctionnaire chargée de l'action menée par l'ONU pour lutter contre les actes de représailles, a soutenu différentes entités et différents mécanismes relatifs aux droits de l'homme qui s'occupent de la prévention des représailles et de la lutte contre ce phénomène. Pendant cette période, le HCDH a recensé les bonnes pratiques et les enseignements retenus. Cette action a été entreprise en étroite coopération avec les États Membres, les entités des Nations Unies et les particuliers et groupes qui coopèrent ou cherchent à coopérer avec l'ONU.

28. Les bonnes pratiques des entités des Nations Unies visant à prévenir et combattre les actes d'intimidation ou de représailles sont guidées par le principe « ne pas nuire », et s'inscrivent dans une démarche axée sur les victimes et les survivants. Il s'agit notamment de respecter la confidentialité des informations et la vie privée de la victime, de fonder les actions sur le consentement éclairé et l'atténuation des risques et de prendre en compte les questions de genre et les points de vue des jeunes, dans le cadre d'une approche intersectionnelle.

29. Les bonnes pratiques existantes mettent particulièrement l'accent sur la prévention, sur la base d'une politique de tolérance zéro à l'égard des actes de représailles et de messages clairs de la direction des entités des Nations Unies, et sur la sensibilisation du personnel de l'ONU, des États Membres et des interlocuteurs concernés de la société civile. Certaines entités des Nations Unies ont désigné, au sein de leur structure ou mécanisme et dans leur secrétariat, des coordonnateurs chargés de la société civile ou de la question des représailles. L'existence de ces coordonnateurs change la donne, en particulier lorsqu'ils disposent d'un mandat clair, sont connus de leurs interlocuteurs et sont faciles d'accès.

30. L'adoption de protocoles et de directives liés aux représailles, dont certains sont confidentiels et comprennent un mécanisme public et accessible de signalement des cas, figure parmi les bonnes pratiques observées. Les protocoles efficaces prévoient une répartition claire des responsabilités, un processus graduel visant à établir la réalité des allégations ou à les vérifier et à déclencher une réaction adaptée, fondée sur un ensemble d'outils prévisibles. Ils offrent la souplesse et la créativité nécessaires pour réagir au cas par cas, y compris en orientant rapidement les personnes en situation d'urgence vers des partenaires de confiance.

IV. Garantir l'accès à l'Organisation des Nations Unies, à ses représentants et à ses mécanismes chargés des droits de l'homme

31. Les obstacles qui empêchent les particuliers et les organisations de se faire entendre dans le cadre de l'ONU ont été décrits dans des rapports précédents²⁷. Des informations relatives aux manœuvres employées par des représentants de certains États Membres afin de bloquer ou de retarder l'accréditation de certains représentants de la société civile ont continué d'être reçues. Avec le retour à la participation en présentiel, on a observé une augmentation du nombre des actes d'intimidation et de harcèlement commis dans l'enceinte de l'ONU, en particulier contre des représentants des peuples autochtones. Des personnes ont par exemple été photographiées ou enregistrées sans leur consentement et des représentants de gouvernements se sont adressés à des représentants de la société civile de manière intimidante avant, pendant ou après que ceux-ci avaient participé à des réunions tenues dans le cadre de l'ONU.

²⁷ Voir [A/HRC/42/30](#), [A/HRC/45/36](#), [A/HRC/48/28](#), et [A/HRC/51/47](#).

32. Des responsables d'opérations de paix des Nations Unies²⁸ ont signalé que des particuliers et des communautés qui cherchaient à les contacter, notamment pour leur transmettre des informations ou des témoignages, s'étaient heurtés à différents obstacles. Dans ses résolutions, le Conseil de sécurité a continué d'exhorter les États Membres et toutes les parties à faire en sorte que les opérations de paix et le personnel associé ainsi que les mécanismes d'experts bénéficient d'un accès complet et sans entrave et d'une totale liberté de circulation²⁹. Au cours de la période considérée, des experts indépendants mandatés par l'ONU ont continué d'être pris pour cible, ce qui a eu un effet dissuasif sur les particuliers et les groupes qui cherchaient à coopérer avec eux ou avec lesquels ils collaboraient.

33. Les mesures prises pour renforcer les moyens mis à la disposition du Comité chargé des organisations non gouvernementales du Conseil économique et social ont été maintenues, compte tenu de l'augmentation du nombre d'ONG dotées du statut consultatif auprès du Conseil, et du nombre d'ONG demandant à bénéficier de ce statut. Le Comité a reçu 560 nouvelles demandes de statut à sa session ordinaire de 2023 et 500 demandes à la reprise de sa session. Il a recommandé au Conseil économique et social d'accorder le statut consultatif à 214 organisations à sa session ordinaire et a décidé de renvoyer à plus tard l'examen de 296 demandes. À la reprise de sa session, il a recommandé au Conseil d'accorder le statut consultatif à 167 organisations et a décidé de renvoyer à d'autres sessions l'examen de 294 demandes.

34. À la reprise de la session de 2023 du Comité chargé des organisations non gouvernementales, plusieurs États Membres ont souligné le rôle que le Comité jouait en tant que principal organisme spécialisé des Nations Unies chargé d'examiner les demandes d'octroi du statut consultatif soumises par des ONG et en tant que point d'accès important pour les ONG qui souhaitaient collaborer avec l'ONU et contribuer à ses travaux. Ils ont noté avec satisfaction que le Comité prévoyait de tenir des consultations informelles afin d'examiner les améliorations à apporter aux méthodes et modalités de travail.

35. Pour que le Comité chargé des organisations non gouvernementales fonctionne de manière efficace, davantage d'organisations de la société civile doivent participer à ses travaux, notamment au moyen d'une collaboration à distance, chaque fois que cela est possible. Le Secrétaire général invite de nouveau le Comité à appliquer les critères d'évaluation des organisations de manière équitable et transparente. Le report constant de l'examen de demandes de statut consultatif constitue parfois un rejet de fait, en particulier dans le cas d'organisations s'occupant de questions relatives aux droits de l'homme³⁰.

V. 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 dans le domaine 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^{er} mai 2022 au 30 avril 2023 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 la résolution 12/2 du Conseil.

²⁸ Dans ce contexte, le terme « opérations de paix » désigne aussi bien les opérations de maintien de la paix que les missions politiques spéciales.

²⁹ Voir les résolutions 2648 (2022) (République centrafricaine), 2657 (2022) (Somalie), 2666 (2022) (République démocratique du Congo), 2669 (2022) (Myanmar), 2677 (2023) (Soudan et Soudan du Sud), et 2681 (2023) (Afghanistan) du Conseil de sécurité.

³⁰ A/HRC/38/18, par. 20 ; A/HRC/39/41, par. 23 ; A/HRC/42/30, par. 31 ; A/HRC/45/36, par. 37 ; A/HRC/48/28, par. 35.

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 résumées³¹.

38. Le présent rapport et ses annexes ne contiennent pas de liste complète des cas signalés. Ils ont été élaborés dans le strict respect du principe « ne pas nuire » et sous réserve que les victimes présumées aient accepté que leur nom soit divulgué. En conséquence, l'anonymat des personnes concernées a été préservé et il a été décidé de ne pas faire mention de certains cas lorsque le risque pour la sécurité des intéressés ou des membres de leur famille était considéré comme trop élevé. De plus, nombre de cas portés à l'attention du Secrétaire général ont été traités 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 ou aux situations dont il a été question dans les rapports précédents et qui sont décrites dans le rapport principal, ainsi que sur les réponses reçues des États concernés. 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 spéciales³².

B. Résumé des cas signalés

Afghanistan

40. Plusieurs acteurs de l'ONU ont recueilli des informations concernant des particuliers, notamment des femmes, qui avaient subi des représailles pour avoir coopéré avec l'Organisation. Les autorités de facto ont continué d'imposer des restrictions qui ont contribué à créer un climat de peur, conduisant les personnes concernées à s'autocensurer et, parfois, à limiter leurs interactions avec l'ONU par crainte de représailles.

Algérie

41. Des titulaires de mandat au titre des procédures spéciales ont évoqué la question de la dissolution de la Ligue algérienne pour la défense des droits de l'homme et ont appelé l'attention sur les obstacles juridiques et pratiques que rencontraient les organisations de la société civile qui collaboraient avec des organisations internationales, notamment l'ONU. Ils ont noté avec préoccupation que Jamila Loukil et Kaddour Chouicha, membres de la Ligue, auraient rencontré des difficultés lorsqu'ils ont voulu participer au quatrième cycle de l'Examen périodique universel concernant l'Algérie et auraient subi des représailles pour y avoir participé.

Andorre

42. L'annexe II rend compte de l'évolution de la situation de Vanessa Mendoza Cortés, d'Associació Stop Violències Andorra.

43. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

³¹ Les réponses fournies par les États dans les délais impartis figurent dans le rapport.

³² <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

Bahreïn

44. L'annexe II rend compte de l'évolution de la situation d'Abdulhadi Al-Khawaja, d'Abduljalil Al-Singace, de Sayed Ahmed Al-Wadaei, de Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei et de Hassan Mushaima.

45. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Bangladesh

46. Le HCDH a établi que certains représentants de la société civile qui avaient rencontré l'ancienne Haute-Commissaire lors de sa visite au Bangladesh en 2022 avaient fait l'objet d'une surveillance et d'actes d'intimidation. Après la visite, Sanjida Islam Tulee et d'autres membres de l'association Maayer Daak auraient reçu des appels menaçants et des visites de policiers et fait l'objet d'une surveillance accrue. M^{me} Islam Tulee aurait été la cible d'une campagne de dénigrement³³.

47. Des représentants de la société civile auraient subi, avant ou après avoir collaboré avec l'ONU pendant la période considérée, des actes d'intimidation ou de représailles de la part d'acteurs étatiques et non étatiques. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent de nouveau l'objet de représailles.

48. L'annexe II rend compte de l'évolution de la situation d'Odhikar et de ses membres Adilur Rahman Khan et Nasiruddin Elan.

Bélarus

49. De nombreux acteurs de l'ONU se sont penchés sur la question des représailles exercées contre les personnes qui communiquaient des informations et des témoignages à l'Organisation. La Rapporteuse spéciale sur la situation des droits de l'homme au Bélarus a constaté que des acteurs de la société civile faisaient l'objet d'une répression d'une ampleur sans précédent, notamment pour avoir coopéré avec l'ONU³⁴.

50. Le porte-parole des travailleurs du Conseil d'administration du Bureau international du Travail (BIT)³⁵ a indiqué que le Congrès bélarussien des syndicats démocratiques avait été interdit et que son président et membre du Conseil d'administration, Aliaksandr Yarashuk, était poursuivi, notamment pour avoir communiqué des informations au BIT. Des titulaires de mandat au titre des procédures spéciales se sont également penchés sur les allégations selon lesquelles M. Yarashuk avait fait l'objet d'une arrestation arbitraire³⁶. M. Yarashuk a été reconnu coupable et condamné à quatre ans d'emprisonnement.

51. L'annexe II rend compte de l'évolution de la situation de l'ONG Viasna (Centre pour les droits de l'homme).

52. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Burundi

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

Cameroun

54. L'annexe II rend compte de l'évolution de la situation de Jan Joris Capelle, de Prince Vincent Awazi et d'Elvis Brown Luma Mukuna.

³³ Voir la communication BGD 4/2022.

³⁴ A/77/195, par. 10 et 42.

³⁵ Procès-verbal de la 346^e session du Conseil d'administration du Bureau international du travail (GB.346/PV), par. 467 et 468.

³⁶ Voir la communication BLR 6/2022.

Chine

55. De nombreux acteurs de l'ONU ont constaté avec préoccupation que les personnes qui coopéraient avec l'Organisation subissaient ou craignaient de subir des représailles³⁷. Plusieurs mécanismes de défense des droits de l'homme ont expressément demandé qu'on leur donne l'assurance qu'aucun acte d'intimidation ou de représailles ne serait commis contre les personnes qui coopèrent avec eux³⁸. Un représentant de la société civile aurait fait l'objet d'actes d'intimidation et de représailles pour avoir collaboré avec un organe conventionnel. 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 représailles. Le Comité des droits des personnes handicapées s'est dit préoccupé par les informations selon lesquelles des membres de la société civile subiraient des représailles parce qu'ils coopéraient avec l'ONU.

56. Comme suite à la déclaration devant le Conseil des droits de l'homme de deux membres de l'équipe juridique internationale soutenant Jimmy Lai et son fils Sébastien Lai³⁹, le Gouvernement de Hong Kong (Chine) a publiquement fait savoir qu'une déclaration prononcée dans l'intention d'intervenir dans le fonctionnement de la justice ou de perturber le cours de la justice constituait très probablement une infraction d'outrage à magistrat ou d'entrave à la bonne marche de la justice⁴⁰. Des titulaires de mandat au titre des procédures spéciales se sont penchés sur les allégations selon lesquelles l'équipe juridique avait fait l'objet d'actes d'intimidation et de harcèlement⁴¹.

57. L'annexe II rend compte de l'évolution de la situation du réseau de défenseurs des droits de l'homme Civil Human Rights Front et de son chef, Figo Hu-Wun Chan, ainsi que de Shen Youlian, de M^{mes} Li Qiaochu, Li Yuhan, Xu Yan, Chen Jianfang, Wang Yu et Li Wenzu, de M. Wang Quanzhang, de M^{me} Wang Qiaoling et de M. Li Heping.

58. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Colombie

59. L'annexe II rend compte de l'évolution de la situation de Wilmer Orlando Anteliz Gonzalez.

60. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Cuba

61. L'annexe II rend compte de l'évolution de la situation de Juan Antonio Madrazo Luna et de Marthadela Tamayo González, membres du Comité Ciudadanos por la Integración Racial.

République démocratique du Congo

62. La Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo (MONUSCO) a recueilli des informations concernant plusieurs actes de représailles, notamment des menaces de mort, visant des personnes qui avaient coopéré avec elle. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent de nouveau l'objet de représailles.

³⁷ CRPD/C/CHN/CO/2-3, par. 44 et 45 ; CCPR/C/SR.3891, par. 14 ; CCPR/C/SR.3893, par. 11 ; CCPR/C/SR.3895, par. 29 ; E/C.12/2023/SR.5, par. 15 et 25 ; E/C.12/2023/SR.7, par. 78 ; communication CHN 1/2023.

³⁸ CCPR/C/SR.3891, par. 14 ; CCPR/C/SR.3893, par. 11 ; E/C.12/2023/SR.5, par. 15 ; CHN 1/2023.

³⁹ Voir <https://media.un.org/en/asset/k1z/k1zzdvujom>.

⁴⁰ Voir <https://www.info.gov.hk/gia/general/202303/15/P2023031500686.htm?fontSize=1e>.

⁴¹ Voir CHN 1/2023 et la réponse, disponible à l'adresse suivante : <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37508>.

Djibouti

63. Des membres de la Fédération internationale pour les droits humains, Alexis Deswaef et Victoire d'Humières, ont été, pour l'un, interdit d'entrée sur le territoire, et pour l'autre, expulsée du pays, en raison d'une plainte individuelle déposée par la Fédération en 2017 devant le Comité des droits de l'homme⁴².

64. L'annexe II rend compte de l'évolution de la situation de Kadar Abdi Ibrahim, du Mouvement pour la démocratie et la liberté.

Égypte

65. Des titulaires de mandat au titre des procédures spéciales ont examiné les allégations selon lesquelles des acteurs de la société civile et des représentants des peuples autochtones participant à la vingt-septième session de la Conférence des Parties à la Convention-cadre des Nations Unies sur les changements climatiques avaient fait l'objet de mesures d'intimidation et de surveillance, et se sont dits préoccupés par les actes d'intimidation ou de représailles qui auraient été exercés dans le cadre de cette session⁴³. À la session, des titulaires de mandat ont également fait publiquement état de multiples informations et d'indices concordants selon lesquels des acteurs de la société civile avaient été interrogés par les forces de sécurité égyptiennes, surveillés et photographiés sans leur consentement, sur le lieu même où se tenait la session⁴⁴.

66. Le site Web de l'ONG Cairo Institute for Human Rights Studies⁴⁵ a subi une cyberattaque après qu'un rapport conjoint établi en vue de l'examen à mi-parcours prévu dans le cadre de l'Examen périodique universel y avait été publié.

67. L'annexe II rend compte de l'évolution de la situation d'Ahmed Shawky Abdelsattar Mohamed Amasha, d'Ebrahim Abdelmonem Metwally Hegazy, de Mohamed El-Baqer et de Neama Hesham, et fournit des informations concernant les effets de la législation égyptienne sur la capacité des particuliers et des groupes des membres de la société civile de coopérer avec l'ONU.

France

68. Le 25 novembre 2022, le Comité pour l'élimination de la discrimination raciale a adressé au Gouvernement français une lettre au sujet de messages diffamatoires et de menaces en ligne, figurant notamment sur les comptes de deux syndicats de la police, dont aurait fait l'objet Assa Traoré après qu'elle avait coopéré avec le Comité dans le cadre de l'examen du rapport de la France valant vingt-deuxième et vingt-troisième rapports périodiques⁴⁶.

69. Le Comité a demandé instamment à l'État partie de garantir la sécurité de M^{me} Traoré, de prendre des mesures disciplinaires, de diligenter les enquêtes nécessaires et, le cas échéant, d'engager des poursuites pénales contre les agents de l'État associés aux messages et menaces visant cette personne⁴⁷.

Guatemala

70. De nombreux acteurs de l'ONU se sont dits préoccupés par les nouvelles allégations de représailles visant des magistrats, des juges et des procureurs qui s'occupaient d'affaires

⁴² Voir Ministère de l'intérieur, Djibouti, communiqué n° 227, 14 mars 2023, et [CCPR/C/130/D/3593/2019](#).

⁴³ Voir la communication EGY 9/2022.

⁴⁴ Voir <https://www.ohchr.org/en/press-releases/2022/11/egypt-un-experts-alarmed-harassment-civil-society-actors-cop27-climate>.

⁴⁵ Des allégations de représailles contre l'Institute for Human Rights Studies ont été formulées dans les rapports précédents du Secrétaire général, [A/HRC/42/30](#), annexe II, par. 50 ; [A/HRC/45/36](#), annexe II, par. 49. [A/HRC/48/28](#), annexe II, par. 44 et 45.

⁴⁶ Voir aussi [HRI/MC/2023/2](#), par. 34 et 35.

⁴⁷ [CERD/C/FRA/CO/22-23](#), par. 27 et 28, et voir la réponse du Gouvernement, disponible à l'adresse suivante : https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=hot5z0drKAT9oxO6h/uLZ6PszUFTdrkZcvTwC0pUaCHLvCo5LipNJdhaUOIW/BBdCS2+x10Fkuv09cEX4gwctg==.

dans le cadre desquelles des enquêtes étaient menées avec l'aide technique de la Commission internationale contre l'impunité au Guatemala.

71. S'agissant de plusieurs affaires très médiatisées dans le cadre desquelles des enquêtes étaient menées avec l'assistance technique de la Commission, Samari Gómez, procureure au parquet spécialisé dans la lutte contre l'impunité, avait été poursuivie, détenue et placée à l'isolement. Carlos Videz, Thelma Aldana, ancienne procureure générale, un membre de son équipe, un avocat et un ancien enquêteur de la Commission avaient tous fait l'objet d'un mandat d'arrêt pour de multiples chefs d'accusation. Carlos Ruano a vu son immunité levée et est accusé de nombreuses infractions.

72. L'annexe II rend compte de l'évolution de la situation de plusieurs juges et procureurs, à savoir Virginia Laparra, Wendy Geraldina López, Siomara Sosa, Paola Escobar, William Racanac, Leily Santizo, Juan Francisco Sandoval, Miguel Ángel Gálvez, Erika Aifán, Pablo Xitumul et Claudia Maselli.

73. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Inde

74. L'annexe II rend compte de l'évolution de la situation de la Jammu Kashmir Coalition of Civil Society et de son président, Khurram Parvez, du Centre for Promotion of Social Concerns et de son directeur exécutif, Henri Tiphagne, de l'International Dalit Solidarity Network et du Centre for Social Development et des membres de son personnel, notamment Nobokishore Urikhimbam.

75. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Indonésie

76. L'annexe II rend compte de l'évolution de la situation de Victor Mambor.

77. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Iran (République islamique d')

78. De nombreux acteurs de l'ONU ont constaté que l'espace civique s'était rétréci et que la société civile subissait une répression et des violences continues depuis le début des manifestations en septembre 2022⁴⁸. Ce climat a accru les risques que les particuliers et leurs proches couraient lorsqu'ils collaboraient avec l'ONU, ce qui les conduisait à s'autocensurer. Des victimes et des témoins auraient refusé de saisir les mécanismes de l'ONU, mais auraient consenti à ce que des informations anonymes soient rendues publiques. Le Rapporteur spécial sur la situation des droits de l'homme en République islamique d'Iran s'est dit préoccupé par le risque de représailles que couraient les personnes qui collaboraient avec l'ONU.

79. L'annexe II rend compte de l'évolution de la situation de Manouchehr Bakhtiari.

80. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Iraq

81. La Mission d'assistance des Nations Unies pour l'Iraq a constaté l'angoisse dans laquelle vivaient de nombreux défenseurs et défenseuses des droits de l'homme, dont certains avaient limité leur collaboration avec l'ONU, craignant de faire à nouveau l'objet de

⁴⁸ A/HRC/52/67, par. 44 ; Résolution S-35/1 du Conseil des droits de l'homme ; communications IRN 11/2022, IRN 14/2022, IRN 23/2022 et IRN 30/2022 ; <https://www.ohchr.org/en/statements-and-speeches/2022/11/deteriorating-human-rights-situation-islamic-republic-iran> ; <https://www.ohchr.org/en/press-releases/2022/10/iran-crackdown-peaceful-protests-death-jina-mahsa-amini-needs-independent> ; <https://www.ohchr.org/en/statements-and-speeches/2022/10/iran-end-killings-and-detentions-children-immediately-un-child>.

représailles ou de menaces de la part d'acteurs non identifiés. Les personnes visées par ces menaces s'autocensuraient et réduisaient notamment leur participation aux discussions avec l'ONU ou les informations qu'elles lui communiquaient.

82. Le Comité des disparitions forcées s'est déclaré préoccupé par les nombreuses allégations de représailles visant les personnes qui participaient au processus de recherche et d'enquête concernant des disparus et a rappelé que personne ne devrait faire l'objet d'actes de représailles pour avoir collaboré avec le Comité⁴⁹.

Israël

83. L'annexe II rend compte de l'évolution de la situation des organisations Addameer Prisoner Support and Human Rights Association, Al-Haq, Bisan Center for Research and Development, Defense for Children International-Palestine, Union of Agricultural Work Committees et Union of Palestinian Women's Committees, qui ont été déclarées « organisations terroristes », ainsi que de la situation de Issa Amro.

Libye

84. La Mission d'appui des Nations Unies en Libye a recueilli des informations concernant les actes de représailles dont avaient fait l'objet des victimes de violations des droits de l'homme et des défenseurs des droits de l'homme, notamment des femmes, pour avoir 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 de nouveau l'objet de représailles. La Mission indépendante d'établissement des faits sur la Libye a indiqué que le climat de peur avait entravé sa collaboration avec la société civile et que les attaques que celle-ci subissait avaient conduit ses membres à s'autocensurer, à se cacher ou à s'exiler.

85. L'annexe II rend compte de l'évolution de la situation concernant les effets que les obligations imposées aux organisations de la société civile ont sur leur capacité de coopérer avec l'ONU dans le domaine des droits de l'homme.

Maldives

86. L'annexe II rend compte de l'évolution de la situation d'Uthema et de ses membres, ainsi que de celle de Maldivian Democracy Network et de ses membres.

87. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Mali

88. De nombreux acteurs de l'ONU se sont déclarés préoccupés par le rétrécissement de l'espace civique et la crainte qu'avaient certaines personnes qui s'étaient exprimées de faire l'objet de représailles, et se sont penchés sur les actes de représailles dirigés contre des acteurs de la société civile qui avaient coopéré avec l'Organisation⁵⁰. La Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation au Mali a recueilli des informations sur des actes de représailles visant des personnes ayant 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 de nouveau l'objet de représailles.

⁴⁹ CED/C/IRQ/VR/1(Recommandations), par. 89, 96, 97 et 100. Voir aussi A/HRC/42/28, CED/C/8 et <https://www.ohchr.org/en/press-releases/2021/03/iraq-un-experts-appalled-killing-disappeared-human-rights-defenders-father>.

⁵⁰ S/2023/36, par. 28 ; S/2023/236, par. 46 ; A/HRC/52/81, par. 36. Voir aussi https://www.ohchr.org/sites/default/files/documents/countries/ml/2022-08-15/EOM_Statement_IE_Mali_August2022.pdf ; <https://www.ohchr.org/fr/press-releases/2023/02/mali-transitional-authorities-must-protect-civic-space-respect-freedom> ; <https://www.ohchr.org/en/news/2023/03/human-rights-council-hears-security-situation-mali-very-concerning-and-severe> ; <https://www.ohchr.org/en/press-releases/2023/02/un-human-rights-chief-volker-turk-deplores-expulsion-representative-mali> ; <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.

89. En janvier 2023, une représentante de la société civile, Aminata Dicko, a fait un exposé devant le Conseil de sécurité⁵¹. Dans sa déclaration au Conseil, le Ministre malien des affaires étrangères a mis en doute la crédibilité de M^{me} Dicko⁵². À la suite de son exposé, M^{me} Dicko a fait l'objet d'une campagne de dénigrement et d'attaques verbales sur les médias sociaux⁵³, ainsi que d'une plainte pénale dans le cadre de laquelle la vidéo de son exposé devant le Conseil servait d'élément de preuve.

90. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Mexique

91. Le bureau du HCDH au Mexique a recueilli des informations selon lesquelles Ellioth Escobar Gómez, de l'organisation Corriente del Pueblo Sol Rojo, avait été menacé par des inconnus après avoir participé à une réunion avec le HCDH.

92. L'annexe II contient des informations sur l'évolution de la situation de Felipe Hinojo Alonso.

93. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

Myanmar

94. De nombreux acteurs de l'ONU ont indiqué que les personnes qui collaboraient avec eux s'exposaient à des représailles et voyaient leur action entravée, notamment par une surveillance accrue et des coupures d'accès à Internet⁵⁴. 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 représailles.

95. Le HCDH a constaté que son travail de collecte de preuves était limité, notamment par le risque permanent de représailles de la part des autorités militaires et par les difficultés qu'il y avait à recueillir des informations dans les affaires de violence sexuelle et fondée sur le genre, notamment en raison du risque de représailles⁵⁵.

Nicaragua

96. De nombreux acteurs de l'ONU se sont penchés sur les actes de représailles visant des personnes qui avaient coopéré avec l'Organisation. Le HCDH a reçu des informations selon lesquelles des particuliers avaient demandé à collaborer de façon anonyme avec l'ONU, par crainte que des représailles soient exercées contre eux et leur famille. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués. De nombreux acteurs de l'ONU se sont déclarés préoccupés par l'entrée en vigueur de la loi générale n° 1115 relative à la réglementation et au contrôle des organisations à but non lucratif et son application arbitraire, notamment la révocation de la personnalité juridique de plus de 3 000 d'entre elles.

97. Le Comité contre la torture a décidé de publier le rapport sur la visite effectuée en 2014 au Nicaragua par le Sous-Comité pour la prévention de la torture et autres peines ou traitements cruels, inhumains ou dégradants, dans lequel celui-ci faisait état d'actes de représailles et de craintes de représailles liées à sa visite⁵⁶.

98. L'annexe II rend compte de l'évolution de la situation de la Comisión Permanente de Derechos Humanos et de son personnel, ainsi que de celle de Félix Alejandro Maradiaga, d'Aníbal Toruño et de Vilma Nuñez de Escorcía.

⁵¹ S/PV.9251, p. 5 et 6.

⁵² S/PV.9251, p. 23.

⁵³ S/2023/236, par. 46.

⁵⁴ A/77/494, par. 24 et 56 à 62. Voir aussi <https://bangkok.ohchr.org/ngo-law-myanmar/>.

⁵⁵ Voir A/HRC/52/21, par. 35.

⁵⁶ Voir CAT/C/75/2 et CAT/OP/NIC/ROSP/1.

Pakistan

99. Des titulaires de mandat au titre des procédures spéciales se sont penchés sur les allégations selon lesquelles des représailles auraient été exercées contre le Centre for Social Justice en raison de sa collaboration dans le cadre du quatrième cycle de l'Examen périodique universel concernant le Pakistan, notamment la présentation d'un rapport et la participation de Suneel Nasir à la présession de l'Examen⁵⁷.

100. L'annexe II rend compte de l'évolution de la situation de Fazal ur Rehman Afridi.

Philippines

101. L'annexe II rend compte de l'évolution de la situation de Karapatan (Alliance pour la promotion des droits du peuple) et de sa secrétaire générale, Cristina Palabay.

Qatar

102. Des titulaires de mandat au titre des procédures spéciales ont examiné les allégations d'intimidation et de cyberattaques dont avait fait l'objet Mark Somos de l'ONG Just Access, basée en Allemagne, après qu'il avait collaboré avec différents mécanismes de l'ONU relatifs aux droits de l'homme⁵⁸.

Fédération de Russie

103. Des titulaires de mandat au titre des procédures spéciales se sont penchés sur les allégations selon lesquelles Yana Tannagasheva, représentante de la société civile autochtone, avait fait l'objet, à la quinzième session du Mécanisme d'experts sur les droits des peuples autochtones, d'actes d'intimidation de la part d'un représentant de la Mission permanente de la Fédération de Russie auprès de l'Office des Nations Unies à Genève, et selon lesquelles des informations concernant ces actes avaient par la suite été supprimées du site Web d'une organisation partenaire⁵⁹.

104. Le Comité pour l'élimination de la discrimination raciale a recommandé à l'État partie de mener des enquêtes efficaces, approfondies et impartiales sur tous les cas signalés d'intimidation et de représailles⁶⁰.

105. L'annexe II contient des informations sur l'évolution des cas recensés lors de périodes précédentes, concernant M^{me} Tannagasheva et Vladislav Tannagashev, et sur les effets que la législation restrictive avaient eus sur la volonté et la capacité des acteurs de la société civile de collaborer avec l'ONU.

Arabie saoudite

106. L'annexe II rend compte de l'évolution de la situation de Mohammad Fahad Al Qahtani, de Fawzan Mohsen Awad Al-Harbi et d'Essa Al-Nukheifi.

Soudan du Sud

107. La Division des droits de l'homme de la Mission des Nations Unies au Soudan du Sud (MINUSS) a recueilli des informations concernant deux cas distincts d'intimidation et de menaces de mort visant deux personnes qui avaient collaboré 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 de nouveau l'objet de représailles.

⁵⁷ Voir la communication PAK 1/2023.

⁵⁸ Voir les communications QAT 1/2023, DEU 3/2022 et OTH 19/2023, ainsi que la réponse du Gouvernement allemand, disponible à l'adresse suivante : <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37527>.

⁵⁹ Voir la communication RUS 15/2022.

⁶⁰ CERD/C/RUS/CO/25-26, par. 19.

108. La MINUSS a réuni des témoignages de membres du public, de journalistes, de militants des droits de l'homme et de membres d'organisations de la société civile qui craignaient que leur situation ne soit examinée par l'ONU, en raison du risque de représailles⁶¹.

Émirats arabes unis

109. Dans ses observations finales de 2022, le Comité contre la torture s'est dit préoccupé par les informations selon lesquelles des actes de torture ou des mauvais traitements étaient infligés à des détenus en représailles à leur coopération avec l'ONU⁶².

République-Unie de Tanzanie

110. Edward Porokwa, membre du Pastoralists Indigenous Non-Governmental Organization's Forum et représentant de la société civile pour le peuple Masaï de la division Loliondo (district de Ngorongoro), aurait fait l'objet d'actes d'intimidation de la part de représentants de la Mission permanente de la République-Unie de Tanzanie auprès des Nations Unies lors d'une réunion de l'Instance permanente sur les questions autochtones et a dit craindre de faire l'objet de représailles pour avoir collaboré avec celle-ci. Les membres de l'Instance permanente ont discuté de ces faits lors de la réunion avec les représentants de l'État concerné.

Ouzbékistan

111. Le HCDH a recueilli des informations sur des actes de représailles commis par les forces de l'ordre contre six militants de la société civile et 14 personnes qui avaient collaboré ou cherché à collaborer avec le Haut-Commissaire des Nations Unies aux droits de l'homme dans le cadre de la visite que celui-ci avait effectuée en Ouzbékistan. Le Haut-Commissaire et le HCDH ont examiné ces faits avec les autorités. Le nom des intéressés et d'autres détails les concernant ne sont pas divulgués afin d'éviter que ces personnes ne fassent de nouveau l'objet de représailles. Elena Urlaeva, une militante de la société civile qui était invitée à une réunion avec le Haut-Commissaire, aurait rencontré des difficultés pour accéder à l'immeuble de l'ONU à Tachkent avant la réunion.

Venezuela (République bolivarienne du)

112. Le dépôt d'un projet de loi sur le contrôle, la régularisation, le fonctionnement et le financement des organisations non gouvernementales et des organisations apparentées aurait accru les craintes de plusieurs acteurs de l'ONU, inquiets du nombre croissant de règles restrictives qui limitent la capacité et la volonté des membres de la société civile de mener leurs activités, notamment de coopérer avec l'Organisation⁶³.

113. Des acteurs étatiques auraient intimidé deux syndicalistes, dont Douglas Gonzalez, et María Fernanda Rodríguez, une défenseuse des droits de l'homme, après que ceux-ci avaient rencontré ou tenté de rencontrer le Haut-Commissaire pendant sa visite dans le pays⁶⁴. Une délégation de dirigeants autochtones Yukpa et leurs proches auraient décidé de ne pas rencontrer le HCDH, de peur de subir des représailles de la part de membres de la Guardia Nacional Bolivariana et d'un fonctionnaire de haut rang.

⁶¹ A/HRC/52/CRP.3, par. 327 et 407.

⁶² CAT/C/ARE/CO/1, par. 13. Voir aussi A/HRC/45/36, annexe II, par. 126 à 133.

⁶³ A/HRC/47/55, par. 47 ; A/HRC/50/59, par. 52 et 53 ; communications VEN 6/2019, VEN 5/2020 et VEN 8/2021. Voir les réponses du Gouvernement, disponibles aux adresses suivantes : <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34948> et <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36433>.

⁶⁴ Voir <https://www.ohchr.org/en/statements/2023/01/un-high-commissioner-human-rights-volker-turk-concludes-official-mission>.

114. Des titulaires de mandat au titre des procédures spéciales ont examiné les allégations selon lesquelles des syndicalistes, dont Emilio Negrín Borges, avaient fait l'objet d'arrestations arbitraires et de poursuites⁶⁵. Des agents publics auraient rendu visite à M. Negrín pendant sa détention et l'auraient exhorté à signer le texte issu du forum du dialogue social, en échange de sa libération.

115. La mission internationale indépendante d'établissement des faits sur la République bolivarienne du Venezuela a fait savoir que l'enquête ayant donné lieu à l'établissement du rapport s'était « heurtée à différentes contraintes, en particulier des préoccupations d'ordre sécuritaire, notamment la crainte des victimes de faire l'objet de représailles »⁶⁶.

116. L'annexe II rend compte de l'évolution de la situation de l'ONG Azul Positivo et de ses cinq membres, ainsi que de celle de Karen Caruci et de Maria Lourdes Afiuni.

Viet Nam

117. Les auteurs du rapport annuel de 2022 sur les résultats de l'équipe de pays des Nations Unies au Viet Nam ont indiqué que l'espace dans lequel opéraient les organisations de la société civile s'était rétréci, en raison d'un contrôle accru du Gouvernement sur leurs activités, ce qui dissuadait ces organisations de coopérer avec l'ONU⁶⁷.

118. L'application arbitraire d'une législation restrictive a réduit la capacité et la volonté des organisations de la société civile de collaborer avec l'ONU. Plusieurs membres de la société civile qui étaient des partenaires de longue date de l'ONU se seraient abstenus de collaborer publiquement avec des mécanismes s'occupant des droits de l'homme, notamment dans le cadre d'examens menés par le Comité des droits de l'homme et le Comité des droits de l'enfant et lors des préparatifs du quatrième cycle de l'Examen périodique universel concernant le Viet Nam, par crainte de subir des représailles. 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 représailles.

119. L'annexe II rend compte de l'évolution de la situation de MM. Y Khiu Niê et Y Sĩ Êban, ainsi que de celle de M^{mes} Pham Doan Trang et Bui Thi Kim Phuong.

Yémen

120. Le Comité des droits économiques, sociaux et culturels s'est déclaré préoccupé par les allégations plausibles selon lesquelles des défenseurs et défenseuses des droits de l'homme faisaient l'objet d'actes d'intimidation ou de représailles. Le HCDH a continué de recueillir des informations sur les restrictions imposées par les houthistes qui entravaient les opérations des Nations Unies et limitaient la collaboration avec les acteurs de la société civile, notamment par des manœuvres visant à empêcher les contacts avec l'ONU et les organisations humanitaires internationales⁶⁸.

121. Des hommes en uniforme auraient encerclé le bureau d'Abdulbasit Ghazi, avocat, dans le but de l'intimider et de le dissuader de défendre ses clients et de communiquer des informations à l'ONU.

122. Dans son rapport au Conseil de sécurité, le Groupe d'experts sur le Yémen a indiqué qu'il n'avait pas pu prendre contact avec les victimes et les témoins oculaires des actes d'intimidation et de violence perpétrés par les houthistes et des arrestations qu'ils avaient effectuées dans la région d'Al-Qasra parce que ces personnes craignaient pour leur vie⁶⁹.

123. L'annexe II rend compte de l'évolution de la situation de Abdulmajeed Sabrah ainsi que de l'organisation de défense des droits de l'homme Mwatana et de membres de son personnel.

⁶⁵ Voir la communication VEN 4/2022 et https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_722456/lang--en/index.htm.

⁶⁶ A/HRC/51/43, par. 7.

⁶⁷ Voir p. 66.

⁶⁸ A/HRC/51/47, annexe I, par. 86 et 87.

⁶⁹ S/2023/130, annexe 26, par. 1.

124. Le Gouvernement a répondu à la note verbale qui lui avait été adressée dans le cadre de l'élaboration du présent rapport.

État de Palestine

125. L'annexe II rend compte de l'évolution de la situation de plusieurs organisations féminines palestiniennes et internationales et de militantes.

VI. Conclusions et recommandations

126. Pendant la période considérée, le nombre de signalements d'actes d'intimidation et de représailles commis par des acteurs étatiques ou non étatiques à l'égard de particuliers ou de groupes qui cherchent à coopérer ou qui ont coopéré avec l'ONU est demeuré élevé. Des actes de ce type ont été signalés dans toutes les régions. Cependant, les cas et les situations signalés ne rendent pas compte de l'ampleur et de l'étendue réelles du phénomène. Comme dans les rapports précédents, certains cas ne sont pas signalés tandis que d'autres le sont de manière anonyme afin de protéger les personnes concernées.

127. En outre, le fait que certaines allégations de représailles ne soient pas signalées dans le rapport, ou que leur nombre diminue dans certains contextes, n'est pas nécessairement un signe encourageant. Dans de nombreux pays, y compris des démocraties établies de longue date, l'espace civique et la protection des droits et des libertés fondamentaux nécessaires à la collaboration avec l'Organisation des Nations Unies sont de plus en plus attaqués, en ligne et hors ligne. Dans ce contexte, il est devenu plus difficile de signaler les actes d'intimidation ou de représailles et de réagir aux allégations concernant de tels actes.

128. Si, au cours de la période considérée, les entités des Nations Unies ont constaté une évolution mondiale similaire à celle observée les années précédentes, de nouvelles tendances ont fait leur apparition. Premièrement, l'autocensure, c'est-à-dire le choix de ne pas coopérer avec l'ONU ou de le faire de façon anonyme, par crainte de représailles visant notamment des proches ou des collègues, a augmenté. Au cours de la période considérée, les victimes présumées de représailles ont demandé l'anonymat dans près de deux tiers des États Membres dans lesquels de nouveaux cas ont été signalés, contre un tiers au cours de la période précédente.

129. Deuxièmement, des cas de surveillance en ligne et hors ligne des personnes qui coopèrent ou tentent de coopérer avec l'ONU ont été signalés dans la moitié des États Membres mentionnés dans le présent rapport. Ils s'accompagnent d'une augmentation des signalements de surveillance physique probablement liée au retour à des formes de collaboration en personne avec l'Organisation.

130. Troisièmement, certains États Membres ont adopté et appliqué des lois et des règlements concernant la société civile, la lutte antiterroriste et la sécurité nationale qui ont pour but ou pour effet de dissuader ou d'empêcher des personnes de coopérer avec l'ONU. Les dissolutions et les radiations d'organisations de la société civile, parfois en masse, qui ont été observées au cours de la période considérée, entravent davantage encore la collaboration de la société civile avec l'ONU. Comme les années précédentes, des défenseurs et défenseuses des droits de l'homme et des acteurs de la société civile ont continué de purger de longues peines d'emprisonnement pour terrorisme ou atteinte à la sécurité nationale du fait de leurs activités en faveur des droits de l'homme ou de leur coopération avec l'ONU.

131. Comme cela a été souligné dans de précédents rapports, le caractère récurrent des allégations de représailles peut témoigner de l'existence d'un problème généralisé, et plusieurs cas ou situations de ce type sont décrits dans le présent rapport. En outre, lorsque de nombreux acteurs de l'ONU se déclarent préoccupés par les mêmes cas ou les mêmes situations au cours d'une période considérée, cela peut être le signe que des actes graves ou généralisés de représailles sont commis dans les États Membres

concernés. Ce constat continue de requérir toute notre attention et mérite la collaboration de toutes les entités des Nations Unies.

132. Les victimes d'actes d'intimidation ou de représailles ont subi de graves violations des droits de l'homme, notamment des arrestations et des détentions arbitraires, des actes de torture et des mauvais traitements, voire des viols. Les défenseurs et défenseuses des droits de l'homme, les militants et les journalistes, ainsi que les victimes de violations des droits de l'homme, les témoins et leurs proches, les avocats et les syndicalistes sont parmi les plus exposés.

133. Je reste préoccupé par les informations concernant la dimension de genre ainsi que par la spécificité et la gravité des actes de représailles subi par des femmes, en particulier du fait de leur coopération avec le Conseil de sécurité et les opérations de paix mandatées par celui-ci. Je suis également préoccupé par le fait que des représentants des peuples autochtones soient pris pour cible lorsqu'ils participent à des réunions de l'ONU ou coopèrent avec les entités des Nations Unies au niveau national.

134. L'ONU a la responsabilité collective de prévenir et de combattre les actes d'intimidation et de représailles, en étant guidée par le principe « ne pas nuire », dans le cadre d'une démarche axée sur les victimes et les survivants. Des progrès considérables ont été accomplis pour ce qui est de mettre en lumière et de traiter cette question, notamment au moyen des mesures concernant l'espace civique prises dans le cadre de mon appel à l'action en faveur des droits humains.

135. Les entités des Nations Unies sont déterminées à renforcer leurs efforts de prévention des actes de représailles, notamment en diffusant des messages clairs de tolérance zéro et en sensibilisant leur personnel, les États Membres et les interlocuteurs de la société civile. Nous continuerons de renforcer la lutte contre les actes de représailles et veillerons à ce que des dispositifs adéquats soient mis en place pour recenser, décrire et faire connaître ces actes, notamment ceux mentionnés dans les rapports annuels. Nous renforcerons la diffusion des informations sur ce que sont les actes de représailles et sur les moyens de les signaler, notamment en ce qui concerne les organismes des Nations Unies auprès desquels de tels actes sont dénoncés de manière répétée.

136. En outre, l'ONU reverra et adaptera en permanence ses méthodes de travail et règles de procédure, et adoptera des protocoles ou des directives ciblées afin de prévenir et de combattre les actes de représailles. Le HCDH a un rôle majeur d'orientation et de coordination à jouer pour ce qui est de promouvoir davantage la prévention, la protection en temps utile des personnes concernées et le respect, à l'échelle mondiale, de l'obligation de rendre compte.

137. Comme le prévoit Notre programme commun, l'ONU est déterminée à faire en sorte que les coordonnateurs de la société civile disposent de ressources suffisantes pour promouvoir activement un environnement porteur dans lequel les acteurs de la société civile puissent apporter leur contribution en toute sécurité, à l'échelle nationale comme mondiale, ainsi que dans le cadre des réunions, réseaux, processus et mécanismes de l'Organisation.

138. La responsabilité principale de prévenir et de combattre les actes de représailles incombe au premier chef aux États Membres. Je les exhorte à redoubler d'efforts pour protéger les droits de toutes les personnes relevant de leur juridiction et à s'abstenir de commettre tout acte d'intimidation ou de représailles contre des personnes qui ont coopéré avec l'ONU, à prévenir ces actes et à faire en sorte que les auteurs de tels actes aient à en répondre. À l'occasion du soixante-quinzième anniversaire de la Déclaration universelle des droits de l'homme, j'invite les États Membres à renouveler leur engagement politique et à s'engager à soutenir, y compris financièrement, les mesures prises par le système des Nations Unies pour prévenir et combattre les actes de représailles.

139. Je demande à la communauté internationale de prendre des mesures concertées pour protéger, soutenir et garantir la collaboration effective, en toute sécurité, des particuliers et des groupes, notamment des défenseuses des droits de l'homme et des

femmes qui œuvrent à la consolidation de la paix, avec l'ONU, ses représentants et ses mécanismes dans le domaine des droits de l'homme. J'encourage les États Membres à diffuser et à mettre à profit les bonnes pratiques appliquées pour prévenir et combattre les actes de représailles contre les personnes qui coopèrent avec l'ONU.

Annexe I

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

1. Afghanistan

1. The UN Security Council¹, the former and current High Commissioner for Human Rights², UNAMA³ and special procedure mandate holders of the Human Rights Council⁴ addressed during the reporting period the continued deterioration of civic space in Afghanistan, including the violence and human rights violations faced by human rights defenders, journalists, civil society actors and former public officials, as well as women and girls more broadly.

2. During the reporting period, UNAMA and other United Nations actors documented several instances of reprisals against individuals, including women, for their cooperation with the United Nations. Two individuals were reportedly arbitrarily detained for three weeks and five days, respectively, and two were summoned for interrogation and either intimidated or ill-treated during the questioning and then released. They were questioned for their cooperation with the United Nations, including the sharing of information with UNAMA. One of them was compelled to sign a document committing not to make complaints against the *de facto* authorities to the United Nations and another was threatened with death due to the cooperation with the Organization. Another individual was subjected to intimidation for cooperation of a relative with the United Nations. UNAMA also recorded other instances where individuals who have been arbitrarily detained have been questioned about their cooperation with the United Nations.

3. Since the Taliban takeover and the significant withdrawal of donor funding, UNAMA has documented the closure of many previously existing support services. As a result, there is very limited support available for individuals who have concerns for their safety linked to their cooperation with the United Nations and/or their human rights and humanitarian work.

4. During the reporting period, the *de facto* authorities continued to impose restrictions on the activities of media and civil society actors and violate their rights, arbitrarily detaining civil society and media workers, violently dispersing protests, and banned Afghan women from working for national and international NGOs and imposed severe restrictions on Afghan women working for the United Nations⁵. These actions have reportedly contributed to a climate of fear and intimidation, particularly among civil society and media actors, and resulted in self-censorship by individuals and groups who refrain from voicing dissent and, in some instances, limit interactions with the United Nations due to fears of retribution by the *de facto* authorities.

¹ S/2023/151, paras. 3–4, 38, 42–43 (Feb 2023); A/77/340-S/2022/692, paras. 33, 35 (Sep 2022) A/77/636-S/2022/916 (Dec 2022) para. 37.

² <https://www.ohchr.org/en/statements/2022/06/high-commissioner-updates-human-rights-council-afghanistan>; <https://www.ohchr.org/en/statements/2023/04/comment-un-high-commissioner-human-rights-volker-turk-afghanistan>; <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.

³ https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf; <https://twitter.com/UNAMAnews/status/1640311776192364544?s=20>.

⁴ A/HRC/52/84 paras. 64–66, A/HRC/51/6 paras. 35, 78–79, 85–86 <https://www.ohchr.org/en/press-releases/2023/04/afghanistan-taliban-must-stop-targeting-afghan-women>.

⁵ On 24 December, the *de facto* authorities issued a ban on Afghan women working for national and international NGOs. On 5 April, severe restrictions were introduced for Afghan women working for the United Nations. Informal general exemptions to women working in the healthcare and education sectors have been granted, which are inconsistent and unevenly applied in different regions of Afghanistan <https://twitter.com/UNAMAnews/status/1643620525359415296?s=20>.

5. In this context, civil society actors and human rights defenders have largely discontinued their activities in most provinces, fearful of repercussions and restrictions imposed by the *de facto* authorities. United Nations interlocutors regularly report fears for their safety if they discuss human rights issues with UNAMA and often either request that what they say be kept confidential or simply decide not to report what happened to them. UNAMA has had to take additional steps to address the protection concerns raised by a number of actors during the reporting period.

6. On 11 October 2022, the Human Rights Council adopted resolution 51/20 on the situation of human rights in Afghanistan calling for the provision of an enabling environment for civil society actors and the media to carry out their activities without hindrance or fear of reprisal, and to ensure that civil society organizations, human rights defenders, victims, survivors, their families and other individuals have unhindered access to the Special Rapporteur, the special procedures of the Human Rights Council and the treaty bodies, and other international bodies seized with the situation in Afghanistan without fear of reprisals, intimidation or attack. (A/HRC/RES/51/20 paras. 18 and 23).

2. Algeria

7. On 16 February 2023, special procedures mandate holders addressed allegations of the dissolution of the **association La Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH)** and expressed concerns that LADDH members had reportedly faced obstacles in regard to, and reprisals in connection with their participation in, the fourth cycle of Algeria's Universal Periodic Review (UPR) in 2022. Mandate holders drew attention to reported obstacles in law and practice to the engagement of Algerian associations with international organisations, including the United Nations (DZA 2/2023)⁶. The LADDH is one of the oldest civil society organizations in the country working for the promotion and protection of human rights, and is a member of regional and global civil society networks.

8. On 20 January 2023, members of the LADDH reportedly learned through social media that a judgement dated 28 September 2022 and issued by the Administrative Court of Algiers had ordered its dissolution, although they had not been notified. Reportedly, the judgment followed a May 2022 petition by the Ministry of the Interior according to which LADDH had failed to comply with Article 23 of the Law on Associations 12/06 of 12 January 2012, which requires obtaining prior approval to engage with international organizations. The judgement referred to communications and "submission of false information" to the United Nations Human Rights Council, communications with Special Procedures mandate holders, as well as "suspicious activities" related to its engagement with human rights civil society networks outside the country. The Interior Ministry named several prominent LADDH members during the proceedings, such as Mr. Kaddour Chouicha, a trade unionist, vice-president of the LADDH and responsible of the chapter in Oran, accusing them of "suspicious activities" and of disseminating false information detrimental to the national interest (DZA 2/2023).

9. In 2022, the LADDH was part of the process of preparing two alternative civil society reports referenced in the summary of stakeholders' submission (A/HRC/WG.6/41/DZA/3)⁷ to the UPR of Algeria. LADDH members **Ms. Jamila Loukil and Mr. Kaddour Chouicha** had planned to travel to Geneva to participate in the UPR pre-session of Algeria, scheduled to take place in-person in Geneva (Switzerland). On 24 August 2022, Mr. Chouicha and Ms. Loukil were questioned by the border police services at Oran airport delaying them so that they missed their flight. During the interrogation, they were reportedly asked about their "involvement with foreigners" and the nature of their work. Mr. Chouicha reportedly refused to answer any questions and police officers warned him that they would take him to a police station. Ms. Loukil was allowed to fly but refused to do so given the perceived threats of arrest against her husband; she spoke via pre-recorded message at the UPR NGO pre-session on Algeria on 31 August (DZA 2/2023).

⁶ <https://www.ohchr.org/en/press-releases/2023/02/algeria-un-expert-says-crackdown-civil-society-and-human-rights-defenders>.

⁷ See Universal Periodic Review, Joint submissions 14 and 17.

10. On 17 April 2023, the Government replied⁸ to mandate holders providing information of the dissolution of the LADDH. The Government noted that the Administrative Court of Algiers handed down its judgment on 29 June 2022 stating that the association had failed to comply with the obligations under articles 18 and 19 of the Associations Act and was operating in an irregular manner and engaged in unauthorized activities. The Government further noted that an appeal against the judgment may be lodged with the Administrative Court of Appeal, in accordance with Act No. 22-13 of 12 July 2022, as amended, and the Code of Civil and Administrative Procedure. According to information received by OHCHR, on 27 April 2023 LADDH members filed an appeal against the dissolution of the organization before the Algiers Administrative Tribunal.

11. On 23 March 2023, Mr. Chouicha participated via pre-recorded video statement in the UPR adoption of Algeria, noting that he was prevented from travelling to the UPR pre-session. In his reply, the Algerian Ambassador noted that Mr. Chouicha is awaiting trial and as such not permitted to travel without a prior authorisation that he did not request⁹. According to information received by OHCHR, Mr. Chouicha has not been notified of any restrictions to his movements outside the country, and on 23 February 2023 filed an appeal to the Council of State challenging such restriction. Since 2021, Mr. Chouicha and Ms Loukil are indicted and face criminal charges related to national security that could carry a sentence of up to 20 years in prison if convicted (DZA 4/2021)¹⁰.

3. Bangladesh

12. In August 2022, in the context of the visit to Bangladesh by the United Nations High Commissioner for Human Rights, OHCHR documented acts of surveillance and intimidation of some civil society representatives who met with the High Commissioner. The High Commissioner and her Office addressed the incidents with the authorities. Names and details of those concerned are withheld due to fear of further reprisals.

13. During the press conference upon the conclusion of her visit, the High Commissioner for Human Rights noted that “United Nations human rights reports have documented a narrowing civic space, increased surveillance, intimidation and reprisals often leading to self-censorship. Laws and policies over-regulating NGOs and broadly restricting the freedom of expression make it difficult – and sometimes risky – for them to function effectively”¹¹.

14. According to information received by OHCHR, **Ms. Sanjida Islam Tulee and other members of Maayer Daak**, a platform of families of disappeared persons, received threatening calls after the visit of the High Commissioner, visits by police officers and were placed under increased surveillance. Reportedly, Ms. Islam faced a smear campaign after she met with the High Commissioner and, similar to many other members of Maayer Daak, received visits by security agencies and was asked to sign a statement, which said that there had been no disappearance in her family¹².

15. It was reported to OHCHR that, during the reporting period, civil society actors and human rights defenders, including women human rights defenders, were subjected to intimidation and reprisals by both state and non-state actors prior to or/and after their engagement with the United Nations, including human rights mechanisms and United Nations representatives. Some individuals reportedly received threatening calls and repeated visits by security agents. Others were physically monitored and followed and/or subjected to smearing, including online and/or by media outlets. Some declined consent for United Nations action and refrained from speaking publicly in United Nations fora while others had to relocate temporarily outside of the country due to fear of further retribution. They provided consent for the public use of information as long as personal

⁸ See government reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37483>.

⁹ <https://media.un.org/en/asset/k1j/k1j7skf05r>.

¹⁰ [HRC/NONE/2021/SP/65](https://www.ohchr.org/en/statements/2022/08/un-high-commissioner-human-rights-michelle-bachelet-concludes-her-official-visit) (ohchr.org)

¹¹ <https://www.ohchr.org/en/statements/2022/08/un-high-commissioner-human-rights-michelle-bachelet-concludes-her-official-visit>.

¹² On 22 December 2022, special procedure mandate holders addressed allegations of harassment and intimidation against Ms. Sanjida Tulee and the NGO Maayer Deek. (BGD 4/2022).

details and other potentially identifying elements were not disclosed. Names and details of individuals concerned are withheld due to fear of further reprisals.

4. Belarus

16. In a context of continuing crackdown on dissenting voices, the International Labour Organization (ILO), through its Governing Body, as well as the United Nations High Commissioner for Human Rights and special procedures mandate holders addressed intimidation and reprisals against those sharing information and testimony with the United Nations. They addressed the arbitrary application of restrictive legislation, the absence of domestic remedies and accountability, and the denial of access to United Nations human rights investigators to the country, all of which negatively impact the ability and willingness of civil society to cooperate with the Organization.

17. On 31 October 2022, at the 346th session of the ILO's Governing Body¹³, the worker spokesperson noted that the **Belarusian Congress of Democratic Trade Unions** and affiliated trade unions had been outlawed by the Supreme Court. She also noted that prosecutors had filed charges against **Mr. Yarashuk**, Chairperson of the **Belarusian Congress of Democratic Trade Unions** and member of the ILO Governing Body, owing to his opposition to violations against trade union workers' rights and his submission of information to the ILO (para. 467). The Government noted that persistent attempts to interpret prosecution as persecution of trade union activity were particularly concerning and stated that the actions of certain trade unions had become extremely destructive and politicized. According to the Government, lawful trade union activities had never been grounds for persecution in Belarus (para. 464).

18. On 10 November 2022, special procedures mandate holders addressed allegations of arbitrary arrest of trade union leaders on 19 April 2022 and their lengthy pre-trial detention, including of **Mr. Aliksandr Yarashuk** (BLR 6/2022). Expressing concern about the reported lack of effective avenues for justice, mandate holders noted that many trade union activists left the country because of fear of persecution. Union members reported various forms of harassment and intimidation, including prosecution, interrogations, and surveillance (BLR 6/2022). According to information received by OHCHR, on 26 December 2022, Mr. Yarashuk was convicted to four years of imprisonment under articles 342 (disruption of public order) and 361 (harm to national security) of the Criminal Code. On 24 March 2023, Mr. Yarashuk started serving his sentence in Prison Colony No.17.

19. On 17 March 2023, the High Commissioner for Human Rights¹⁴ noted that by February 2023 the authorities had shut down 797 NGOs, while 432 others had closed to avoid potential prosecution. Referring to the systematic repression against perceived critics of the Government and the near-total destruction of civic space and fundamental freedoms, the High Commissioner noted that the scale of human rights violations is likely to be under-reported due to fear of reprisals and denial of access of United Nations human rights monitors to the country.

20. In her 2022 report to the General Assembly, the Special Rapporteur on the situation of human rights in Belarus noted that many of those who spoke to her were reluctant to reveal their current location and requested measures to protect their privacy or anonymity, for fear that publishing their testimonies could expose them, their relatives or colleagues still living in Belarus to reprisals. She noted that the crackdown of an unprecedented scale on civil society and human rights defenders in Belarus, including for their public reporting and in reprisal for their cooperation with the United Nations, has forced members of civil society into exile. The Special Rapporteur further noted that the ones who remain in the country cannot speak freely or work in a safe environment, risking threats, intimidation or reprisals (A/77/195, paras. 10 and 42).

¹³ GB.346/PV, paras. 461–495.

¹⁴ <https://www.ohchr.org/en/press-releases/2023/03/belarus-must-end-systematic-repression-release-detainees-un-human-rights>.

21. On 20 July 2023, the Government responded to the note verbale sent in connection to the present report noting that trade unions can be formed, their representatives can carry out their legal activities and citizens can enjoy the right to join trade unions. The Government rejected as groundless the allegations that trade unions and citizens are persecuted for carrying out trade union activities or for the peaceful and legal exercise of civil rights, including cooperation with the United Nations. The Government stated that the Belarusian Congress of Democratic Trade Unions (BCDTU) and its affiliated organizations were terminated in accordance with the decision of the Supreme Court based on part 2 of article 5 of the Law “On Trade Unions.” It also noted that, Mr. Aliaksandr Yarashuk, former chairperson of BCDTU was found guilty of participation in group actions that grossly violate public order and are associated with disobedience and causing harm to national security under part 1 of article 342 and part 3 of article 361 of the Criminal Code. The Government clarified that the appeal of 24 March 2023 confirmed the sentence of 26 December 2022 against Mr. Aliaksandr Yarashuk.

5. China

22. Multiple United Nations actors raised concerns about intimidation and reprisals against human rights defenders and civil society organizations for their cooperation with the United Nations. For instance, several United Nations human rights mechanisms specifically requested clarifications from the Government whether those cooperating with the United Nations would face criminal liability under the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (HKSAR) (“National Security Law”)¹⁵. Several United Nations human rights mechanisms explicitly sought assurances against any form of intimidation and reprisals for cooperation with the respective UN bodies¹⁶.

23. On 7 and 8 July 2022, during the consideration of the fourth periodic review of the Hong Kong Special Administrative Region (HKSAR)¹⁷, the Human Rights Committee requested clarification “as to whether the civil society organizations that were engaging with the Committee in connection with the periodic review would be deemed to be in breach of the National Security Law” and sought assurances “that those organizations were not in danger of prosecution or victimization for their engagement” or that they would not be charged under the National Security Law, “as a result of their participation” (CCPR/C/SR.3891, para. 14; CCPR/C/SR.3893 para. 11)¹⁸. On 12 July 2022, the Committee asked whether interaction with United Nations human rights mechanisms was classified as “collusion with foreign forces” under Articles 29–30 of the National Security Law (CCPR/C/SR.3895, para. 29)¹⁹. In its response, a representative of HKSAR noted that: “Civil society organizations involved in normal interactions with United Nations bodies were protected by the laws of HKSAR; only interactions that fell outside the norm were punishable under the National Security Law. It was impossible to generalize about whether a United Nations body would meet the definition of a foreign political organization under the Societies Ordinance, since that depended on the particulars of the case and on the activities of the body in question” (CCPR/C/SR.3895, para. 44)²⁰.

24. On 9 September 2022, in its concluding observations on the combined second and third periodic reports of China, the Committee on the Rights of Persons with Disabilities expressed concern about reports of reprisals against human rights defenders and civil society organizations for their work on disability rights, in particular for their cooperation with the United Nations. The Committee urged the State party to ensure that persons with disabilities are able to enjoy the right to freedom of expression and opinion, including the freedom to

¹⁵ CRPD/C/CHN/CO/2-3, paras. 44–45; CHN 1/2023; CCPR/C/SR.3891 para. 14; CCPR/C/SR.3893, para. 11; CCPR/C/SR.3895 para. 29; E/C.12/2023/SR.5 paras. 15 and 25; E/C.12/2023/SR.7, para. 78; CHN 1/2023.

¹⁶ CCPR/C/SR.3891 para. 14; CCPR/C/SR.3893, para. 11; E/C.12/2023/SR.5 para. 15; CHN 1/2023. CCPR/C/CHN-HKG/4.

¹⁷ <https://media.un.org/en/asset/k1e/k1e51bhfee>; <https://media.un.org/en/asset/k11/k116t4ifsx>.

¹⁸ <https://media.un.org/en/asset/k1e/k1ezy3nrgy>.

¹⁹ Ibid.

²⁰ Ibid.

seek, receive and impart information and ideas, including in their cooperation with the United Nations (CRPD/C/CHN/CO/2-3, paras. 44–45).

25. On 15 February 2023, during the review of the third periodic report of China, the Committee on Economic Social and Cultural Rights²¹, noted that “[h]uman rights defenders, non-governmental and civil society organizations had reportedly faced difficulties when trying to attend the Committee’s meeting with the State party, as they feared reprisals. It sought assurances from the State party that no persons or organizations would face reprisals for providing it with information. (E/C.12/2023/SR.5 para. 15)²². In his response, a representative of the Chinese delegation noted that there would be no retaliation against NGOs for providing information to the Committee or attending meetings to express their views, which was welcomed by the Committee (E/C.12/2023/SR.5 para. and 25²³ ; E/C.12/2023/SR.7 para. 78)²⁴. According to information received by OHCHR, during the reporting period, a civil society representative was subjected to intimidation and reprisals for engaging with the Committee on Economic Social and Cultural Rights in relation to the Committee’s consideration of the third periodic report of China. Names and details of those concerned are withheld due to fear of reprisals. The Committee addressed the reported incident with the relevant authorities.

26. On 14 March 2023, two members of **the international legal team**²⁵ supporting Mr. Jimmy Lai and his son Sebastian Lai addressed the Human Rights Council during the dialogue with the Special Rapporteur on Counter-terrorism requesting accountability for the use of the National Security Law against Mr. Lai and other journalists and writers²⁶. The following day, the Government of the HKSAR issued a press release stating that it “strongly disapproved and firmly opposed the acts of the so-called ‘international legal team’ [...] to abuse the United Nations mechanisms by soliciting the Human Rights Council to interfere in the judicial proceedings of Lai Chee-Ying’s case concerning the National Security Law”²⁷. The press release further noted that “[m]aking a statement with the intent to interfere with or obstruct the course of justice, or engaging in conduct with the same intent, is very likely to constitute the offence of criminal contempt of court or the offence of perverting the course of justice.”

27. On 16 March, an article in a Hong-Kong State-owned newspaper reported that, according to the legal scholars, the “so-called” international legal team is suspected of colluding with foreign forces to deliberately interfere with the judicial process in HKSAR in favour of Mr. Jimmy Lai, and that the intention to interfere with or obstruct justice may constitute criminal contempt of court or obstruction of justice²⁸. The press article also accused Mr. Jimmy Lai’s son of colluding with foreign forces and attributed to some politicians the view that the request of assistance from the United Nations of the “so-called international legal team” [...] is “evidence of collusion with foreign powers in an attempt to undermine the rule of law in Hong Kong”.

28. On 17 March 2023, special procedure mandate holders addressed the case of Mr. Jimmy Lai and the alleged intimidation and harassment against his legal team and enquired whether the offense of collusion with a Foreign Country or with External Elements to Endanger National Security as per articles 29–30 of the National Security Law excludes instances of cooperation with the United Nations, in particular its human rights bodies and mechanisms (CHN 1/2023). On 1 May 2023, the Government replied to mandate holders noting that “whether a particular act constitutes an offence would depend on the facts and circumstances of each case, and hence over-generalization is neither possible nor appropriate”. It further noted that “normal interactions with international organizations

²¹ E/C.12/CHN/3; E/C.12/CHN-HKG/4; E/C.12/CHN-MAC/3.

²² <https://media.un.org/en/asset/k10/k10ledzwo>.

²³ <https://media.un.org/en/asset/k10/k10ledzwo>.

²⁴ E/C.12/2023/SR.7.

²⁵ The international legal team for Jimmy Lai and Sebastien Lai is composed of Caoilfhionn Gallagher KC, Jonathan Price, Tatyana Eatwell and Jennifer Robinson.

²⁶ See <https://media.un.org/en/asset/k1z/k1zdvujom>.

²⁷ <https://www.info.gov.hk/gia/general/202303/15/P2023031500686.htm?fontSize=1e>.

²⁸ Unofficial translation of

<https://www.wenweipo.com/a/202303/16/AP6412603ee4b0b6003c01a2c8.html>.

(countries and regions) are protected, and that in relation to Jimmy's Lai case, some are attempting to interfere with ongoing judicial proceedings in HKSAR by exploiting the mechanism of the United Nations²⁹.

29. According to information received by OHCHR, the international legal team has reportedly been subject to attempts of online surveillance, in connection to the defence of Mr. Lai and related international advocacy on the case, including during their engagement with the United Nations. The international legal team and related staff have reportedly been the target of cyber-attacks in the form of repeated attempts to hack their e-mail accounts, devices and bank accounts, as well as impersonation e-mails (inbound and outbound) and e-mails threatening prosecution and extradition to HKSAR from accounts purporting to belong to the HKSAR authorities. They have also reportedly received over e-mail and on social media death and rape threats, and threats to family members.

30. On 28 July 2023, the Government responded to the note verbale sent in connection to the present report noting that the State respects and safeguards human rights and protects, in accordance with the law, routine exchanges and cooperation with the United Nations. The Government denied allegations of reprisals against those who cooperate with United Nations human rights mechanisms and opposed the use of what it characterized as false allegations of so-called reprisals as a pretext to interfere with judicial processes.

31. The Government reiterated that the "National Security Law" does not affect the lawful exercise of the rights and freedoms of Hong Kong residents, including the right to criticize the Government nor does it affect freedom of information, academic freedom, policy research, general business activities and routine interaction and cooperation with international organizations, which are protected by the Basic Law and other relevant legislation.

32. The Government denied allegations of reprisals against the international legal team of Mr. Jimmy Lai and his son Sebastian Lai, and clarified that making statements with the intention of interfering with or perverting the course of justice, or engaging in conduct with the same intention, is highly likely to amount to criminal contempt of court or obstruction of justice. It also noted that whether the conduct of the team of international lawyers representing Mr. Lai would constitute these offences would depend on the facts and circumstances of each case, and it is neither possible nor appropriate to make over-generalized conclusions. The Government noted further that there are indications of attempts to interfere with the ongoing judicial process against Mr. Lai.

6. Democratic Republic of the Congo

33. During the reporting period, the United Nations Joint Human Rights Office (UNJHRO) of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) documented several incidents of reprisals for cooperation with the Mission (A/HRC/51/61, paras. 47–57). Incidents were attributed to State actors and armed groups in different regions, affecting two members of civil society organizations (one woman), a human rights defender and a victim of human rights violations and abuse. Names and details of those concerned are withheld due to fear of further reprisals.

34. Specifically, in June 2022, the chairperson of an NGO based in North Kivu province was reportedly alerted that a police officer had instructed members of the 23 March Movement (M23) to kill him for having shared information with the Mission on the police officer's alleged collusion with an armed group that was committing abuses against civilians. The officer had reportedly started sending death threats to the chairperson's phone, which intensified over time despite UNJHRO's intervention with the relevant authorities. The police officer reportedly sent a group of armed men to the chairperson's house three times, also threatening to kill the family members.

²⁹ See government reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37508>.

35. In January 2023, the chairperson of another NGO that works against sexual and gender-based violence in North Kivu province received anonymous threat calls in relation to information shared with the Mission on the rape of dozens of women and the massacre of hundreds of men allegedly committed by the M23. Both individuals and their families were relocated by UNJHRO for fear of further reprisals against them.

36. Reportedly, in July 2022, a human rights defender and member of a human rights defenders' network based in Jomba, North Kivu province, received several death threats on the phone and visits at home by members of an armed group that had occupied several localities in the neighbourhood. Reportedly, members of the armed group accused the defender of having shared information with MONUSCO on the alleged violence and abuse against the local population. With UNJHRO assistance, the defender relocated twice, but he continues to receive threats from members of the armed group.

37. In November 2022, a witness of violence and abuse by the M23 when they took over an area in North Kivu received death threats after having shared information with the Mission. The witness managed to leave the area and has remained in hiding since then.

7. Egypt

38. In September and October 2022, special procedures mandate holders addressed allegations of undue restrictions to and intimidation and surveillance of civil society actors and indigenous people's representatives participating at the UN Framework Convention on Climate Change (UNFCCC) Conference of Parties (COP27), which took place in Sharm el Sheikh from 6 to 18 November 2022, and raised concerns about allegations of intimidation and reprisals in connection to the Conference (EGY 9/2022)³⁰.

39. On 30 September 2022, mandate holders noted alleged restrictions to accreditation of some Egyptian NGOs to access the venue as well as to organize peaceful gatherings apart from a government-designated space adjacent to the venue of COP27. Mandate holders raised concerns that obstacles to the participation of independent civil society actors and human rights defenders, in particular those based in Egypt, may not only inhibit their cooperation but may dissuade them from engaging publicly for fear of reprisals. Experts sought assurances from the Government that no individuals who were peacefully protesting or participating at the COP27 would be harassed, intimidated, and/or arrested during or after COP27 (EGY 9/2022)³¹.

40. On 18 November 2022, during COP27, mandate holders publicly addressed³² multiple reports and evidence of participants, including civil society actors and indigenous peoples, being stopped and interrogated by Egyptian security officers. They also addressed allegations of support staff repeatedly monitoring and photographing civil society actors inside the COP27 venue without their consent. Experts expressed concern at the chilling effect of these actions on civil society participating in COP27 as many groups had expressed concern about the need to self-censor to ensure their safety and security. Mandate holders also referred to reports of participants being subject to intrusive questioning at the airport when entering Egypt.

41. According to information received by OHCHR, on 23 January 2023, the website of the NGO Cairo Institute for Human Rights Studies (CIHRS) came under a Domain Name System (DNS) poisoning cyber-attack³³ hours after the Institute published a joint report to the Human Rights Council as part of its contribution to the mid-term Universal Periodic Review process. During the attack, the website of CIHRS was reportedly inaccessible to users in

³⁰ <https://www.ohchr.org/en/press-releases/2022/10/egypt-un-experts-alarmed-restrictions-civil-society-ahead-climate-summit>.

³¹ Ibid.

³² <https://www.ohchr.org/en/press-releases/2022/11/egypt-un-experts-alarmed-harassment-civil-society-actors-cop27-climate>.

³³ DNS cache poisoning is the act of entering false information into a DNS cache, so that DNS queries return an incorrect response and users are directed to the wrong websites. DNS cache poisoning is also known as 'DNS spoofing'.

Egypt and, once access was restored, the CIHRS found out that it has been blocked by the authorities³⁴, in what was reported as an act of reprisals for their engagement in the UPR process³⁵.

8. Djibouti

42. In March 2023, members of the **International Federation of Human Rights (FIDH)**, a civil society organization based in France, were denied entry and expelled from the country, respectively, in connection to an individual complaint that FIDH filed in 2017 before the United Nations Human Rights Committee against the State of Djibouti ([CCPR/C/130/D/3593/2019](#)).

43. According to information received by OHCHR, FIDH had organized a visit to Djibouti from 11 to 14 March 2023 that included meetings with the United Nations in country. The FIDH delegation was initially composed of three people: **Mr. Alexis Deswaef**, a Belgian citizen, FIDH Vice-president and former President of the Belgian Human Rights League; **Mr. Zakaria Abdillahi**, a Djiboutian citizen living in Djibouti and France, Vice President of FIDH and former President of the Djiboutian Human Rights League; and **Ms. Victoire D’Humieres**, a French citizen living in France and programme officer at FIDH Africa Department.

44. On 11 March 2023, Mr. Deswaef entered the country with no incident and was welcomed at the airport by Mr. Abdillahi. On 12 March 2023, Ms. D’Humieres was denied entry into Djibouti upon arrival at the airport despite having a valid entry visa. Without any reason provided, police officers reportedly forced Ms. D’Humieres to board a plane bound for Istanbul the same day. On 13 March 2023, Mr. Deswaef and Mr. Abdillahi visited the United Nations House as planned to raise several human rights concerns in relation to Djibouti. Following their meeting at the United Nations House, Mr. Deswaef’s phone and notes were confiscated by civilian police. Mr. Deswaef was arrested at his hotel, escorted to the airport, and expelled from the country. Reportedly, an unmarked car with an individual in law enforcement uniform and another in civilian clothes followed the FIDH delegation during the 48 hours of their stay in the country.

45. On 14 March 2023, the Interior Ministry issued a communiqué³⁶ stating that Mr. Deswaef had been expelled because the FIDH mission lacked neutrality, considering that on 17 November 2017 he had filed an individual complaint before the United Nations Human Rights Committee against the State of Djibouti. According to the communiqué, Mr. Deswaef went to Djibouti to “find out more about the question of human rights in Djibouti”. It further stated that while the State of Djibouti had always cooperated, and would continue to cooperate with United Nations human rights mechanisms, it deplored the actions of FIDH and the deployment of a lawyer who had sued the State of Djibouti before the United Nations Human Rights Committee. In the communiqué, the Government expressed concern at the lack of neutrality of the mission and requested FIDH to reconsider the choice of its emissary.

9. France

46. On 25 November 2022, the Committee on the Elimination of Racial Discrimination sent a letter³⁷ to the Government on allegations of online libellous messages and threats, including from the Twitter accounts of two police professional unions, against **Ms. Assa Traoré**, following her cooperation with the Committee during the consideration of the 22nd and 23rd periodic reports of France. Ms. Traoré is a woman human rights defender, founder

³⁴ Egypt: CIHRS Website Blocked in Reprisal for Joint Report to UN Human Rights Council – Cairo Institute for Human Rights Studies (CIHRS).

³⁵ Allegations of intimidation and reprisals against CIHRS and its members were included in previous reports of the Secretary-General, see [A/HRC/42/30](#), Annex II, para. 50; [A/HRC/45/36](#), Annex II, para. 49; [A/HRC/48/28](#), Annex II, paras. 44–45.

³⁶ Communiqué n°227 du 14 mars 2023 du Ministère de l’Intérieur de la République de Djibouti.

³⁷ CERD Committee letter dated 25 November 2022. See also [HRI/MC/2023/2](#), paras. 34–35.

of the organization *Comité Vérité et Justice pour Adama* and the sister of Mr. Adama Traoré, who died in July 2016 while in police custody (FRA 1/2017 and 10/2021)³⁸.

47. On 14 and 15 November 2023, the Committee had an exchange with Ms. Assa Traoré during a closed meeting with civil society where Ms. Traoré provided testimony about the case of her brother. Ms. Traoré posted information about her exchange with the Committee in her social media accounts. Following her posts, libellous messages against Ms. Traoré were published, including in the Twitter accounts of the Union of Commissioners of the National Police (SCPN) and the Union France Police, denigrating Ms. Traoré and her engagement with the Committee. In its concluding observations of 2 December 2022, the Committee urged the State Party to ensure Ms. Traoré's safety, take disciplinary measures, conduct the necessary investigations and, where appropriate, initiate legal proceedings against the public officials associated with the messages and threats (CERD/C/FRA/CO/22-23, paras. 27–28).

48. According to information received by OHCHR, on 8 and 9 December 2022, close relatives of Ms. Traoré received copies of some of the Twitter smearing messages and online articles echoing them. On 9 December, those concerned filed a police report due to fears that online threats could move offline.

49. On 12 January 2023, the Government responded³⁹ to the Committee's letter, expressing gratitude for the information and confirming the free choice of the Committee to engage with members of civil society. The authorities expressed their determination to prevent and respond to any act of intimidation and reprisals against anyone having cooperated with the United Nations. The authorities noted that they are attentive to Ms. Traoré's safety and that of her close relatives and had informed that the Paris Office of the Public Prosecutor had started a criminal investigation.

10. Guatemala

50. Multiple United Nations actors noted concerns about new alleged cases of intimidation, dismissal, and criminal proceedings against magistrates, judges, and prosecutors for their work on cases investigated with the technical assistance of the International Commission against Impunity in Guatemala (CICIG). The CICIG operated in the country for 12 years (2007–2019) based on an agreement between the United Nations and the Government of Guatemala. During the reporting period, coordinated and targeted smearing, threats, intimidation and gender-based violence in the digital space continued to be reported against justice officials and lawyers, including in relation to their work with CICIG.

51. On 20 December 2022⁴⁰, 18 January⁴¹ and 30 March 2023⁴², the United Nations High Commissioner for Human Rights expressed deep concern over the repeated intimidation, harassment and reprisals against justice officials, including those who worked for or cooperated with the CICIG, and individuals involved in efforts to combat impunity for human rights violations or working on high-profile anti-corruption cases. On 18 January 2023⁴³, the Spokesperson of the United Nations Secretary-General also expressed concern at the criminal prosecution exercised against justice operators and former officials of the CICIG.

³⁸ See government replies at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33459>,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36822>.

³⁹ See government reply at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=hot5z0drKAT9oxO6h/uLZ6PszUFTdrkZcvTwC0pUaCHLvCo5LipNJdhaUOIW/BBdCS2+x10Fkuv09cEX4gwctg==.

⁴⁰ <https://twitter.com/UNHumanRights/status/1605162770873421824>.

⁴¹ <https://www.ohchr.org/en/press-releases/2023/01/guatemala-un-human-rights-chief-volker-turk-expresses-deep-concern>.

⁴² <https://www.ohchr.org/en/press-releases/2023/03/guatemala-turk-warns-against-reprisals-targeting-justice-officials>.

⁴³ <https://www.un.org/sg/en/content/highlight/2023-01-18.html>.

52. According to information received by OHCHR, on 29 July 2022, **Ms. Samari Gómez**, a prosecutor at the Special Prosecutor's Office Against Impunity (FECI), was detained and prosecuted for allegedly leaking confidential information to the former FECI Chief regarding a high-profile case investigated with CICIG's technical assistance. Following the charges, Ms. Gómez resigned from her position, and she has been held in solitary confinement since her detention. On 14 October 2022, an arrest warrant was issued against **Mr. Carlos Videz**, a former FECI prosecutor, on charges of abuse of authority in connection with a high-profile case investigated with CICIG's technical assistance. Mr. Videz resigned and left the country in February 2023 in fear for his personal integrity and reprisals for his work.

53. On 16 January 2023, an arrest warrant was issued against **former Attorney General Ms. Thelma Aldana**, a member of her staff, a lawyer and a former CICIG investigator on charges of conspiracy, obstruction to justice and abuse of authority in a high-profile case investigated with CICIG's technical assistance. On 23 November 2022 and 9 March 2023, two extradition orders were requested against Ms. Aldana on charges of abuse of authority, ideological falsehood, embezzlement, and fraud. Ms. Aldana left the country in 2019.

54. On 8 February 2023, the Supreme Court of Justice initiated proceedings to lift the immunity of **Mr. Carlos Ruano**, a first instance judge and member of the Guatemalan Association of Judges for Integrity, for a criminal complaint he pursued of a high-profile case that was later investigated by CICIG and FECI. Judge Ruano is facing charges for alleged usurpation of powers, decisions in violation of the Constitution, abuse of authority and breach of duties, amongst others.

55. On 27 July 2023, the Government responded to the note verbale sent in connection to the present report noting that it had no updates concerning the information reported on prosecutor Ms. Samari Gómez. It confirmed the criminal complaints filed against first instance Judge Mr. Carlos Ruano and against former Attorney General Mr. Carlos Videz and other individuals for the reported offence of abuse of power and also for breach of duties, influence peddling and illegal association amongst others. The Government also provided information on two cases against former Attorney General Ms. Thelma Aldana and other individuals, noting that in one case she had formally been indicted on various charges, including illicit association, money laundering and tax fraud amongst others and that preventive detention had been ordered, whereas in another case the file had been dismissed, and an opposition hearing to the dismissal had been scheduled.

11. Iran (Islamic Republic of)

56. Multiple United Nations actors noted the shrinking of civic space, including undue State restrictions over the digital space, and continuing repression and violence targeting civil society, lawyers and journalists since the start of the protests in September 2022⁴⁴. This context amplified the risks to engage with the United Nations leading to self-censorship. Reportedly, due to protection concerns, victims and witnesses declined to avail themselves of United Nations' procedures for the protection of human rights but provided consent for the public use of their testimony as long as it was anonymized and identifying elements were not disclosed. Names and details of those concerned have been withheld due to fear of reprisals.

57. In his report to the General Assembly, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran underlined that the high risk of reprisals that people and organizations face for engaging with international human rights mechanisms represents in itself a serious human rights concern (A/77/181, para. 6).

⁴⁴ A/HRC/52/67 paras. 8, 44; and 50; A/77/181, para. 67, A/HRC/RES/S-35/1; <https://www.ohchr.org/en/statements-and-speeches/2022/11/deteriorating-human-rights-situation-islamic-republic-iran>; <https://www.ohchr.org/en/press-releases/2022/10/iran-crackdown-peaceful-protests-death-jina-mahsa-amini-needs-independent>; IRN 14/22; IRN 11/22; IRN/23/2022; IRN/30/2022; [iran-end-killings-and-detentions-children-immediately-un-child](https://www.ohchr.org/en/press-releases/2022/10/iran-crackdown-peaceful-protests-death-jina-mahsa-amini-needs-independent).

58. On 22 December 2022, the General Assembly in resolution 77/228 on the situation of human rights in the Islamic Republic of Iran called upon the Iranian authorities to end reprisals against individuals who cooperate or attempt to cooperate with the United Nations.

59. On 26 July 2023 the Government responded to the note verbale sent in connection to the present report noting that numerous claims and accusations under Annex I were a reiteration of false claims that the Government had already addressed in response to a communication from special procedures mandate holders. The Government stated that the arrest of any individual is solely based on the commission of criminal acts as defined by the law, not due to their engagement with United Nations human rights mechanisms or pursuit of requests and questioned the anonymous reporting of allegations of reprisals noting that claims should be submitted to the Government for investigation and comments.

12. Iraq

60. During the reporting period, the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) documented concerns by human rights defenders, activists, and journalists about online and offline threats against them, as well as attempted or successful hacking of their social media accounts by unidentified actors, in retaliation for their work on human rights, environmental defense or accountability. This situation has contributed to an atmosphere of distress among many activists, some of whom limited their collaboration with the United Nations human rights programme for fear of increased risks from or becoming the target of those unidentified actors, as some individuals affiliated with armed groups in the country have accused the international community of inappropriate interference in national matters. Individuals targeted by such threats repeatedly informed the Human Rights Office that they chose to engage in self-censorship and reduce participation in discussions or reporting, including with/to the United Nations on sensitive or controversial subjects, including corruption, accountability, or criticism of public figures or groups.

61. Throughout the reporting period, civil society organizations and human rights defenders working in the field of protection against enforced disappearance, as well as family members of disappeared persons, generally stated that they faced threats, intimidation, harassment and extortion for reporting and following up on the cases of enforced disappearances. This includes cases that were reported to the UN as well as national authorities.

62. In its visit report and public statements, the Committee on Enforced Disappearances expressed great concern about numerous allegations of reprisals against families, relatives and representatives of the disappeared, as well as victims, human rights defenders, lawyers, civil society organizations and other individuals actively participating in the search and investigation process. In this regard, the Committee recalled that no one who participated in the conversations or contributed information to the Committee should be subject to reprisals and that States parties have a primary responsibility to prevent such acts from being committed against individuals and groups who seek to cooperate, cooperate or have cooperated with the Committee (CED/C/IRQ/VR/1 (Recommendations), paras. 89, 96–97, 100)⁴⁵.

13. Libya

63. During the reporting period, the Security Council⁴⁶, the Secretary-General⁴⁷, the High Commissioner for Human Rights⁴⁸ and the Independent Fact-Finding Mission on Libya⁴⁹ referred to the further shrinking and deterioration of the civic space in Libya. Several UN

⁴⁵ See A/HRC/42/28 and CED/C/8. See also <https://www.ohchr.org/en/press-releases/2021/03/iraq-un-experts-appalled-killing-disappeared-human-rights-defenders-father>.

⁴⁶ S/RES/656 (2022), p. 2; S/PRST/2023/2 p. 2.

⁴⁷ S/2023/248, para. 52.

⁴⁸ <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>; <https://www.ohchr.org/en/press-releases/2023/04/human-rights-spotlight-libya-must-be-maintained-turk>.

⁴⁹ A/HRC/50/63, para. 60; A/HRC/52/83, para. 72.

actors called for the need to protect civil society and women's rights organizations, human rights defenders, women peacebuilders, and victims and witnesses from threats, intimidation, reprisals and violence (online and offline)⁵⁰.

64. The Human Rights, Transitional Justice and Rule of Law Division (HRS) of the United Nations Support Mission in Libya (UNSMIL) reported several incidents of reprisals against victims and human rights defenders, including women, for cooperation with the United Nations. Incidents included acts of intimidation, death threats, and the confiscation of passports and related travel bans. Names and details of those concerned are withheld due to fear of further reprisals.

65. In February 2023, a woman human rights defender was questioned for her cooperation with UNSMIL HRS. Other human rights defenders faced similar interrogations in February and April 2023, where they were asked about their cooperation with UNSMIL HRS. In all instances, the individuals concerned were questioned by state officials and accused of supporting spies, with the aim of destroying the Libyan National Army in the east.

66. In early March 2023, a human rights defender was summoned for questioning by security agents at Mitiga airport base prison. The following day, the defender was questioned about human rights activities and visits to the UN compound and was made aware that the days and details of meetings with the UN were known to the security agents. The defender was informed that interactions with the UN (and international NGOs) could be considered a hostile action against the State and an act of espionage punishable with heavy penalties. Security agents confiscated the defender's passport, and currently the defender is reportedly banned from leaving Libyan territory until further notice. In March 2023, another human rights defender and victim of human rights violations, reportedly received death threats via text messages from a state security actor in the east, accusing the defender of providing information to UNSMIL HRS.

67. UNSMIL also documented the intimidation of lawyers cooperating with the Mission in providing legal aid to conflict-related victims. In April 2023, a lawyer from a legal aid coalition received calls from unidentified state security actors stating that they were not pleased with coordination activities between the United Nations and his clients.

68. In March 2023, in its final report to the Human Rights Council, the Independent Fact-Finding Mission on Libya reported that the climate of fear surrounding witnesses and civil society had frequently hampered the Mission's engagements. Reportedly, there were instances when groups and individuals declined to meet with the Mission in particular locations, or at all, because of fear of reprisal. The Mission reported that attacks against, inter alia, human rights defenders, women's rights activists, journalists and civil society associations created an atmosphere of fear that led to self-censorship, hiding or exile at a time when it is necessary to create an atmosphere that is conducive to free and fair elections. (A/HRC/52/83, paras. 24 and 68).

14. Mali

69. During the reporting period, the Secretary-General⁵¹, the United Nations High Commissioner for Human Rights⁵² and the United Nations Independent Expert on the human rights situation in Mali⁵³, expressed serious concerns about the continued shrinking of civic

⁵⁰ A/HRC/50/63, para. 111, (j); S/2023/248, para. 95.

⁵¹ S/2023/36 para. 28 and para. 46.

⁵² <https://www.ohchr.org/en/press-releases/2023/02/un-human-rights-chief-volker-turk-deplores-expulsion-representative-mali>; <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.

⁵³ A/HRC/52/81, para. 36; https://www.ohchr.org/sites/default/files/documents/countries/ml/2022-08-15/EOM_Statement_IE_Mali_August2022.pdf; <https://www.ohchr.org/fr/press-releases/2023/02/mali-transitional-authorities-must-protect-civic-space-respect-freedom>; <https://www.ohchr.org/en/news/2023/03/human-rights-council-hears-security-situation-mali-very-concerning-and-severe>.

space, and fear of reprisals for speaking out and also addressed incidents of reprisals against civil society actors for their cooperation with the United Nations.

70. The Human Rights and Protection Division (HRPD) of the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) documented several instances of intimidation and reprisals for cooperation with the United Nations. Incidents were attributed to State and non-state actors affecting civil society representatives and victims and witnesses of human rights violations.

71. Specifically, MINUSMA documented that, on 25 April 2022, 10 victims and witnesses of human rights violations were arrested in Mopti region, while they were being interviewed by HRPD human rights officers⁵⁴. The Territorial Brigade, composed of seven policemen, entered the location of the interview without a search or arrest warrant, and ordered all victims and witnesses to go to the police station, while one of them fired a warning shot in the air. The victims and witnesses, including a woman with her infant, were taken to the police station in police cars. HRPD human rights officers were forced to stay in the compound of the Police station while the victims and witnesses were taken inside the station and accused of engaging in suspicious activities with MINUSMA. The same day, the human rights officers and the woman with her infant left the police station without charges. The other victims and witnesses remained in custody and were only released on 29 April 2022, without charges.

72. A civil society actor was subjected to intimidation and reprisals for cooperation with the United Nations in the form of death threats and an online smear campaign. Several civil society actors declined to engage publicly with United Nations human rights bodies and mechanisms out of fear of reprisals. Names and details of those concerned are withheld due to fear of further reprisals.

73. On 27 January 2023, Ms. Aminata Dicko, a civil society actor and President of Association Protection Sahel, briefed the Security Council on the situation of Mali⁵⁵. In his statement to the Council, the Minister of Foreign Affairs of Mali questioned Ms. Dicko's representativeness and credibility⁵⁶.

74. Following her briefing to the Security Council, Ms. Dicko was subjected to a smear campaign and verbal attacks on social networks⁵⁷. The National Commission for Human Rights of Mali expressed concern and called on the authorities to protect human rights defenders and their families⁵⁸. The Special Representative of the Secretary-General engaged the authorities who indicated that they would ensure the security and safety of the briefer⁵⁹.

75. On 30 January, the association "*Collectif pour la Defense des Militaires*" (CDM), filed a complaint for defamation, slander and high treason against Ms. Dicko for her statement at the Security Council on 27 January 2023 before the Public Prosecutor of the Court of First Instance of Commune IV of the District Bamako (Tribunal de Grande Instance de la Commune IV du district de Bamako)⁶⁰. The complaint included the video of Ms. Dicko's statement at the Security Council as evidence.

76. On 20 February 2023, upon completion of his official visit to the country, the United Nations Independent Expert on Mali stated publicly that human rights defenders, journalists, and other media professionals with whom he had spoken were no longer willing to discuss certain allegations of human rights violations or abuses for fear of reprisals by Malian

⁵⁴ While these incidents took place at the end of the 2022 reporting period, they could only be fully documented and corroborated in the weeks and months that followed, hence their inclusion in the present report.

⁵⁵ S/PV.9251 pp. 5–6; <https://media.un.org/en/asset/k1x/k1xq63hd9o>.

⁵⁶ S/PV.9251 p. 24; <https://media.un.org/en/asset/k1x/k1xq63hd9o>.

⁵⁷ S/2023/236 para. 46.

⁵⁸ <https://cndhmali.com/index.php/2023/02/03/communiqué-n0002-2023-cndh-p/>.

⁵⁹ S/2023/236 para. 46.

⁶⁰ Communiqué Nr. 0005-2023/CDM de condamnation et de dénonciation suite à la sortie ratée de Aminata Dicko lors du Conseil de Sécurité sur la situation au Mali.

transitional authorities and their supporters, particularly on social media⁶¹. On 31 March 2023, during his interactive dialogue with the Human Rights Council and in his report on his visit, the Independent Expert expressed deep concern that civil society had almost entirely disappeared, about the self-censorship that journalists have confessed to for fear of reprisals from the Malian transitional authorities and attacks against human rights defenders on social media⁶².

77. On 28 July 2023, the Government responded to the note verbale sent in connection to the present report noting that, despite its cooperation and readiness to engage in dialogue, attempts to exploit sensitive issues persisted. It also noted that some of the alleged incidents had taken place outside the reporting period and rejected the allegations of reprisals, inviting OHCHR to prevent any attempts to instrumentalize human rights issues

78. The Government asserted that on 24 April the Sevaré (Mopti) Army camp was the object of a terrorist attack. It noted further that the Sevaré gendarmerie went to the scene, arrested suspects, and brought them before the public prosecutor at the Mopti High Court and provided information on the initial police investigations.

79. The Government addressed the allegations of reprisals against a woman civil society actor alleging that she had misrepresented herself as a civil society actor and had engaged in destabilizing actions. It added that the authorities were not aware of the existence of the organization which she purported to represent. With respect to a complaint against her lodged by the association “*Collectif pour la Defense des Militaires*”, the Government asserted that associations are free to carry out their activities, including taking legal actions, and noted that the State was not a party to these proceedings.

15. Mexico

80. During the reporting period, the Office of the United Nations High Commissioner for Human Rights in Mexico documented threats by unknown individual(s) against **Mr. Elitho Escobar Gómez**, a member of the organization “Corriente del Pueblo Sol Rojo” (Oaxaca) and a beneficiary of the national protection mechanism for human rights defenders and journalists, following his presence in a meeting with a delegation of OHCHR during a monitoring visit (MEX 7/2019)⁶³.

81. On 2 February 2023, OHCHR met with members of civil society organizations, including the organization “Corriente del Pueblo Sol Rojo.” During the meeting, they reported Government acts and omissions by state authorities regarding alleged human rights violations in connection with a largescale infrastructure project under the Interoceanic Corridor of the Isthmus of Tehuantepec as well as a surge in organized crime and violence against the local communities. The civil society organizations that participated in the meeting and local media made public the fact that they had met with the UN.

82. On 1 and 20 March 2023, before and after the meeting with OHCHR, Mr. Escobar Gómez received text messages on his phone with threats against his physical integrity for his engagement with the United Nations. The messages noted that they knew his whereabouts and stated that “not even the United Nations will save you” and that “the United Nations will not do anything for you”. OHCHR is closely monitoring Mr. Escobar Gómez’s situation and is in contact with the relevant authorities.

⁶¹ <https://www.ohchr.org/en/press-releases/2023/02/mali-transitional-authorities-must-protect-civic-space-respect-freedom>; <https://www.ohchr.org/sites/default/files/documents/countries/ml/eom-statement-ie-mali-2023-02-20.pdf>.

⁶² <https://www.ohchr.org/en/news/2023/03/human-rights-council-hears-security-situation-mali-very-concerning-and-severe>; and A/HRC/52/81 para. 36; <https://media.un.org/en/asset/k15/k15p20j>.

⁶³ See government reply at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34777>. See also <https://www.ohchr.org/en/news/2019/05/mexico-one-year-after-ernesto-ernas-garcias-disappearance-un-experts-denounce>.

83. On 18 July 2023, the Government responded to the note verbale sent to the present report noting that Mr. Elliotoh Escobar Gómez is under a protection program of the Federal Mechanism for the Protection of Human Rights Defenders and Journalists since 8 March 2019. His last risk assessment was undertaken on 29 June 2023.

16. Myanmar

84. In a context of increased violence and a decimated civic space in the country⁶⁴, multiple United Nations entities noted risks of reprisals against and barriers to those who engage with them, including increased surveillance on civil society organizations as well as Internet shutdowns⁶⁵. They urged that victims, witnesses and survivors who cooperate with the United Nations be able to do so without fear of retribution. Names and details of those concerned are withheld due to fear of reprisals.

85. In December 2022, the General Assembly adopted a resolution noting with grave concern the ongoing restrictions on humanitarian access in all conflict areas across Myanmar and urged the granting of full, unrestricted and safe access to all humanitarian actors and all United Nations mandate holders and human rights mechanisms, and relevant United Nations agencies to independently monitor the situation, and to ensure that individuals can cooperate without hindrance with these mechanisms and without fear of reprisal, intimidation or attack ([A/RES/77/227](#), OP10).

86. In its 2023 report to the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights noted limitations to its documentation work for a number of reasons, including military-imposed localized and long-term internet shutdowns and continuous risks of reprisals by military authorities. Documentation of crimes of sexual and gender-based violence is particularly challenging due to security and safety concerns of survivors and concrete risks of reprisal ([A/HRC/52/21](#), AEV para. 35).

87. In March 2023, the Human Rights Council adopted a resolution calling for full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms, including by ceasing Internet shutdowns and restrictions on information essential for accountability, 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/52/31](#), OP26).

17. Nicaragua

88. In a context of an intensified crackdown on civil society actors and human rights defenders, during the reporting period multiple United Nations actors addressed intimidation and reprisals for cooperation with the United Nations, including the mass dissolution of hundreds of organizations through the arbitrary application of restrictive laws that negatively impacted on their ability to function and cooperate with the United Nations. The Office of the High Commissioner for Human Rights (OHCHR) received information about individuals choosing to share information or testimony with the United Nations only under conditions of anonymity due to fear of reprisals against them and their families. Names and details of those concerned are withheld due to fear of reprisals.

89. From May 2022 to April 2023, special procedures mandate holders⁶⁶, the United Nations High Commissioner for Human Rights⁶⁷, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee⁶⁸, and the Group of Human Rights Experts on

⁶⁴ See <https://bangkok.ohchr.org/ngo-law-myanmar/>.

⁶⁵ [A/77/494](#), paras. 24 and 56–62.

⁶⁶ [NIC 1/2022](#) and [NIC 2/2022](#); <https://www.ohchr.org/en/press-releases/2022/07/nicaragua-un-experts-denounce-arbitrary-shutdown-civil-society-organisations>; <https://www.ohchr.org/en/press-releases/2022/10/nicaragua-must-restore-full-enjoyment-civil-and-political-rights>.

⁶⁷ <https://www.ohchr.org/en/statements/2022/06/oral-update-situation-human-rights-nicaragua>.

⁶⁸ [CERD/C/NIC/CO/15-21](#), paras. 6–7, and [CCPR/C/NIC/CO/4](#), paras. 33–34.

Nicaragua⁶⁹ noted with concern the entry into force on 6 May 2022 of the General Law for the Regulation and Control of Non-Profit Organizations (No. 1115) and its arbitrary application. They expressed concern that this and other restrictive laws, including on counterterrorism and money laundering, were overly vague and misused to unnecessarily and disproportionately restrict the activities of civil society, including many long-term partners of the United Nations. Between May 2022 and April 2023, over 3,000 non-profit organizations, including NGOs, universities, professional associations and others, had their legal personalities arbitrarily cancelled for the alleged non-compliance with a number of laws and regulations, in particular the Law for the Regulation and Control of Non-Profit Organizations (No. 1115).

90. In its March 2023 report to the Human Rights Council, the Group of Human Rights Experts on Nicaragua noted the escalation in February 2023 of the persecution against persons opposed to, or perceived as such by the Government and took measures to protect victims, witnesses and other sources who contributed to the report (A/HRC/52/CPR.5), including by withholding the names and identities of the victims and omitting most of the case studies (para. 41). On 3 April 2023, the Human Rights Council adopted resolution 52/2 on the promotion and protection of human rights in Nicaragua calling 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/52/2).

91. On 23 November 2022, the Committee against Torture decided⁷⁰ to publish the report of the May 2014 visit of the Subcommittee on the Prevention of Torture to Nicaragua (CAT/OP/NIC/ROSP/1) due to the State party’s failure to cooperate with the two Committees, including noncompliance with Articles 12 and 14 of the Optional Protocol on the Convention against Torture. Among other things, the report noted fear of reprisals for engaging with the Subcommittee as well as incidents of reprisals. Observing a general fear of reprisals among person deprived of their liberty, the Subcommittee noted that even speaking with its delegation could lead to reprisals and identified a high risk of reprisals in places of detention visited in the North Atlantic and South Atlantic autonomous regions. The Subcommittee requested the urgent intervention of the national preventive mechanism, which found that reprisals had occurred and briefed the Subcommittee on action taken (paras. 100–101).

18. Pakistan

92. On 6 February 2023, special procedures mandate holders addressed allegations of intimidation and reprisals against **the Centre for Social Justice (CSJ)**, a civil society organization advocating for human rights, following its engagement in the fourth cycle of the Universal Periodic Review (UPR) of Pakistan, which took place during the 42nd session of the UPR Working Group on 30 January 2023 (PAK 1/2023).

93. In July 2022, CSJ submitted a joint report with information about the situation of minority and religious groups in Pakistan. On 21 August 2022, while the UPR submission had not yet been made public, a news item appeared in one of the most widely circulated national newspapers claiming that CSJ’s UPR report was not accurate, was against national interests, and defamed the country on issues such as blasphemy laws and forced conversions. On 12 September 2022, the same newspaper published another article asking the Ministry of Interior to act against the CSJ for its involvement in “negative propaganda against Pakistan”. Following the second article, CSJ closed its office in fear of reprisals by State and non-State actors and one of its staff members resigned due to safety concerns (PAK 1/2023).

94. On 27 September 2022, the Lahore Office of the Registrar of Joint Stock Companies and Firms sent a notice to CSJ convening a hearing and requesting documentation for its periodic renewal of registration. This notice referred to CSJ’s report to the UPR and the United Nations, claiming that CSJ went beyond its mandate. On 8 and 21 October 2022, CSJ received two more notifications from the Registrar concerning the scope of its work and activities and referring to the Societies Registration Act (1860). Following a petition by CSJ,

⁶⁹ A/HRC/52/63, paras. 89–96.

⁷⁰ CAT/C/75/2.

on 16 December 2022 the Lahore High Court issued an order for interim relief, and scheduled a new hearing to be held on 19 January 2023 which sought a restraining order vis-à-vis the Registrar's Office from taking coercive actions against CSJ. However, the hearing for the restraining order did not take place and was postponed indefinitely. On 30 November 2022, **Mr. Suneel Nasir** (Malik), a representative of CSJ, participated in the UPR pre-session for Pakistan, an NGO-led event that took place in UN premises in Geneva (PAK 1/2023).

95. Mandate holders expressed concerns at the reported acts of intimidation and harassment against CSJ allegedly in reprisal for its participation in the UPR process. They stated that the attempted restrictions on CSJ's scope of activity not only violated international standards on freedom of association, but also risked deterring other civil society actors from engaging in human rights advocacy, including with United Nations bodies and mechanisms (PAK 1/2023).

19. Qatar

96. On 24 March 2023, special procedures mandate holders addressed allegations of intimidation and cyber-attacks against **Mr. Mark Somos**, a human rights lawyer and director of the NGO Just Access residing in Germany, following his engagement with various UN human rights bodies and mechanisms on alleged violations committed by the State of Qatar against his clients (QAT 1/2023)⁷¹.

97. Between December 2019 and February 2020, a series of cyberattacks reportedly took place against Mr. Somos's email accounts, including attempts to access his account and at least one occasion in which an unauthorised device accessed his email account. These cyber-attacks came less than two months after Mr. Somos submitted complaints to the UN Human Rights Council, the UN Working Group on Arbitrary Detention (WGAD) and other UN human rights mechanisms regarding the detention of a member of the Qatari royal family and alleged abuses against his wife and children by the State of Qatar. The allegations were addressed by several special procedures mandate holders (QAT 2/2020) and the Government responded⁷² (QAT 1/2023).

98. During the above period, the NGO Just Access also made joint public submissions to different UN human rights mechanisms, such as the treaty bodies, and Mr. Somos participated in NGO side-events at the margins of the Human Rights Council. Mr. Somos reported the hacking attempts of his e-mail accounts and those of his clients to Google and to the German police, and the case is under examination by the German prosecution office. Mandate holders expressed concern at the intimidation and cyberattacks against Mr. Somos which, in their view, may constitute acts of intimidation or reprisal and appear to be directly linked to his work as a human rights defender, including his cooperation with the UN and its mechanisms in the field of human rights (QAT 1/2023).

20. Russian Federation

99. In October 2022, the Human Rights Council adopted resolution 51/25 on the situation of human rights in the Russian Federation. The resolution called upon the Russian authorities to refrain from all forms of intimidation and reprisals against persons and associations for their cooperation with special procedures mandate holders, including the Special Rapporteur on the situation of human rights in the Russian Federation, the treaty bodies and the Office of the United Nations High Commissioner for Human Rights.

100. On 6 October 2022, special procedures mandate holders addressed allegations of intimidation of **Ms. Yana Tannagasheva**, an indigenous civil society representative and human rights defender of the rights of the indigenous Shor people in the Russian Federation (see Annex II), during the fifteenth session of the Expert Mechanism on the Rights of

⁷¹ See DEU 3/2022; OTH 19/2023; and government reply at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37527>.

⁷² See government reply at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35907>.

Indigenous Peoples (EMRIP) in July 2022 ([RUS 15/2022](#)). On 4 July 2022, Ms. Tannagasheva took the floor as a civil society organization representative at the EMRIP. As she finished her statement, she was approached by a representative of the Permanent Mission of the Russian Federation to the United Nations in Geneva, who asked her name, phone number and her business card [in a reportedly aggressive manner]⁷³. They also addressed the allegation of the subsequent removal of related content from the website of a partner organization where the International Committee of Indigenous Peoples of Russia, the organization Ms. Tannagasheva is a member of, had uploaded a statement on the incident. Reportedly the hosting provider of the website received an e-mail with a request from the Russian authorities to remove the page from the Internet within 24 hours. Mandate holders expressed concern that the reported incident of intimidation may have a significant chilling effect on the participation and freedom of expression of representatives of indigenous peoples in the EMRIP and the Human Rights Council, from the Russian Federation and beyond ([RUS 15/2022](#)).

101. On 12 and 13 April 2023, during the dialogue between the Committee on the Elimination of Racial Discrimination and the delegation of the Russian Federation in regard to the Committee's consideration of the Russian Federation's twenty-fifth and twenty-sixth periodic reports, the Committee sought clarifications on the reported attempt to intimidate Ms. Tannagasheva as she was making a statement at the session of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in July 2022 and the reported request by the authorities to the organization represented by Ms. Tannagasheva to remove the statement they published in their website about the incident at EMRIP ([CERD/C/SR.2959](#) para. 28). The Committee recommended in its concluding observations that the State party conduct effective, thorough and impartial investigations into all reported cases of intimidation and harassment of, and threats and reprisals against, human rights defenders, journalists, lawyers, activists and members of civil society organizations ([CERD/C/RUS/CO/25-26](#), para. 19).

21. South Sudan

102. The Secretary-General, the United Nations High Commissioner for Human Rights and the Commission on Human Rights in South Sudan reiterated ongoing concerns about undue restrictions to civic and political space and the continued harassment, intimidation, arbitrary arrests, detention, and ill treatment of journalist, human rights activists and other individuals expressing views critical of the Government⁷⁴.

103. The United Nations Mission in South Sudan (UNMISS) human rights division documented two separate incidents of intimidation and death threats against two individuals for their collaboration and engagement with the United Nations. A relative of one of the individuals was also the target of reprisals for the cooperation of the individual with the Mission. Names and details of those concerned are withheld due to fear of further reprisals.

104. The UNMISS human rights division also documented several instances where civil society actors expressed fear of coming under Government surveillance or of having their organizations infiltrated by individuals affiliated or working for the Government. Civil society shared concerns about Government surveillance through the monitoring of their phones or/and the tracking of their movements. This reportedly contributed to a general climate of fear, which negatively impacted the ability of civil society to cooperate with the Mission.

105. The United Nations Commission on Human Rights in South Sudan reported having gathered testimonies of members of the public, journalists, human rights activists and members of civil society organizations who feared having their cases raised by the United Nations, because of risks of reprisals against them, their families, and organizations they may

⁷³ <https://media.un.org/en/asset/k1r/k1rjz6g7a7>.

⁷⁴ [S/2023/135](#), para. 96; [S/2022/918](#), para. 73; [A/HRC/52/26](#) paras. 19–23; <https://www.ohchr.org/en/statements-and-speeches/2023/03/strengthening-accountability-and-civic-space-critical-south-sudans>.

be affiliated with. Some civil society members told the Commission that they were worried about an increase in self-censorship and that many members of civil society are wary of associating with individuals, who are known to be under State surveillance⁷⁵.

106. The final report of the Panel of Experts on South Sudan noted that few sources were willing to be identified in the report, as many feared reprisals or harassment for having engaged with the Panel. In other cases, issues discussed carried social stigmas that the sources did not wish to incur⁷⁶.

22. United Arab Emirates

107. The Committee against Torture, in its concluding observations of the initial report of the United Arab Emirates adopted on 22 August 2022, expressed concern at reports⁷⁷ of torture or ill-treatment of detainees in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. The Committee expressed further concerns over reports received detailing a pattern of torture and ill-treatment against human rights defenders and persons accused of offences against State security who, by virtue of the State security or terrorism charges against them, are subject to a legal regime with fewer and more restrictive procedural guarantees. The Committee recommended the State party to ensure that human rights defenders, including those sharing information with United Nations human rights mechanisms, are able to work safely and effectively in the State party, including by creating an enabling environment in which they can carry out their work in the promotion and protection of human rights (CAT/C/ARE/CO/1 paras. 13, 14 (b)⁷⁸).

23. United Republic of Tanzania

108. According to information received by OHCHR, civil society representatives of the Maasai people of Loliondo Division of the Ngorongoro District of Tanzania were reportedly subjected to intimidation by representatives of the Permanent Mission of Tanzania for their participation in the April 2023 session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) at United Nations Headquarters in New York and expressed fear of retribution upon their return to Tanzania for their engagement at the Forum.

109. Specifically, on 18 April 2023, **Mr. Edward Porokwa**, from Pingo's Forum, participated in a side event organized on the margins of the UNPFII entitled *Finding a Solution to the Crisis Facing the Maasai of Loliondo* and spoke about the human rights situation of the Maasai people of Loliondo and Ngorongoro in Tanzania⁷⁹. At the beginning of the event, the organizers announced that it was not allowed to take photographs. Reportedly, a representative of the Government of Tanzania took photographs of the speaker without Mr. Porokwa's consent.

110. On 19 April 2023, Mr. Edward Porokwa delivered a statement at the UNPFII on the human rights situation of the Maasai people of Loliondo and Ngorongoro, including the forced eviction of over 80,000 indigenous people from their homes, under agenda item 5(d)⁸⁰. During the meeting, a member of the UNPFII took the floor to emphasize that the Forum was a space for constructive and free dialogue between indigenous peoples and States. He urged a delegate of Tanzania to delete the recording reportedly made of Mr. Porokwa during his presentation, noting that the delegate had allegedly shared it already with a third person. Indicating that the

⁷⁵ A/HRC/52/CRP.3, paras. 327 and 407.

⁷⁶ S/2023/294 para. 13.

⁷⁷ See, for example, A/HRC/45/36, annex II, paras. 126–133.

⁷⁸ See also A/HRC/WG.6/43/ARE/2.

⁷⁹ https://social.desa.un.org/sites/default/files/Side%20events%20at%20UNHQ%20calendar_24Apr2023_clean.pdf.

⁸⁰ <https://social.desa.un.org/issues/indigenous-peoples/unpfi/unpfii-twenty-second-session-17-28-april-2023>. See also <https://media.un.org/en/asset/k1z/k1zkybodp8>.

Forum could facilitate a dialogue, the member stated that such behaviours could be seen as a form of intimidation and restrict the right of participation of indigenous peoples⁸¹.

111. On 24 April 2023, a representative of the Government of Tanzania took the floor under agenda item 6, noting that “[w]e are compelled to make this clarification owing to the malicious and widespread allegations made against Tanzania by a few people and groups, who have decided to ignore the facts I have just alluded to you today. It is disheartening to my delegation to see this important forum being turned into a hall of accusations.” The representative concluded by inviting the Special Rapporteur on the rights of Indigenous Peoples to conduct a visit in Tanzania “so he can witness the situation on the ground rather than relying on propaganda spread by NGOs.”⁸² Members of the UNPFII discussed the incidents during the session with representatives of the State concerned.

24. Uzbekistan

112. In the context of the visit to Uzbekistan by the United Nations High Commissioner for Human Rights on 13–15 March 2023, OHCHR documented at least 20 incidents of intimidation and reprisals by the police and other law enforcement bodies affecting six civil society activists (3 male/3 female) and 14 individuals (6 male/8 female) who engaged, or sought to engage with the United Nations to raise human rights concerns. Those concerned included individuals and activists denouncing arbitrary detention and torture, corruption, gender-based violence, right to fair trial, and forced evictions. The High Commissioner and his Office addressed the incidents with the authorities. OHCHR is monitoring the situation and is in close contact with relevant authorities. Names and details of those concerned are withheld due to fear of further reprisals.

113. It was also reported that several individuals and activists who had planned to travel from different regions of Uzbekistan to Tashkent to deliver petitions to the High Commissioner were arrested for several days or called to police stations prior to their travel and interrogated about the purpose of their trip. Relatives of some of these individuals received threatening calls warning them against their plans to travel. It is reported that these movement restrictions prevented their travel and engagement with the High Commissioner.

114. It was also reported to OHCHR that **Ms. Elena Urlaeva**, a civil society activist who was invited to a meeting with the High Commissioner on 13 March 2023, faced obstacles in accessing the UN building prior to the meeting. Law enforcement agents in plain clothes reportedly turned away Ms. Urlaeva, intentionally delayed her at the entrance, and threatened her with detention. She was finally able to access the UN building, attend the meeting and participate in the discussion. The case of Ms. Urlaeva, of the Human Rights Defenders Alliance of Uzbekistan, was included in previous reports of the Secretary-General, concerning allegations of previous incidents of reprisals against her⁸³.

25. Venezuela (Bolivarian Republic of)

115. United Nations actors addressed allegations of intimidation and reprisals as well as undue restrictions, including in draft legislation, as well as surveillance, stigmatisation and harassment of civil society actors further to, or inhibiting their cooperation with, the United Nations.

116. On 24 January 2023, a bill on the Control, Regularization, Performance and Financing of Non-Governmental and Related Organisations⁸⁴ was tabled in the National Assembly and approved in a first reading. This new bill exacerbated previous concerns raised by several

⁸¹ <https://media.un.org/en/asset/k1z/k1zkybodp8>.

⁸² <https://media.un.org/en/asset/k1y/k1ykp8n54v>.

⁸³ A/HRC/36/31, Annex I paras. 88–89; A/HRC/39/41, Annex II paras. 59–61; A/HRC/45/36, Annex II paras. 134–136.

⁸⁴ Ley de fiscalización, regularización, actuación y financiamiento de las organizaciones no gubernamentales y afines.

United Nations actors⁸⁵ on the growing number of restrictive regulations for civil society actors that have impacted their ability and willingness to carry out their work, including their cooperation with the United Nations. The High Commissioner for Human Rights shared with the Human Rights Council the concerns sparked by the tabling of the bill noting that he had provided detailed observations to the authorities⁸⁶. Experts of the United Nations Independent International Fact-Finding Mission on the Bolivarian republic of Venezuela⁸⁷ noted the lack of precision of the bill (Article 13 national sovereignty or Article 15 on the prohibition of “political activities”) and expressed concern that it may negatively affect organisations engaged in documentation work that fed into the investigations of the Fact-Finding Mission and other international bodies. They further noted that civil society organisations were exposed to permanent surveillance through possible checks.

117. From 26 to 28 January 2023, the High Commissioner of Human Rights visited Venezuela and met with over 125 members of civil society, human rights defenders, victims of human rights violations and representatives of victims’ organizations⁸⁸. According to information received by OHCHR, State actors intimidated two men trade unionists and a woman human rights defender following their meetings, or attempts to meet, with the High Commissioner during his visit.

118. Specifically, on 26 January 2023, members of the *Dirección General de Contrainteligencia Militar* (DGCIM) threatened Mr. Douglas Gonzalez, a trade unionist, that his non-custodial measures, linked to his participation in protests in 2018, would be revoked should he travel to Caracas to meet with the High Commissioner. As a result, he decided not to travel. On 8 February 2023, a second male trade unionist received information that a state-run company had opened an inquiry to bring charges against him in connection with the complaints he had raised with the High Commissioner. Names and details of those concerned are withheld due to fear of further reprisals.

119. On 27 January 2023, **Ms. María Fernanda Rodríguez**, a director of a local NGO and university professor, was detained and questioned following her meeting with the High Commissioner and released later that day following OHCHR’s intervention. She was reportedly interrogated by the Bureau for Scientific, Criminal and Forensic Investigations (Cuerpo de Investigaciones Científicas, Penales y Criminalísticas, Cicpc) about the meeting and informed of a pre-existing arrest warrant against her (dated 2020), of which she had not been officially notified. At the time, the authorities informed OHCHR that Ms Rodríguez had been mistakenly detained without an official order, and that she had therefore been released shortly thereafter. Her detention and uncertainty around her legal status have significantly affected Ms. Rodríguez, who lives in fear for herself and her family due to perceived ongoing surveillance. OHCHR is following her situation in close contact with relevant authorities.

120. On the evening of 7 March 2023, at “El 104” checkpoint in Rosario del Perijá Municipality, Zulia State, members of the *Guardia Nacional Bolivariana* reportedly stopped a delegation of approximately **38 Yukpa indigenous leaders and their relatives** (20 men, 13 women, 15 boys and five girls) traveling to Caracas to meet with OHCHR, among other interlocutors. A high-ranking public official reportedly obstructed their trip to the capital by stating they did not have the right to meet with OHCHR. That evening, members of the *Guardia Nacional Bolivariana* were reportedly deployed in the location causing fear among the delegation that they would be arrested, and they decided to return to Machiques that night.

121. On 13 September 2022, special procedures mandate holders addressed allegations of arbitrary arrest of, and charges against several trade unionists, including **Mr. Emilio Negrín Borges** leader of the court workers’ union (sindicato de trabajadores tribunales) and

⁸⁵ A/HRC/47/55 para. 47; A/HRC/50/59 paras. 52–53; VEN 6/2019; VEN 5/2020; VEN 8/2021; see Government responses at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34948>,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36433>.

⁸⁶ <https://www.ohchr.org/en/statements/2023/03/turk-updates-human-rights-council-situation-venezuela>.

⁸⁷ <https://www.ohchr.org/en/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space>.

⁸⁸ <https://www.ohchr.org/en/statements/2023/01/un-high-commissioner-human-rights-volker-turk-concludes-official-mission>.

representative of the Confederación de Sindicatos Autónomos (CODESA). Mr Negrín's arrest followed his participation at the first session of the Social Dialogue Forum, which took place from 25 to 28 April 2022 in Caracas (VEN 4/2022)⁸⁹. Mandate holders addressed Mr. Negrín's arrest on 5 July 2022 by members of Dirección General de Contrainteligencia Militar (DGCIM) on charges of conspiracy to commit a crime. Mandate holders also noted that allegations of arrests of trade unionists could have a deterrent effect on civil society in the country, including those collaborating with the ILO, who might stop carrying out their legitimate work for fear of reprisals (VEN 4/2022).

122. The March 2023 ILO issued a follow-up report⁹⁰ on further developments, in which it addressed the Social Dialogue Forum and the implementation of the plan of action addressed the situation of Mr. Negrín. The ILO Committee of Experts on the Application of Conventions and Regulations also addressed the case of Mr. Negrín in its 2023 report to the 11th Session of International Labour Conference regretting the lack of specific information provided by the Government on the case (ILC.111/III.A, pages 323–324). According to information received by the United Nations, Mr. Negrín has reportedly been visited in detention by high-level officials and urged to sign the April 2022 Social Dialogue Forum outcome document in exchange for his release. As of 30 of April 2023, he remains in detention.

123. In its September 2022 report to the Human Rights Council, the Independent International Fact-Finding Mission noted that the investigation leading to the drafting of its report 'faced a series of limitations in particular due to security concerns, including victims' fear of reprisals'. They further noted that security concerns would likely curtail the Mission's ability to conduct effective investigations in the country (A/HRC/51/43, para. 7). In October 2022, the Human Rights Council adopted resolution 51/29 on the situation of human rights in Venezuela urging Venezuela to ensure that all individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack (A/HRC/RES/51/29, OP 11).

26. Viet Nam

124. The 2022 United Nations Country Annual Results report of Viet Nam⁹¹ noted that the space in which civil society organizations operate has narrowed with the exercise of greater government control over their activities⁹², discouraging civil society organizations' partnership with the UN. As a result, many organizations have avoided registering as CSOs/NGOs and explored other legal modalities. The report notes that the NGOs most affected are those working on human rights, gender equality and discrimination, the rule of law and governance. Government partners and civil society organizations expressed reluctance to engage with international human rights mechanisms, including treaty bodies (page 66).

125. According to information received by OHCHR, the arbitrary application of restrictive legislation, including vaguely defined provisions in the Criminal Code related to propaganda against the State and the NGO regulatory framework⁹³, negatively impacted on the ability and willingness of civil society organizations to engage with the United Nations. During the period, civil society organizations were allegedly hesitant to engage with the United Nations as implementing partners or to receive funds from the United Nations for fear of being investigated and found in violation of the complex and vague taxation legislation⁹⁴. Several

⁸⁹ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_722456/lang--en/index.htm.

⁹⁰ GB.347/INS/13(Rev.1), paras. 21 and 31.

⁹¹ <https://vietnam.un.org/sites/default/files/2023-06/2022%20UN%20in%20Viet%20Nam%20Annual%20Results%20Report.pdf>.

⁹² In line with Government Decrees 80/2020/ND-CP on non-ODA aid, 114/2021/ND-CP on ODA management, and PM Decision 06/2020/QD-TTg on organization and management of international meetings and workshops in Viet Nam.

⁹³ VNM 7/2021. See government reply at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36915>.

⁹⁴ <https://bangkok.ohchr.org/viet-nam-rights-defenders/>.

NGOs and long-standing United Nations partners refrained from publicly engaging with human rights mechanisms, including treaty body reviews during the period⁹⁵ and the ongoing preparations leading up to the fourth cycle of the Universal Periodic Review of Viet Nam, scheduled to take place in April–May 2024, due to fear of retribution. Additional details of those concerned are withheld due to fear of reprisals.

27. Yemen

126. In its concluding observations on the third periodic report of Yemen, the United Nations Committee on Economic, Social and Cultural Rights expressed concerns about credible and reliable reports of harassment, intimidation and reprisals against human rights defenders, including those working on economic, social and cultural rights and social justice (E/C.12/YEM/CO/3, para. 13).

127. OHCHR continued to document restrictions on humanitarian and development activities by the, the Houthi movement (also known as Ansar Allah) hindering United Nations operations and limiting engagement with civil society actors⁹⁶. OHCHR also documented the impact of these restrictions on human rights work and on civil society engagement with the United Nations on human rights. In March 2023, the authorities in the de facto Ministry of Foreign Affairs in Sana'a refused to grant approval to OHCHR to organize human rights-related commemoration and consultation events with civil society participation, including on the occasion of the International Women's Day in Sana'a and Hajjah, and on the occasion of the International Day for the Elimination of Racial Discrimination in Sana'a, Hajjah, and Hudaydah⁹⁷.

128. OHCHR documented efforts to discourage contact with, and to undermine the confidence of local population in, the United Nations and international humanitarian organizations. Local partners of United Nations and international humanitarian organizations risked being labelled as agents or collaborators of international actors. In the Governorates of Hadramaut, Abyan, Sana'a, Al-Maharah, Dhale', Ibb and Al Baydah, religious leaders reportedly used their sermons repeatedly to speak against the United Nations and international organizations operating in Yemen. They demanded the banning and expulsion of the United Nations and other international organizations, claiming that their continued presence would increase corruption, immorality and conspiring against Islamic values.

129. In addition, OHCHR documented an incident of intimidation and reprisals for cooperation with the United Nations. On 23 May 2022, late at night and for unknown reasons uniformed and plain-clothed security personnel reportedly surrounded the office in Sana'a of Mr. **Abdulbasit Ghazi**, a lawyer. The Yemeni Bar Association condemned the incident in a statement the following day. The incident was allegedly aimed at intimidating Mr. Ghazi and discouraging him from defending detainees and journalists in Houthi-controlled prisons in Sana'a, as well as from sharing information with the United Nations and other international organizations.

130. In its 2023 report to the Security Council, the **United Nations Panel of Experts on Yemen** reported to have received the names and contact details of 27 victims and eyewitnesses of the intimidation, violence and arrests carried out by the Houthis in the villagers of Al-Khodarya, Al-Maarif and Bani Al-Sabahi in the Al-Qasra area, as part of the alleged confiscation of land and buildings by the Houthis in Tihama and other regions under their control. While the panel interviewed several victims and eyewitness, the Panel could not directly contact all of them as they feared that they would be killed if they revealed anything to the Panel. (S/2023/130, Annex 26, p. 176 para. 1).

131. On 19 July 2023, the Government of Yemen responded to the note verbale sent in connection to the present report noting that most of the allegations on cases of intimidation and reprisals for cooperation with the United Nations had taken place in areas controlled by the "Houthi coup militias". The Government condemned those actions.

⁹⁵ Human Rights Committee and the Committee on the Rights of the Child.

⁹⁶ A/HRC/51/47 Annex I, paras. 86–87.

⁹⁷ A/HRC/23/39, paras. 50, 51, 53, 58–59.

Annexe II

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

1. Andorra

1. Since 2020, the case of **Ms. Vanessa Mendoza Cortés**, from the NGO *Associació Stop Violències Andorra*, has been included in the reports of the Secretary-General¹ on allegations of criminal investigation for her engagement with the Committee on the Elimination of Discrimination against Women (CEDAW) in October 2019 during its review of Andorra. The Government stated that Ms. Mendoza Cortés used her participation in the CEDAW review to accuse Government entities of practices that could constitute a criminal offence. The case of Ms. Mendoza Cortés was addressed by the CEDAW Committee and special procedures mandate holders ([AND 1/2020](#))², as well as during the Universal Periodic Review of Andorra in 2021³.

2. On 29 November 2022, the CEDAW Committee addressed a letter to the Government noting concerns over the ongoing criminal procedure against Ms. Mendoza Cortés, including the fact that on 20 October 2022 the investigative judge informed Ms. Mendoza Cortés of the indictment against her of a ‘crime against the reputation of the institutions’ (art. 325 of the Penal Code). The evidence referred to by the judge in the indictment included the shadow report presented by the NGO *Associació Stop Violències* to the Committee in 2019. The judge granted Ms. Mendoza Cortés conditional release with the obligation to appear before the judge when considered appropriate. On 25 November 2022, Ms. Mendoza Cortés’ lawyers filed a motion to dismiss the case.

3. On 28 February 2023, the Government replied to the CEDAW Committee noting that Ms. Mendoza is not subject to intimidation by the Andorran authorities and that the Government collaborates with the NGO *Associació Stop Violències*. The Government further noted that its reply to the Committee on 22 November 2019 included a copy of the original charges and explained that the General Prosecutor’s Office pursued charges against Ms. Mendoza Cortés on the basis of her accusing, in different fora and media, Government officials of committing serious criminal acts against girls and women without submitting any proof or evidence, and not for having denounced Andorra’s abortion policy.

4. On 24 March 2023, Ms. Mendoza Cortés made a statement⁴ during the General Debate under item 5 of the 52nd regular session of the Human Rights Council in which she referred to the allegations of reprisals against her and the NGO *Associació Stop Violències* for the engagement with the CEDAW Committee. According to information received by OHCHR, as of 30 April 2023, the legal case against Ms. Mendoza Cortés is still open and she is awaiting trial.

5. On 17 July 2023, the Government responded to the note verbale sent in connection to the present report recalling that the General Prosecutor’s Office had decided that there was sufficient evidence to pursue the case against Ms. Mendoza Cortés on grounds of infringement of article 325 of the Criminal Code (crimes against the prestige of the institutions), which does not carry a prison sentence. The Government explained further that it had waived its right to be a party to the proceedings and that the sentence was pending. With reference to its letter of 28 February 2023 to the Committee on the Elimination of

¹ [A/HRC/45/36](#), Annex I, paras. 5–7; [A/HRC/48/28](#), Annex II paras. 1–4; [A/HRC/51/47](#), Annex II paras. 1–3.

² See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36025>.

³ [A/HRC/46/11](#), paras. 20 and 60.

⁴ <https://media.un.org/en/asset/k1m/k1mlvfhg2a>.

Discrimination against Women, the Government stated that neither Ms. Vanessa Mendoza nor the Stop Violences Association are the subject of any intimidation or reprisals.

2. Bahrain

6. The case of **Mr. Abdulhadi Al-Khawaja**, a Danish-Bahrani human rights defender, was included in the 2011, 2012, 2021 and 2022 reports of the Secretary-General⁵ on allegations of arbitrary arrest, torture and lengthy sentence following his engagement with United Nations human rights mechanisms. Mr. Al-Khawaja is the former Protection Coordinator of Frontline Defenders as well as former President of the Bahrain Centre for Human Rights. He is currently serving a life sentence on terrorism related charges. In 2012, the Working Group on Arbitrary Detention found the detention of Mr. Al-Khawaja arbitrary on the basis that his deprivation of liberty was the result of the exercise of his fundamental freedoms and human rights as well as due to the non-observance of the international norms relating to the right to a fair trial⁶. United Nations treaty bodies⁷ and special procedures mandate holders have addressed Mr. Al-Khawaja's situation on numerous occasions⁸, to which the Government has responded⁹.

7. On 17 February 2023, special procedures mandate holders addressed allegations of ill-treatment, additional criminal charges, and deteriorating health conditions of Mr. Al-Khawaja (BHR 1/2023). On 17 April 2023, the Government responded¹⁰ providing information on Mr. Al-Khawaja's health conditions and rejecting allegations of restrictions of communications and ill-treatment. On 7 November, during the 41st session of the Working Group on the Universal Periodic Review, a Member State made a recommendation to release all arbitrarily detained persons in Bahrain, including Mr. Al-Khawaja (A/HRC/52/4, para. 194.24), and the Government took note of it (A/HRC/52/4/Add.1, para. 37). On 3 April 2023, the Special Rapporteur on the situation of human rights defenders expressed concerns publicly at reports of the worsening health condition of Mr. Al-Khawaja and called on the Government to provide urgent medical care and immediately release him¹¹.

8. The case of **Mr. Abduljalil Al-Singace** was included in the 2011, 2012, 2021 and 2022 reports of the Secretary-General¹² on allegations of arbitrary arrest, torture and the imposition of a life-imprisonment sentence following his engagement with several United Nations bodies and mechanisms. Mr. Al-Singace was the Director of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy and is currently serving a life sentence on terrorism related charges. Mr. Al-Singace has a disability and requires the use of a wheelchair. United Nations treaty bodies¹³ and special procedures mandate holders have addressed Mr. Al-Singace's situation on numerous occasions¹⁴, to which the

⁵ A/HRC/18/19, paras. 15–24; A/HRC/21/18, paras. 53–54; A/HRC/48/28 Annex II paras. 7–8; A/HRC/51/47, Annex II paras. 5 and 9 and 14.

⁶ A/HRC/WGAD/2012/6.

⁷ E/C.12/BHR/CO/1, paras. 8–9.

⁸ BHR 3/2012; BHR 18/2011; 17/2011; 9/2011; 5/2011; 4/2011; 2/2009; 2/2007; 6/2005; see also: <https://www.ohchr.org/en/press-releases/2021/06/bahrain-un-expert-alarmed-prolonged-detention-human-rights-defenders>.

⁹ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30542>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30543>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30544>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30545>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30187>.

¹⁰ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37486>.

¹¹ <https://twitter.com/UNHumanRights/status/1642931311978463244>.

¹² A/HRC/18/19, paras. 15–24; A/HRC/21/18, paras. 53–54; A/HRC/48/28, Annex II paras. 7–8; A/HRC/48/28, Annex II paras. 7–8; A/HRC/51/47, Annex II paras. 6–9.

¹³ E/C.12/BHR/CO/1 paras. 8–9.

¹⁴ BHR 5/2021, BHR 4/2021, BHR 1/2019, BHR 5/2016, 18/2011, 4/2011, 7/2010, and 5/2010; see also: <https://www.ohchr.org/en/press-releases/2021/06/bahrain-un-expert-alarmed-prolonged-detention-human-rights-defenders>.

Government has responded¹⁵. According to information received by OHCHR, Mr. Al-Singace is currently held in the Ebrahim Khalil Kanoo Medical Centre and in solitary confinement since July 2021. In March/April 2023, the Working Group on Arbitrary Detention deemed his detention arbitrary (Opinion 2/2023). As of 30 April 2023, Mr. Al-Singace reportedly continues the hunger strike he had started in July 2021 to protest against the degrading treatment he had allegedly been subjected to in Jau prison and the confiscation of his manuscript.

9. The cases of human rights defender **Mr. Sayed Ahmed Al-Wadaei** and several of his relatives were included in the 2019, 2020 and 2022 reports of the Secretary-General¹⁶ on allegations of arbitrary arrest, ill-treatment, removal of citizenship and reprisals against family members for Mr. Al-Wadaei's continuous engagement with the United Nations. In 2018, the Working Group on Arbitrary Detention¹⁷ found the detention of Mr. Al-Wadaei's relatives to be arbitrary, based on their family ties and in reprisal for Mr. Al-Wadaei's cooperation with the United Nations. Since 2012, Mr. Al-Wadaei is residing in exile. In July 2021, digital forensic evidence from an investigation reportedly confirmed that Mr. Al-Wadaedi was amongst a group of human rights defenders targeted and successfully hacked with the NSO Group's Pegasus spyware on their mobile phones during the period from 2017 to 2019.

10. In its July 2022 report, the Working Group noted with concern that it continued to receive information about reprisals against individuals who have been the subject of an urgent appeal or an opinion or whose cases have prompted a recommendation of the Working Group (A/HRC/51/29). The Working Group noted allegations of reprisals against **Mr. Sayed Nazar Naama Baqquer Ali Yusuf Alwadaei**, the brother-in-law of Mr. Al-Wadaedi, who reportedly remains imprisoned in Jau Prison serving an 11-year sentence in reprisals for the activism of his brother-in-law, Mr. Sayed Ahmed Al-Wadaei (para. 29).

11. **Mr. Hassan Mushaima**, the former Secretary of the Haq Movement for Liberty and Democracy, who was convicted and sentenced to life on terrorism charges, was included in the 2011, 2012 and 2021 reports of the Secretary-General¹⁸ following his engagement with the United Nations human rights mechanisms. Special procedures mandate holders addressed his situation on multiple occasions¹⁹, to which the Government replied²⁰. According to information received by OHCHR, on 22 November 2022, four members of Mr. Mushaima's family were arrested after a sit-in protest outside the Kanoo Medical centre requesting urgent medical treatment for his medical conditions.

12. On 17 July 2023, the Government responded to the note verbale sent in connection to the present report and stated that in Bahrain no one is arrested because of peaceful political activity or affiliations.

13. Concerning the situation of Messrs. Al-Khawaja, Al-Singace and Mushaima, the Government noted that the three are being tried in cases involving calling for the overthrow of the political system in the country and changing it by force, committing hostile terrorist crimes, and communicating with foreign countries in attempts to undermine security and stability in the Kingdom. It stated further that Mr. Al-Khawaja's health condition is being

¹⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34960>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2110>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36840>.

¹⁶ A/HRC/51/47 Annex II paras. 10 and 15; A/HRC/45/36, Annex II paras. 1–4; A/HRC/42/30, Annex II, paras. 3–6; A/HRC/39/41, Annex I para. 5.

¹⁷ A/HRC/WGAD/2018/51, paras. 85, 93 and 96.

¹⁸ A/HRC/48/28, Annex II paras. 5–6; A/HRC/21/18, paras. 53–54; A/HRC/18/19, paras. 15–24.

¹⁹ BHR 1/2019; BHR 5/2014; BHR 4/2012; BHR 17/2011; BHR 4/2011; BHR 3/2011; BHR 2/2007.

²⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30648>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30287>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30187>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30864>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32017>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34961>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34960>.

monitored at the medical clinic of the correction and rehabilitation centre, and that he is receiving medical treatment for his chronic diseases and is also followed-up in specialized clinics in outside hospitals. With regard to Mr. Al-Singace and Mr. Mushaima, the Government noted that they are both under the supervision of a general medical practitioner at the Ibrahim Khalil Kanu Medical Centre. The Government added that Mr. Al-Singace continues to voluntarily reduce the amount of fluid and food he takes and that Mr. Mushaima was treated for two medical conditions that required specialized treatment and one of them hospitalization. The Government explained further that Mr. Mushaima had been transferred back to the Ibrahim Khalil Kanu Centre on 20 May 2022.

14. Concerning the case of Mr. Sayed Ahmed Al-Wadaei the Government clarified that the charges against him had been confirmed and that he had committed criminal acts. With regard to his brother-in-law, Mr. Sayed Nazar Naama Baqquer Ali Yusuf Al-Wadaei, the Government noted that he was awaiting the appeal verdict over his sentencing to seven and three years in prison for his alleged involvement in 2017 in an attack against law enforcement patrols. The Government noted further that Mr. Sayed Nazar Naama Baqquer Ali Yusuf Al-Wadaei had confessed under interrogation to the charges of carrying and planting an object made to resemble explosives for terrorist purposes.

3. Bangladesh

15. The case of human rights organization **Odhikar, Mr. Adilur Rahman Khan and Mr. Nasiruddin Elan**, Secretary and Director of Odhikar, was included in the 2011, 2019, 2020, 2021 and 2022 reports of the Secretary-General²¹ on alleged accusations of anti-State and anti-Government activities following their engagement in the first cycle of the UPR of Bangladesh in 2009. The 2013 detention and release, and charges against Odhikar staff have been addressed by special procedures mandate holders since 2013, as well as threats, harassment, surveillance, and the killing of one of its staff²². Regulations Bill of 2016 and its application for renewal of registration was not approved by the Government²³.

16. On 22 December 2022, special procedures mandate holders followed up on Odikhar's application to the NGO Affairs Bureau for the renewal of its registration, the legal case against Odhikar and its Secretary, Mr. Khan and addressed allegations of intensified surveillance of Odhikar following the visit to Bangladesh by the United Nations High Commissioner for Human Rights in August 2022. (BGD 4/2022). The Government responded in detail to mandate holders²⁴.

17. According to information received by OHCHR, on 8 June 2022, upon the Government's non approval of Odikhar's application for renewal of its registration, the Ministry of Foreign Affairs allegedly sent a note verbale to all diplomatic missions in Dhaka justifying the government's action and accusing Odhikar of having engaged in maligning the image of the country. Reportedly, on 18 October 2022, Odhikar filed a Writ Petition before the High Court Division of the Supreme Court of Bangladesh challenging the decision not to

²¹ A/HRC/18/19, paras. 25–26; A/HRC/42/30, para. 40 and Annex II, paras. 11–12; 10–11; A/HRC/45/36, para. 47 and Annex II, paras. 8–9; A/HRC/48/28, Annex II paras; A/HRC/51/47: Annex II, paras. 17–21.

²² BGD 6/2021, BGD 1/2017, 6/2015, 2/2014, 15/2013, 10/2013, and, 9/2013.

²³ A/HRC/51/47: Annex II, para. 22. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37398> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37405>.

²⁴ See government replies at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37393>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37398>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37399>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37401>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37402>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37403>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37404>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37405>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37406>.

approve its application. On 7 March 2023 the Writ Petition was reportedly added to the daily list of the High Court Division for fixing the date of a hearing before the High Court bench.

18. On 15 June 2022, according to information received by OHCHR, the 2013 case against Mr. Adilur Rahman Khan and Mr. Nasiruddin Elan under the Information and Communication Technology Act, 2006, was re-opened for investigation to allow further evidence upon request by the State Prosecution²⁵. Furthermore, during the visit of the High Commissioner, a film portraying Odikhar as an organization spreading misinformation and causing riots was screened to United Nations representatives by State officials of the Ministry of Home Affairs.

19. In its 2022 annual report, the Working Group on Enforced or Involuntary Disappearances (A/HRC/51/31) emphasized that the Government of Bangladesh must ensure that relatives of disappeared persons and human rights defenders and civil society organizations working on their behalf are protected from any threat, intimidation or reprisal and expressed particular concern about the Government's decision not to renew the registration of Odhikar.

4. Belarus

20. The case of the NGO **Human Rights Centre Viasna**, a human rights organization providing legal aid in Belarus, was included in the 2021 and 2022 reports of the Secretary-General²⁶ on allegations of raids, arbitrary arrest, and criminal charges in connection with cooperation with the United Nations. Special Procedures mandate holders addressed the situation of Viasna staff and the persecution of the NGO Viasna on several occasions²⁷, noting that the latest arrests and criminal prosecutions unfolded in the context of the adoption of the United Nations Human Rights Council resolution 47/19 on the situation of human rights in Belarus, and the renewal of the mandate of the Special Rapporteur on the situation of human rights in Belarus on 13 July 2021 (BLR 8/2021)²⁸.

21. Between October 2022 and March 2023, the United Nations High Commissioner for Human Rights²⁹, his Spokesperson³⁰, and special procedures mandate holders³¹ addressed the arrest, charges, due process shortcomings, and lengthy sentences of several representatives of Viasna, of which six are currently in prison and at least seven more have suspect status in the criminal case against Viasna, but are not in detention (BLR 1/2023). On 19 May 2023, the Government responded³² providing details on the investigation and conviction. Names and details of those concerned are withheld due to fear of further reprisals.

22. On 20 July 2023, the Government responded to the note verbale sent in connection to the present report listing nine different decisions of various national courts that recognized documents of the "unregistered human rights center Viasna" as extremist materials between

²⁵ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37393> p. 2.

²⁶ A/HRC/51/47, Annex II paras. 23–24; A/HRC/48/28, Annex I, para. 2.

²⁷ BLR 1/2010; BLR 2/2011; BLR 7/2011; BLR 9/2011; BLR 2/2012; BLR 3/2012; BLR 1/2013; BLR 1/2019; BLR 2/2019. See Government replies at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=31683>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=31386>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=31263>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32592>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34577>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34679>.

²⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36641>.

²⁹ <https://www.ohchr.org/en/press-releases/2023/03/belarus-must-end-systematic-repression-release-detainees-un-human-rights>.

³⁰ <https://www.ohchr.org/en/press-briefing-notes/2023/01/grave-concern-trials-belarus>.

³¹ <https://www.ohchr.org/en/press-releases/2022/10/un-experts-call-immediate-release-jailed-nobel-winner-and-other-rights>; <https://www.ohchr.org/en/press-releases/2023/03/belarus-verdict-against-nobel-laureate-ales-bialiatski-effort-quash-scrutiny>.

³² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37531>.

November 2021 and April 2023. The Government also provided information on the status of various criminal proceedings.

5. Burundi

23. On 7 October 2022, the Human Rights Council adopted resolution [51/28](#) calling upon the Government to refrain from 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/51/28](#), OP 7).

24. The cases of human rights lawyers **Mssrs. Armel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana and Lambert Nigarura** have been included since 2017 in the reports of the Secretary-General³³ on allegations of the disbarment of three of the lawyers and suspension of one following their cooperation with the Committee against Torture during the consideration of a special report on Burundi in July 2016³⁴.

25. Mssrs. Niyongere, Bashirahishize and Nshimirimana were among individuals previously accused of participating in an insurrectional movement and attempted coup d'état. They were sentenced in absentia to life imprisonment and ordered to pay financial compensation ([A/HRC/51/44](#), para. 83), which reportedly involved the seizure of financial assets and properties of their families. According to information received by OHCHR, as of 30 April 2023 the three lawyers have not been able to obtain a copy of the Supreme Court's judgement issued in February 2021, impeding their efforts to challenge it. Mssrs. Niyongere, Bashirahishize and Nshimirimana remain in exile due to fear of further reprisals.

6. Cameroon

26. The case of civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** has been included since 2020 in the Secretary-General reports³⁵ on allegations of reprisals following a communication by special procedures mandate holders (CMR 3/2019). Special procedures mandate holders³⁶ have addressed, on several occasions allegations, alleged reprisals against OFFGO members, including the expulsion from the country of **Mr. Jan Joris Capelle**, a Belgian national and co-founder of the organization, threats against **Mr. (Prince) Vincent Awazi**, a traditional chief; and death threats and attacks against **Mr. Elvis Brown Luma Mukuna**, the lawyer of OFFGO, and his relatives. In her 2021 report³⁷, the Special Rapporteur on the situation of human rights defenders addressed the case of Mr. Luma Mukuna and his relatives.

27. On 10 October 2022, the Government responded³⁸ to mandate-holders (CMR 4/2022), providing information related to the inquiries by the General Prosecutor of the North-West region on the situation of Mr. Luma Mukuna and the legal proceedings involving Mr. Capelle. In her 2023 report to the Human Rights Council, the Special Rapporteur on the situation of human rights defenders³⁹ noted OFFGO's case, highlighting the important support of the diplomatic community in the country. According to information received by the OHCHR, on 12 July 2022, Mr. Capelle received two summons to appear before the Court of Mbengwi on 5 and 22 October 2022. However, when he submitted his visa application on 18 August 2022 to the embassy of Cameroon in Belgium, the request was denied. Due to the situation, the

³³ [A/HRC/36/31](#), Annex I, paras. 11–15; [A/HRC/39/41](#), Annex II, paras. 12–13; [A/HRC/42/30](#), Annex II, paras. 13–14; [A/HRC/45/36](#), Annex II, para. 10; [A/HRC/48/28](#), Annex II, para. 13; [A/HRC/51/47](#), Annex II paras. 26–27.

³⁴ [CAT/C/BDI/CO/2/Add.1](#), paras. 33 and 34. See also [INT_CAT_RLE_BDI_24877_F](#) and [INT_CAT_RLE_BDI_24878_F](#).

³⁵ [A/HRC/45/36](#), Annex I para. 53, Annex II paras. 21–23; [A/HRC/48/28](#), Annex II paras. 14–16; [A/HRC/51/47](#), Annex II paras. 28 and 29.

³⁶ [CMR 4/2022](#), [CMR 5/2019](#).

³⁷ [A/HRC/46/35](#), para. 76.

³⁸ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37222>.

³⁹ [A/HRC/52/29](#) para. 107.

Court in Mbengwi postponed the case to February and March 2023. As of 30 April, Mr. Capelle had not been able to obtain a visa to travel to Cameroon to honour the court summons. Mr. Capelle and Mr. Luma Mukuna and his relatives continued to receive threatening messages and calls during the period. On 1 February 2023, Mr. Luma Mukuna reportedly received a call from an unidentified individual with death threats and a warning that his house was under surveillance and that there were instructions to kidnap a close relative. Mr. Luma Mukuna reported the incident to the police on the same day. Due to the ongoing security risks, Mr. Luma Mukuna and his family have temporarily relocated to a safer location.

7. China

28. The case of the human rights defender network **Civil Human Rights Front** was included in the 2021 and 2022 Secretary-General reports on reprisals⁴⁰, on allegations that it was placed under police investigation, inter alia, for having sent a joint letter to the United Nations High Commissioner for Human Rights, further to which the head of the network, **Mr. Figo Hu-Wun Chan**, received a formal letter of inquiry about the purpose of the letter. The Government's reply of 20 August 2021, included in the 2021 Secretary-General report, noted that the organization had allegedly violated the registration requirements and that Mr. Figo Hu Wun Chan had been sentenced to 18 months' imprisonment after he had pleaded guilty to "inciting others to knowingly take part in an unauthorized assembly" on 1 October 2019. Civil Human Rights Front publicly announced its disbandment in August 2021. According to information received by OHCHR, Mr. Figo Hu Wun Chan was released from prison in October 2022 after having served his full sentence.

29. The case of **Mr. Shen Youlian**, human rights defender in Guizhou province, was included in the 2021 and 2022 report of the Secretary-General⁴¹ on allegations that he had been administratively detained for 10 days following his posting of an open online letter to the High Commissioner. According to information received by OHCHR, on 10 December 2022, Mr. Shen Youlian was reportedly forced by Guiyang State security officials to leave his town for three days, and hence he was allegedly prevented from publicly observing Human Rights Day. Reportedly, he was also closely monitored by police on 3 March 2023, during the time the National People's congress was in session.

30. The case of a human rights defender against gender-based violence and for labour rights, **Ms. Li Qiaochu**, was included in the 2021 and 2022 report of the Secretary-General⁴² on allegations that her detention was a reprisal for meeting online with two experts from the Working Group on Enforced or Involuntary Disappearances in September 2020⁴³. On 28 February 2022, Ms. Li Qiaochu was indicted for "inciting subversion of state authority." According to information received by OHCHR, Ms. Li Qiaochu met her lawyer for the first time on 17 March 2022. She has been reportedly held at the Linyi Detention center in Shandong province for over two years awaiting to stand trial. Reportedly, she has been held in a crowded cell with 15 other people. Reportedly, she continued to experience side effects from improper drug medication and her repeated applications for family visits have been rejected.

31. 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 Detention⁴⁴, was included in the reports of the Secretary-General since 2019⁴⁵. According to information received by OHCHR, Ms. Li Yuhan was tried for the charges of "picking quarrels and provoking trouble" and "fraud" in October 2021 and remains in pre-trial detention at the Shenzang No. 1 Detention Center, awaiting sentencing since 9 October 2017. Reportedly, in November 2022, the Heping People's Court ordered another three

⁴⁰ A/HRC/48/28, para. 56, Annex I, para. 23; A/HRC/51/47, Annex II, para. 31.

⁴¹ A/HRC/48/28, para. 57, Annex I, para. 25; A/HRC/51/47, Annex II, paras. 34 and 35.

⁴² A/HRC/48/28, para. 58, Annex I, para. 26; A/HRC/51/47, Annex II, paras. 36–38.

⁴³ See also CHN 4/2021.

⁴⁴ A/HRC/WGAD/2018/62, paras. 59, 62, 77–78.

⁴⁵ A/HRC/42/30, para. 45 and Annex I, paras. 13, 15, A/HRC/45/36, Annex II, para. 14; A/HRC/48/28, para. 59, Annex II, para. 17; A/HRC/51/47, Annex II, para. 39.

months extension of her detention, allegedly without the required approval of the Supreme People's Court. During the reporting period, Ms. Li Yuhan's health has deteriorated and her multiple applications for medical release were rejected despite suffering from urgent medical conditions. Reportedly, a judge rejected a medical request for a CT scan despite all necessary arrangements made by the prison and on 20 March 2023, Ms. Li Yuhan underwent a medical examination.

32. The case of **Ms. Xu Yan**, who had engaged with UN human rights mechanisms, has been included in the reports of the Secretary-General since 2019⁴⁶, in relation to her interrogation for her campaign for the release of her detained husband, **Mr. Yu Wensheng**, a human rights lawyer whose detention was considered arbitrary by the Working Group on Arbitrary Detention⁴⁷ (CHN 5/2018)⁴⁸. On 1 March 2022, Mr. Yu Wensheng was reportedly released after completing a four-year sentence. According to information received by OHCHR since his release from prison, he and Ms. Xu Yan have been under close surveillance, and at times confined to their homes for days. On 13 April 2023, several police officers reportedly prevented Ms. Xu Yan and her husband from taking the subway to attend a meeting in the EU Embassy in Beijing. They were informed they were being summoned and taken to the Shijingshan Bajiao police Station. The following day, they were formally arrested on suspicion for "picking quarrels and provoking trouble." Reportedly, on 15 April, several police officers searched the family's apartment and confiscated items without a search warrant.

33. The case of **Ms. Chen Jianfang**, a human rights defender, was included in the 2014, 2019, 2020, 2021 and 2022 reports of the Secretary-General⁴⁹ on allegations of intimidation and reprisal for her campaign for civil society participation in the UPR, including a tribute to Ms. Cao Shunli⁵⁰ on the fifth anniversary of her death (CHN 11/2013)⁵¹. On 19 August 2019, special procedures mandate holders raised concern about Ms. Chen Jianfang's alleged arbitrary detention and enforced disappearance (CHN 16/2019)⁵². According to information received by OHCHR, in August 2022, a Shanghai No. 1 People's court sentenced Ms. Chen Jianfang to four years and six months in prison for "inciting subversion of state power," followed by four years of deprivation of political rights. Reportedly, due to the time she already spent in prison, her sentence is set to end on 21 October 2023. According to information received, the court based its judgement on allegations by the prosecution that Ms. Chen had taken part in NGO-training programs on human rights mechanisms. Reportedly, she was also accused of organizing street protests critical of the government and of posting photos of these protests on websites overseas.

34. The case of lawyer **Ms. Wang Yu** has been included in the reports of the Secretary-General since 2018⁵³ on allegations of arrest and charges of "subversion of state power," (CHN 6/2015),⁵⁴ including in connection with her role in the case of **Ms. Cao Shunli**, who had cooperated with the United Nations. On 26 November 2020, the Beijing Justice Bureau reportedly cancelled Ms. Wang Yu's license to practice law. According to information received by OHCHR, during the reporting period, while quarantine restrictions were still in

⁴⁶ A/HRC/42/30, para. 45 and Annex I, paras. 13, 17, A/HRC/45/36, Annex II, para. 16; A/HRC/48/28, para. 59, Annex II, para. 19; A/HRC/51/47, Annex II, para. 40.

⁴⁷ A/HRC/WGAD/2019/15 paras. 30, 38, 49 and 50.

⁴⁸ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33962>.

⁴⁹ A/HRC/27/38, para. 17, A/HRC/42/30, Annex II, para. 18; A/HRC/45/36, Annex II, para. 19–20, A/HRC/48/28, para. 59, Annex II, para. 20, A/HRC/51/47, Annex II, para. 41.

⁵⁰ A/HRC/27/38, paras. 17–19, A/HRC/30/29, Annex I, para. 1, A/HRC/33/19, para. 39, A/HRC/39/41, Annex I, para. 10–11, A/HRC/42/30, Annex II, paras. 17–19; A/HRC/45/36, Annex II, paras. 19, 21, and 34.

⁵¹ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32042>.

⁵² See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34911>.

⁵³ A/HRC/39/41, Annex I, para. 10–12; A/HRC/42/30, Annex II, para. 19; A/HRC/45/36, Annex II, para. 21, A/HRC/48/28, para. 59, Annex II, para. 21; A/HRC/51/47, Annex II, para. 42.

⁵⁴ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32826>.

place, her local health code reportedly turned red (indicating a COVID-19 infection) despite repeated negative COVID-19 test results, during the 20th Party Congress in October 2022. As a result of having a red health code, her movements were reportedly restricted, and she was barred from entering buildings and accessing transportation.

35. The case of **Ms. Li Wenzu** was included in the 2017, 2019, 2020, 2021 and 2022 reports of the Secretary-General⁵⁵ 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)⁵⁶. According to information received by OHCHR, during the reporting period, **Ms. Li Wenzu and Mr. Wang Quanzhang**, and members of their family, were reportedly under the surveillance of [assigned] police agents, when leaving their home. Reportedly, on 8 March 2023, some 20 State security police agents surrounded their home, pointing shining flashlights at it and blocking with umbrellas the security cameras that the family had earlier installed. Reportedly, the tires of Mr. Wang Quanzhang's car were also punctured. The authorities reportedly told the couple that the restrictions were due to the International Women's Day. On 10 December 2022, similar restrictions were reportedly imposed, preventing the couple from leaving the home to observe Human Rights Day. This was reportedly the third year in a row that Ms. Li was prevented from leaving her home to commemorate Human Rights Day. Reportedly, her passport application was rejected by the authorities during the reporting period, and as a result she remains unable to travel internationally.

36. The case of **Ms. Wang Qiaoling** was included in the 2017, 2019, 2020, 2021 and 2022 reports of the Secretary-General⁵⁷ 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)⁵⁸. On 8 May 2021, the conditions of the four-year suspended sentence for "subversion of state authority" of **Mr. Li Heping**, (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=14403>, CHN 3/2017, CHN 5/2017)⁵⁹, Ms. Wang Qialing's husband, were lifted. According to information received by OHCHR, during the reporting period, Mr. Li Heping and Ms. Wang were reportedly subjected to close surveillance leading up to the 20th National Congress of the Chinese Communist Party, held in October 2022. Reportedly since the beginning of mid-September, policemen in plain clothes were monitoring their home, and the couple also reported being followed by police cars, when leaving their apartment.

37. On 28 July 2023, the Government responded to the note verbale sent in connection to the present report. Regarding the Civil Human Rights Front and Mr. Figo Hu-wun Chan, the Government reiterated the information it had provided in its reply to last year's report (A/HRC/51/47, Annex II, para. 50) noting that the Civil Human Rights Front was suspected of having violated the registration requirement under section 5 of the Societies Ordinance, and that the police had prosecuted Mr. Figo Hu-wun Chan for failing to comply with a request to provide information in violation of section 16(2) of the said Ordinance. It restated that Mr. Chan had pleaded guilty and had been fined 8,000 Hong Kong dollars. The Government also confirmed that Mr. Chan had fully served his prison sentence of 22 months for his involvement in a number of unauthorized assemblies in 2019 and 2020.

38. Regarding the situation of Mr. Shen Youlian and Ms. Li Qiaochu, the Government reiterated its reply to last year's report (A/HRC/51/47, Annex II, para. 51) recalling that the Chinese judicial authorities have not implemented any coercive measures against Mr. Shen Youlian. With regard to Ms. Li Qiaochu, indicted for the crime of inciting the subversion of

⁵⁵ A/HRC/36/31, Annex I, paras. 20–21; A/HRC/42/30, Annex II, para. 22, A/HRC/45/36, Annex II, para. 242; A/HRC/48/28, para. 59, Annex II, para. 24, A/HRC/51/47, Annex II, paras. 44–45.

⁵⁶ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33318>.

⁵⁷ A/HRC/36/31, Annex I, paras. 20–21, A/HRC/42/30, Annex II, paras. 23–24, A/HRC/45/36, Annex II, para. 25, A/HRC/48/28, para. 59, Annex II, para. 25, A/HRC/51/47, Annex II, para. 46.

⁵⁸ See government reply at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33318>.

⁵⁹ See government replies at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33449>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33516>.

State power, it noted that the case was currently pending with the Intermediate People's Court of Linyi city.

39. Regarding the situation of Ms. Li Yuhan the Government reiterated the information on the criminal proceedings against her as reflected in its reply to last year's report (A/HRC/51/47, Annex II, para. 52) and added that her trial on suspicion of picking quarrels and provoking trouble as well as committing fraud was ongoing and that the verdict was pending.

40. Regarding Mr. Yu Wensheng and Ms. Xu Yan, the Government reiterated the information provided in its reply to last year's report (A/HRC/51/47, Annex II, para. 53) and noted further that Mr. Yu Wensheng had been released on 1 March 2022 after having served his full sentence. The Government added that, on 14 April 2023, Beijing public security authorities had initiated a criminal investigation against Mr. Yu Wensheng and Ms. Xu on suspicion of the crime of picking quarrels and provoking trouble and that it was ongoing.

41. Regarding the situation of Ms. Chen Jianfang, the Government noted that, on 5 August 2022, Ms. Chen Jianfang had been sentenced by the Shanghai No. 1 Intermediate People's Court to four years' and six months' imprisonment, four years' deprivation of political rights and the confiscation of RMB 30,000. It added that Ms. Chen Jianfang had filed an appeal and was currently detained in the Shanghai Municipal Detention Center. Concerning Ms. Wang Yu, the Government reiterated the information provided in its reply to last year's report (A/HRC/51/47, Annex II, para. 54) and noted that the judiciary was not taking any coercive measures against her.

42. Concerning the situation of Mr. Li Heping and Ms. Wang Qiaoling, the Government reiterated the information provided in its reply to last year's report on Mr. Li's 2017 sentence to three years' imprisonment, four years' probation and four years' deprivation of political rights (A/HRC/51/47, Annex II, para. 56), and noted that the judiciary had not taken any coercive measures against Mr. Li Heping and Ms. Wang Qiaoling and there had been no intimidation or harassment against them.

8. Colombia

43. The case of **Mr. Wilmer Orlando Anteliz Gonzalez** was included in the 2019, 2020 and 2021 reports of the Secretary-General⁶⁰ on allegations of disciplinary investigations, demotions, unsolicited transfers, death threats and lack of adequate protection measures following his cooperation with OHCHR in Colombia. Mr. Anteliz is a member of the police force and a protected witness and whistle-blower 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.

44. According to information received by OHCHR, during the period Mr. Anteliz did not receive a response to different requests he made related to his assignment, security in his location and position, which reportedly exposed him to greater security risks. Mr. Anteliz was reportedly the target of stigmatization within the police unit where he served for his perceived association with human rights organizations as well as with OHCHR. On 22 January 2023, Mr. Anteliz was informed of his dismissal under an allegedly irregular procedure. He was reportedly notified at the police station that he commanded, in front of his subordinates, and was compelled to leave the station immediately, exposing him to an additional security risk. On 2 March 2023, Mr. Anteliz filed a motion against his dismissal at the First Labour Court of the Circuit of Cúcuta. On 16 March 2023, the court ordered his reinstatement on the job. However, on 16 March 2023 the Ministry of Défense and the police appealed before the Superior Court of the Judicial District of Cúcuta, which on 3 May 2023 revoked the first instance court's decision.

⁶⁰ A/HRC/42/30, Annex I, para. 25; A/HRC/45/36, Annex II para. 35; A/HRC/48/28, Annex II paras. 27–28.

45. On 18 July 2023, the Government responded to the note verbale sent in connection to the present report. The Government stated that in 2017, Mr. Wilmer Orland Anteliz Gonzalez, did not provide consent to become a beneficiary of the State Protection Program he was offered and confirmed two investigations in the Sectional Prosecutor's Office in North of Santander for the crime of threats against Mr. Anteliz. The National Police also confirmed that on 19 January Mr. Anteliz was dismissed by the National Government through an administrative procedure instructed by the Ministry of Defence in accordance with article 1 of Law 857 of 2003, and that the dismissal was revoked by the Superior Court of the Judicial District of Cúcuta, in response to the motion filed by Mr. Anteliz against his dismissal. The Government noted further that the Constitutional Court has assessed the consistency between the discretionary power of withdrawal and the Colombian Constitution, reaching the conclusion that it does not violate the right to due process. Additionally, the National Police noted that Mr. Anteliz has not presented his case before the Contentious Administrative Jurisdiction or before the courts of first and second instance, which is in the view of the National Police the appropriate instance to seek a declaration of nullity of the resolution that removed him from active service in the National Police.

9. Cuba

46. The case of **Mr. Juan Antonio Madrazo Luna**, a member of the Comité Ciudadanos por la Integración Racial (CIR), has been included since 2019 in the reports of the Secretary-General⁶¹ on allegations of intimidation and travel restrictions that prevented his engagement with the Universal Periodic Review of Cuba and Committee on the Elimination of Racial Discrimination⁶² in 2018. The Committee addressed the allegations in August 2018 and the Government responded. The case of **Ms. Marthadela Tamayo González**, a member of CIR working on women's rights, was included in the 2018, 2021 and 2022 reports of the Secretary-General⁶³ on allegations of intimidation and travel restrictions in connection to her engagement with the Universal Periodic Review of Cuba in 2018. Special procedures mandate holders have addressed the situation of Mr. Madrazo Luna and Ms. Tamayo Gonzalez in two communications⁶⁴ to which the Government has responded⁶⁵.

47. According to information received by OHCHR, Mr. Madrazo Luna and Ms. Tamayo González were informed by the authorities that they continue to be under a temporary exit ban (*regulados*) during the reporting period and could not travel abroad. This reportedly hindered their engagement with the United Nations, including for the ongoing preparations of the fourth cycle of the Universal Periodic Review of Cuba, scheduled to take place in November 2023. Both human rights defenders reportedly continue to be under constant surveillance at their home by police agents and have suffered repeated and targeted interruptions of their mobile data and landline phone services, sometimes for periods of weeks. This has prevented them from seeking, receiving, and imparting information, and obstructed their engagement with the United Nations.

10. Djibouti

48. The case of **Mr. Kadar Abdi Ibrahim**, of the Mouvement pour la démocratie et la liberté (MoDEL), has been included since 2018 in the reports of the Secretary-General⁶⁶ on allegations of passport confiscation by the authorities related to his engagement with the

⁶¹ A/HRC/39/41, Annex I, para. 25; A/HRC/42/30, Annex II, paras. 36–37; A/HRC/45/36, Annex II, para. 39; A/HRC/48/28, Annex II paras. 33–34 and 37; A/HRC/51/47, Annex II paras. 57–58.

⁶² INT_CERD_RLE_CUB_8965_S.

⁶³ A/HRC/39/41, Annex I, para. 25 and A/HRC/48/28, Annex II paras. 33–34 and 37; A/HRC/51/47, Annex II paras. 57–58.

⁶⁴ CUB 1/2021 and CUB 4/2021.

⁶⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36028>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37031>.

⁶⁶ A/HRC/39/41, Annex I, para. 3; A/HRC/42/30, Annex II, paras. 40–41; A/HRC/45/36, Annex II, paras. 42–43; A/HRC/48/28, Annex II paras. 38–39; A/HRC/51/47, Annex II Paras. 59–60.

Universal Periodic Review of Djibouti in May 2018⁶⁷. In 2021, the Government responded noting that Mr. Ibrahim continues his anti-constitutional and illegal activities, that MoDEL receives funds from abroad and has connections with extremist movements, and it therefore reserves the right to restrict his movements⁶⁸. According to information received by OHCHR, Mr. Ibrahim has reportedly not received any official notification during the period regarding the status of his passport and/ or the restrictions on his right to freedom of movement. As of 30 April 2023, Mr. Ibrahim's passport remains confiscated by the Service de Documentation et Sécurité (SSD), which continues to hinder his human rights work and obstructs his engagement with the United Nations.

11. Egypt

49. Treaty bodies enquired about the situation of two of several⁶⁹ victims of alleged reprisals for cooperation with the United Nations, who continued to be kept in prolonged detention. Special procedures mandate holders also addressed allegations of ill-treatment and torture of another alleged victim of reprisals as well as the application of Egyptian legislation, including NGO and counter-terrorism laws, and its impact on individuals and civil society groups' ability and willingness to cooperate with the UN (EGY 9/2022).

50. The case of **Mr. Ebrahim Abdelmonem Metwally Hegazy**, a human rights lawyer and co-founder of the Association of the Families of the Disappeared, was included in the 2014, 2018, 2019, 2020, 2021, 2022 and reports of the Secretary-General⁷⁰ on allegations of enforced disappearance and torture while attempting to attend a meeting in 2017 with the UN Working Group on Enforced and Involuntary Disappearances (WGEID). He was charged with founding and leading an illegal terrorist organization, conspiracy with foreign entities or organizations to harm state security. On 16 June 2021, special procedures mandate holders addressed cases of arbitrary detentions, including of Mr. Metwally (EGY 5/2021). In February 2022, his case was renewed by the Cairo Criminal Court (case 786/2020). Mr. Metwally is reportedly held at the Correction and Rehabilitation Center in Badr 3.

51. On 1 March 2023, during the 5th periodic review of Egypt⁷¹, the Human Rights Committee enquired about the situation of Mr. Metwally. The Government did not address the question in its reply⁷². According to information received by OHCHR, Mr. Metwally is constantly monitored, prevented from receiving family visits, and allegedly subjected to ill-treatment in detention. Reportedly, there are cameras equipped with audio recording inside his cell, as well as continuous lighting. Mr. Metwally is allegedly only provided with small amounts of food, and his medicines are not allowed inside the prison.

52. The case of **Mohamed el-Baqer**, a human rights lawyer from the Adalah Center for Rights and Freedoms, has been included in the reports of the Secretary-General since 2020⁷³ on allegations of arrest, ill-treatment and terrorism charges following the engagement of the Adalah Center in Egypt's 2019 Universal Periodic Review (UPR) concerning the human rights situation of the Nubians (EGY 11/2019). Mr. el-Baqer was accused of "joining a terrorist organization" and "participating in a criminal agreement with the intention of committing a terrorist crime" and included in an official terrorist list. The situation of Mr. el-Baqer, and the allegations of reprisals for his engagement in the 2019 UPR of Egypt, have

⁶⁷ DJI 1/2018. See Government response at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34341>.

⁶⁸ A/HRC/48/28, Annex II para. 39.

⁶⁹ A/HRC/27/38; A/HRC/36/31; A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47.

⁷⁰ A/HRC/39/41, Annex I, para. 32–35. A/HRC/42/30, Annex II, paras. 42–44; A/HRC/45/36, Annex II, paras. 44–46; A/HRC/48/28, Annex II, paras. 40–41; A/HRC/51/47, Annex II paras. 64–65.

⁷¹ Human Rights Committee, 137th Session 3959th meeting at <https://media.un.org/en/asset/k12/k1260210x0>; and CCPR/C/SR.3959, para. 19.

⁷² <https://www.ohchr.org/en/news/2023/03/dialogue-egypt-experts-human-rights-committeecommend-measures-combatting>.

⁷³ A/HRC/45/36, Annex I, paras. 45–46; A/HRC/48/28, Annex II, paras. 46–47; A/HRC/51/47, Annex II, paras. 66–69.

been addressed by special procedures mandate holders in several occasions⁷⁴, and his detention was found to be arbitrary in 2021 by the UN Working on Arbitrary Detention (A/HRC/WGAD/2021/45).

53. On 11 November 2022, special procedures mandate holders publicly urged Egypt⁷⁵ to seize the moment of the COP 27 conference to demonstrate its willingness to abide by international human rights standards and review the cases of several human rights activists charged with terrorism-related offences, including Mr. El-Baquer. On 19 January 2023, the Government replied⁷⁶ to mandate holders (EGY 1/2022) providing information on the charges against and conviction of Mr. el-Baquer, his conditions of detention and his state of health. On 1 March 2023, during the consideration of the 5th periodic report of Egypt⁷⁷, the Human Rights Committee enquired about the trial and conviction of Mr. El-Baquer. In his response, a representative of Egypt provided information in this regard (CCPR/C/SR.3959, paras. 18 and 48). In its July 2022 report to the Human Rights Council⁷⁸, the WGEID noted that the Government had taken no action to implement its Opinion regarding the release of Mr. El-Baquer.

54. According to information received by the OHCHR, on 3 January 2022, the President of Egypt ratified Mr. el-Baquer's verdict and his sentence will conclude on 3 January 2026. On 2 October 2022, Mr. el-Baquer was reportedly transferred from the Tora Maximum Security 2 Prison to Badr 1 prison. On 10 April 2023, Mr. el-Baquer and his cell mates were reportedly assaulted by prison guards resulting in serious injuries. On 17 April 2023, security forces reportedly detained **Ms. Neama Hesham**, Mr. el-Baquer's wife, at her home following her public advocacy about the assault of her husband in detention. Ms. Hesham had reportedly visited her husband the day before and expressed concerns online about his injuries resulting from an attack by the prison guard the week before. Ms. Hesham was released on 18 April 2023 without charges.

55. The case of **Mr. Ahmed Shawky Abdelsattar Mohamed Amasha**, a human rights defender and co-founder of the League for the Families of the Disappeared, has been included in reports of the Secretary-General since 2017⁷⁹ on allegations of abduction, detention, torture following his engagement on behalf of relatives with UN mechanisms, including the WGEID. In November 2017, the UN Working Group on Arbitrary Detention found Mr. Amasha's detention arbitrary (A/HRC/WGAD/2017/78). On 4 October 2019, Mr. Amasha was released on bail, but detained again in June 2020.

56. On 11 November 2022, special procedures mandate holders addressed allegations of detention, torture, ill-treatment, enforced disappearance, incommunicado detention and deteriorating health status of Mr. Amasha (EGY 10/2022). On 29 August 2022, he was referred to the terrorism circuit of the Supreme State Criminal Court on charges of "knowingly joining and funding a terrorist group," and his name was added to the existing Case No. 1360/2019, with another 37 defendants. Since his detention in Badr prison in September 2022, Mr. Amasha has allegedly been held in isolation in a cell with continuous electric lights on and 24-hour camera surveillance and is allowed little time for outdoor exercise. On 25 October 2022, Mr. Amasha reportedly joined other detainees in a hunger strike to protest prison conditions (EGY 10/2022).

⁷⁴ EGY 10/2020, EGY/5/2021, EGY/8/2021, EGY 1/2022.

⁷⁵ <https://www.ohchr.org/en/press-releases/2022/11/un-experts-call-immediate-release-alaa-abdel-fattah>
<https://www.ohchr.org/en/press-releases/2022/11/un-experts-call-immediate-release-alaa-abdel-fattah>.

⁷⁶ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37326>.

⁷⁷ <https://media.un.org/en/asset/k12/k1260210x0>.

⁷⁸ A/HRC/51/29, p. 13.

⁷⁹ A/HRC/36/31, Annex I, para. 34; A/HRC/39/41, Annex II, para. 17–18, 21; A/HRC/42/30, Annex II, paras. 45–46; A/HRC/45/36, Annex II, paras. 44–46; A/HRC/48/28, Annex II paras. 48; A/HRC/51/47 Annex II, paras. 62–63.

57. The **impact of Egyptian legislation on the ability of individuals and civil society groups to cooperate with the United Nations** has been included in the reports of the Secretary-General since 2017⁸⁰ with references to the misuse of the Terrorist Entities Law (Law 8 of 2015) and the Anti-Terrorism Law (Law 94 of 2015) to inhibit or punish cooperation with the UN as well as to the use of travel bans⁸¹. According to information received by OHCHR, **the use of travel bans** under national security legislation has become a significant obstacle for civil society actors based in Egypt to cooperate with the UN. During the reporting period, travel bans severely limited the ability of civil society actors and human rights defenders to engage with the UN outside the country and led to self-censorship for fear of retribution. In March 2023, the UN Human Rights Committee⁸² expressed concern that significant numbers of activists and human rights defenders perceived as critical of the Government have been subjected to arbitrary travel bans and asset freezes under counter-terrorism legislation. The Committee urged Egypt to ensure that human rights defenders and civil society actors and organizations can operate safely, and lift travel bans and asset freezes against them.

12. Guatemala

58. Alleged acts of reprisals against judges and prosecutors who worked on cases investigated with the technical assistance of the International Commission against Impunity (CICIG) have been included since 2019 in the Secretary-General's reports⁸³. During the reporting period, UN actors noted developments on ongoing cases or situations included in previous reports.

59. In its 2023 report to the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted an alarming increase in the number of justice officials who were the target of attacks related to their role in cases of corruption and serious human rights violations, including the cases below. The report also noted online defamation and slander campaigns against justice officials (A/HRC/52/23, paras. 60–63)⁸⁴.

60. Alleged reprisals continued against prosecutors from the Special Prosecutor's Office Against Impunity (FECI) who investigated cases in collaboration with the CICIG, and two of their lawyers.

61. The case of **Ms. Virginia Laparra**, former FECI chief in Quetzaltenango, was included in the 2022 report of the Secretary-General⁸⁵ on allegations of arrest and arbitrary detention for her work with the FECI in high-profile corruption cases against public officials and organized crime, including many investigated with the technical assistance of the CICIG (GTM 1/2022)⁸⁶. On 22 and 25 November 2022, the Special Rapporteur on the independence of judges and lawyers expressed concern over the criminalisation of Ms. Laparra noting that the proceedings had been characterised by violations to due process and an excessive use of pretrial detention, amongst others (GTM 6/2022)⁸⁷.

62. According to information received by OHCHR, on 16 December 2022, Ms. Laparra was convicted and sentenced to four years' imprisonment, commutable, and barred from holding public office for four years for abuse of authority. Between October 2022 and January 2023, Ms. Laparra received an arrest warrant for a second criminal case against her and

⁸⁰ A/HRC/36/31, Annex I, para. 33; A/HRC/42/30, Annex II, paras. 49–50; A/HRC/45/36, Annex II, paras. 50–53; A/HRC/48/28, Annex II paras. 50–53; A/HRC/51/47 Annex II, para. 73.

⁸¹ A/HRC/48/28, Annex II paras. 50–52.

⁸² CCPR/C/EGY/CO/5, paras. 49–50.

⁸³ A/HRC/42/30, Annex I, paras. 40–42; A/HRC/45/36, Annex II, paras. 56–59; A/HRC/48/28, Annex II, paras. 53–61; A/HRC/51/47, Annex I, paras. 27–30, Annex II, paras. 74–79.

⁸⁴ See also GTM 4/2022; E/C.12/GTM/CO/4, para. 6; and A/HRC/53/9, paras. 90.37–90.52; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37232>.

⁸⁵ A/HRC/51/47, Annex I, paras. 27–30.

⁸⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36970>.

⁸⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27705>; <https://www.ohchr.org/en/press-releases/2022/11/guatemala-un-expert-condemns-targeting-prosecutor-and-judge>.

criminal proceedings were initiated accusing her of leaking confidential information in a hearing as FECI prosecutor. On 3 January 2023, the judge in charge of Ms. Laparra's case ordered a criminal investigation against Ms. Laparra's lawyer, Ms. Wendy Geraldina López presumably for the crimes of disobedience and/or public disorder. The order was issued when Ms. López protested against the judge's instruction of the secrecy of the proceedings and told her to leave the court room. On 1 April 2023, the judge barred Ms. López from defending Ms. Laparra.

63. The cases of **Ms. Siomara Sosa**, **Ms. Paola Escobar**, **Mr. William Racanac**, and Ms. Sosa's lawyer and former CICIG worker **Ms. Leily Santizo**, were included in the 2022 report of the Secretary-General⁸⁸ on allegations of undue criminal proceedings against them on charges of abuse of authority, usurpation of functions, obstruction to justice and false testimony. According to information received by OHCHR, the criminal proceedings against Ms. Sosa, Ms. Escobar, Mr. Racanac, and Ms. Santizo continued during the reporting period. In his 2023 report to the Human Rights Council, the High Commissioner for Human Rights expressed concerns about violations of the rights to liberty and to fair trial guarantees in their cases (A/HRC/52/23, para. 60).

64. The case of **Mr. Juan Francisco Sandoval**, a former chief prosecutor of FECI, has been included since 2020 in reports of the Secretary-General⁸⁹ on allegations of reprisals for his work in high-profile cases, including cases investigated with the technical assistance of the CICIG. According to information received by OHCHR, on 12 September and 19 October 2022, two arrest warrants and an extradition request were issued against Mr. Sandoval on charges of influence peddling, obstruction and denial of justice. A second arrest warrant was issued against **Ms. Leily Santizo** on 19 October 2022 for allegedly leaking confidential information to Mr. Sandoval.

65. The Attorney General's Office and the Supreme Court of Justice continued legal proceedings against **high-risk court judges and two of their lawyers** working on cases investigated with the technical assistance of the CICIG.

66. The case of **Mr. Miguel Ángel Gálvez**, a former High-risk Court judge, was included in the 2022 of the Secretary-General⁹⁰ on allegations of surveillance and harassment addressed by special procedures mandate holders⁹¹. According to information received by OHCHR, on 15 June 2022, the Supreme Court initiated proceedings to impeach Judge Gálvez for abuse of authority, breach of duty, illegal arrests, and judicial abuse of power. In November 2022, Judge Gálvez resigned from his position and left the country denouncing lack of due process. On 22 and 25 November 2022, the Special Rapporteur on the independence of judges and lawyers regretted the legal proceedings against and targeting of Judge Gálvez (GTM 6/2022)⁹².

67. The case of **Ms. Erika Aifán**, former High-risk Court judge, has been included since 2019 in reports of the Secretary-General⁹³ on allegations of intimidation, attacks and reprisals from State and non-state actors linked to her decisions on high impact and emblematic cases. Special procedures mandate holders addressed her case on several occasions⁹⁴. In March 2022, Ms. Aifán resigned and left the country alleging "lack of sufficient guarantees for her

⁸⁸ A/HRC/51/47, Annex I, paras. 27–30.

⁸⁹ A/HRC/45/36, Annex II, paras. 56–59; A/HRC/48/28, Annex II, paras. 53–61; A/HRC/51/47, Annex II, paras. 74–79.

⁹⁰ A/HRC/51/47, Annex II, paras. 74–79.

⁹¹ GTM 7/2018.

⁹² GTM 6/2022; see Government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37330>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27705>;

<https://www.ohchr.org/en/press-releases/2022/11/guatemala-un-expert-condemns-targeting-prosecutor-and-judge>.

⁹³ A/HRC/42/30, Annex I, paras. 40–42; A/HRC/45/36, Annex II, paras. 56–59; A/HRC/48/28, Annex II, paras. 53–61; A/HRC/51/47, Annex II, paras. 74–79.

⁹⁴ GTM 1/2022; GTM 3/2021; GTM 6/2019; GTM 7/2018;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34899>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36292>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36970>.

protection” and threats against “her life and integrity”. According to information received by OHCHR, penal and disciplinary proceedings continued against Ms. Aifán during the reporting period and her appeals for protection (writ of amparo) were denied on the basis that she is not in the country and is no longer a judge.

68. During the reporting period, OHCHR received information of intimidation against **Ms. Aifán’s lawyer** who is a close relative. On 1 August 2022, police officers and staff from the General Attorney’s Office visited the house of Ms. Aifán’s lawyer, arguing that there was a criminal investigation against Ms. Aifán. The same day, police officers and personnel of the General Attorney’s Office attempted to search the office of Ms. Aifán’s lawyer without a search warrant. Ms. Aifán’s lawyer has reportedly requested information from the Attorney General’s Office on the alleged criminal investigation related to the visits, to no avail.

69. The case of **Mr. Pablo Xitumul**, a High-risk court judge, was included since 2020 in reports of the Secretary-General⁹⁵ on allegations of intimidation, attacks and reprisals linked to his decisions on high impact and emblematic cases. Special procedures mandate holders addressed his case on several occasions⁹⁶. Judge Xitumul’s was suspended on 9 February 2022 and his immunity was revoked. According to information received by OHCHR, criminal proceedings against Judge Xitumul continued during the reporting period; however, two judges recused themselves from the case in May and December 2022, respectively, which caused significant delays.

70. The case of **Ms. Claudia Maselli**, a former Deputy Ombudsperson of the national human rights institution, was included in the 2022 report of the Secretary-General on allegations of criminal proceedings in February 2021 related to the exercise of her official duties on charges of alleged breach of duties and abuse of authority (A/HRC/49/20, para. 10). According to information received by OHCHR, criminal proceedings against Ms. Maselli continued during the period although there were delays as the competent judge recused himself of the case in October 2022.

71. On 27 July 2023, the Government provided a response to the note verbale sent in connection to the present report, with information on two criminal cases against former FECI prosecutor Ms. Virginia Laparra. It clarified that in one of them she had been convicted and sentenced to four years imprisonment commutable, and that the defence had filed a special appeal on the merits that prevented the execution of the sentence. The Government noted further that the investigation was ongoing in the other case.

72. The Government provided updated information on the criminal proceedings against Ms. Siomara Sosa, Ms. Paola Escobar, Mr. William Racanac, and Ms. Leily Santizo. It noted that Ms. Sosa had appealed the indictment against her for the crime of collusion, that was still under consideration. The Government added that a second arrest warrant had been issued against Ms. Leily Santizo, whose whereabouts were unknown. It provided information on four criminal cases filed against Ms. Paola Escobar under various charges including abuse of authority, noting that they were under investigation and that they had also been filed against other individuals including Mr. William Racanac.

73. The Government also shared information on four criminal cases against FECI former chief prosecutor Mr. Francisco Sandoval Afaro and other individuals, noting that one of the criminal cases had been dismissed and an opposition hearing had been scheduled. It also provided updated information on over 20 cases against Ms. Erika Aifán, 13 of which were under investigation (one with no criminal charges), four had been closed, and four had been dismissed and it shared a list of preliminary proceedings filed against Mr. Miguel Ángel Gálvez. The Government also confirmed the level of risk faced by Judge Mr. Pablo Xitumul and that personalized security measures had been recommended and noted it had no updated information on Ms. Claudia Maselli.

⁹⁵ A/HRC/45/36, Annex II, paras. 56–59; A/HRC/48/28, Annex II, paras. 53–61; A/HRC/51/47, Annex II, paras. 74–79.

⁹⁶ GTM 1/2022; GTM 3/2021; GTM 6/2019; GTM 7/2018;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34899>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36292>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36970>.

13. India

74. The situation of the **Jammu and Kashmir Coalition of Civil Society (JKCCS)**, a union of various non-profit organizations based in Srinagar, has been included since 2020 in the reports⁹⁷ of the Secretary-General on allegations of reprisals, including for cooperation with OHCHR in the preparation of the 2019 report on the situation of human rights in Indian-administered Kashmir and Pakistan-administered Kashmir. The JKCCS, its chair, **Mr. Khurram Parvez**, and other members of the coalition, were reportedly subject to travel bans, ill treatment, and arbitrary detention on counter-terrorism charges in relation with their cooperation with the United Nations. Mr. Parvez was last arrested on 22 November 2021 on terrorism and other charges, and his case has been addressed on several occasions by special procedures mandate holders⁹⁸, to which the Government has responded⁹⁹.

75. In November 2022 and March 2023, mandate holders called¹⁰⁰ for Mr. Parvez's release noting that his arrest and detention has a chilling effect on others and urged authorities to end the crackdown on civil society in the region. On 20 March 2023, a former associate of the JKCCS, human rights defender and journalist and an OHCHR Minorities Fellow, **Mr. Irfan Mehraj**, was arrested under the same case and transferred to New Delhi. Mandate holders noted that former associates and volunteers of the JKCCS face coercion and intimidation from the authorities. Mr. Parvez and Mr. Mehraj are currently detained at the Rohini Jail Complex. If convicted, Mr. Parvez could face up to 14 years of imprisonment or even the death penalty.

76. The situation of **Mr. Henri Tiphagne**, Executive Director of the **Centre for Promotion of Social Concerns (CPSC, also known as People's Watch)**, was included in the 2018, 2020, 2021 and 2022 reports of the Secretary-General¹⁰¹. Special procedures mandate holders¹⁰² have raised the case on multiple occasions, expressing concern over the use of the **Foreign Contribution (Regulation) Act of 2010 (FCRA)** to restrict the work of non-governmental organizations seeking to cooperate with the United Nations and noted that the postponement and further non-renewal of CPS's license was a case of reprisal against Mr. Tiphagne in this context. The Government responded in August 2021 stating that the FCRA was enacted to regulate the acceptance and utilization of foreign contributions and ensure that these funds are not detrimental to the national interest.

77. According to information received by OHCHR, the Central Bureau of Investigation (CBI) visited the CPSC 12 times between January and November 2022 and reportedly seized over 80,000 documents and 17,000 vouchers. Between June 2022 and March 2023, the Income Tax Department reportedly asked CPS to submit evidence from the books of account and other documents, such as details of foreign donations received. CPSC submitted all documents required and as of 30 April 2023 is waiting for a response. The number and nature of the requests, questions and queries from government agencies is reportedly disrupting the regular functioning of the CPSC office. The case for the renewal of CPS's license is still pending in the Delhi High Court.

⁹⁷ A/HRC/42/30, Annex II, para. 59; A/HRC/48/28, Annex II paras. 62–64; A/HRC/51/47, Annex II paras. 82–83.

⁹⁸ IND 7/2016; IND 9/2016; IND 2/2020; IND 19/2021.

⁹⁹ See government replies at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35607>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35606>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2113>;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36734>.

¹⁰⁰ <https://www.ohchr.org/en/press-releases/2022/11/one-year-detention-un-experts-demand-immediate-release-kashmiri-activist>; <https://www.ohchr.org/en/press-releases/2023/03/india-un-expert-demands-immediate-end-crackdown-kashmiri-human-rights>.

¹⁰¹ A/HRC/39/41, para. 50, and Annex I, paras. 61–62; A/HRC/42/30, para. 58 and Annex II, para. 58; A/HRC/48/28, Annex II para. 65; A/HRC/51/47, Annex II paras. 84–85.

¹⁰² IND 14/2018; OTH 27/2017.

78. The situation of **the Centre for Social Development (CSD)** in Manipur and its staff, including its secretary **Mr. Nobokishore Urikhimbam**, has been included in the reports of the Secretary-General¹⁰³ since 2018 on allegations of surveillance, the freezing of bank accounts under the FCRA and attempted killing of close relatives for his engagement with the United Nations in relation to uranium mining and cement factories in Meghalaya.

79. Special procedures mandate holders addressed¹⁰⁴ the case of Mr. Urikhimbam concerning the registration of the CSD. According to information received by OHCHR, CSD's renewal of registration under the Foreign Contribution Regulation Act (FCRA) has not been formally acknowledged or granted. On 23 March 2023, the Ministry of Home Affairs notified CSD that the validity of their registration certificate under the FCRA was extended until 23 September 2023. During the period, CSD and its staff have reportedly been under constant surveillance and periodically visited in their offices by individuals who ask about their activities and whereabouts. CSD has notified the Ministry of Interior about these visits, both in person and in writing, to no avail.

80. The case of the **International Dalit Solidarity Network (IDSN)**, a Denmark-based non-governmental organization working against caste-based discrimination and for the rights of Dalits, has been included since 2020 in the reports of the Secretary-General¹⁰⁵ related to its application for consultative status with the Economic and Social Council of the United Nations (ECOSOC). Since 2008, the IDSN application was repeatedly deferred by the Committee on Non-Governmental Organizations, the body mandated to consider applications for consultative status with ECOSOC, hence limiting its cooperation with United Nations bodies and mechanisms. In August 2021, the Government responded stating that the legitimate scrutiny of an application for a special status with the United Nations cannot be termed as reprisal¹⁰⁶.

81. On 7 December 2022, a vote by ECOSOC member States¹⁰⁷ granted IDSN consultative status with the United Nations along with nine other civil society organizations (E/2023/L.6). This vote overturned a previous decision by the NGO Committee at its September 2022 session refusing to grant the same nine organizations consultative status and put an end to 15 years of deferrals.

82. On 18 July 2023, the Government responded to the note verbale sent in connection with the present report expressing regret that previous responses concerning Mr. Khurram Parvez and the NGO-Centre for Social Development (CSD) had been ignored and that actions by the Government had been incorrectly considered reprisals or intimidation for cooperating with the UN system. The Government underlined its strong commitment to human rights and its active cooperation with the United Nations. It stressed that the preventive detention of Mr. Khurram Parvez was in accordance with the Code of Criminal Procedures, that law enforcement agencies had found that Mr. Parvez had instigated and executed violent acts and disturbances in the Union Territory of Jammu and Kashmir since July 2016 and noted that a person under investigation should not try to leave the country until its is completed. Regarding the CSD, the Government clarified that it was suspended after being in violation of the Foreign Contribution (Regulation) Act of 2010.

14. Indonesia

83. The case of **Mr. Victor Mambor**, affiliated with the newspaper Tabloid Jubi and The Jakarta Post, was included in the 2021 report of the Secretary-General¹⁰⁸ on allegations of acts of harassment, intimidation and threats for reporting on the situation in West Papua and

¹⁰³ A/HRC/51/47, para. 61, Annex II, paras. 80–81; A/HRC/48/28, Annex II, paras. 66–68; A/HRC/45/36, para. 76, Annex II, paras. 72–73; A/HRC/42/30, Annex II, para. 57; A/HRC/39/41, Annex I paras. 63–65.

¹⁰⁴ IND 18/2019.

¹⁰⁵ A/HRC/51/47, Annex II, paras. 86–87; A/HRC/48/28, Annex II para. 69; A/HRC/45/36, Annex I, paras. 58–59.

¹⁰⁶ A/HRC/48/28, Annex II, para. 70.

¹⁰⁷ 24 votes in favour, 17 votes against and 11 abstentions.

¹⁰⁸ A/HRC/48/28, para. 72, Annex I, paras. 48–49.

Papua provinces (Papua region), that included engaging with OHCHR (IDN 7/2019¹⁰⁹). On 10 March 2023, special procedures mandate holders addressed three incidents against Mr. Mambor: a bomb attack outside his residence in January 2023, the earlier vandalization of his car in May 2022, and the hacking and deletion of his twitter account in 2022. Reportedly these incidents took place after Mr. Mambor had shared a video depicting violent acts by the Indonesian security forces. Mandate holders expressed concern for his safety and retaliation against his human rights work. (IDN 1/2023)¹¹⁰.

84. On 27 July 2023 the Government responded to the note verbale sent in connection to the present report and requested that the response it had provided to special procedures mandate holders on the case of Mr. Mambor be included in the present report¹¹¹. It explained the challenges encountered in the investigative process into the incidents alleged, shared the initial conclusions pointing to one incident constituting a criminal act, and further clarified that the target and the motive of the offence remained unidentified and therefore no assumptions should be made, or conclusions reached until the ongoing investigations conclude. The Government reiterated its cooperative engagement and its commitment to protect the rights of human rights defenders.

15. Iran (Islamic Republic of)

85. The case of **Mr. Manouchehr Bakhtiyari**, the father of Pouya Bakhtiari, a protestor who was shot in the head by security forces and killed during the nationwide November 2019 protests, was included in the 2021 and 2022 report of the Secretary General¹¹² on allegations of repeated arrests, interrogations and threats for publicly calling for justice for his son's death, including in an open letter addressed to the United Nations High Commissioner for Human Rights and others. He was arrested in January 2020 with other members of his family and convicted on national security charges and sentenced to three years' imprisonment and one-year outside the city of Tehran¹¹³. Mr. Bakhtiyari remains in detention since 29 April 2021.

86. According to information received by OHCHR, on 30 July 2022, the ninth chamber of the Supreme Court revoked Mr. Bakhtiyari's conviction and sentence on national security charges by the first chamber of Karaj's Revolutionary Court for national security related offences. The retrial of this case has yet to take place.

87. During the reporting period, the Qazvin's Prosecution Office filed charges of "insulting the Supreme Leader" against Mr. Bakhtiyari. On 30 April 2023, the first chamber of the Qazvin Revolutionary Court sent the case back to the Prosecution Office for further evidence. According to information received by OHCHR, Mr. Bakhtiyari has allegedly been mistreated and denied access to adequate health care, despite medical assessments from two coroner offices prescribing two different surgeries.

88. On 26 July 2023 the Government responded to the note verbale sent in connection to the present report noting that Mr. Manouchehr Bakhtiyari had not been prosecuted for "writing a letter to the United Nations High Commissioner for Human Rights", but rather for committing criminal offences under the Penal Code, in particular for insulting the Supreme Leader (article 514) and for inciting and encouraging individuals to spark riots (article 499). It further stated that Mr. Bakhtiyari had no interest in treatment at public hospitals and insisted on treatment in private ones, and that allegations that he might be deprived of adequate treatment are baseless and untrue.

¹⁰⁹ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34873>.

¹¹⁰ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37519>.

¹¹¹ Ibid.

¹¹² A/HRC/48/28, para. 76 and Annex I, para. 52, A/HRC/51/47, Annex II, paras. 94–95.

¹¹³ A/HRC/49/75, para. 64.

16. Israel

89. The cases of six Palestinian human rights and humanitarian organizations, namely the **Addameer Prisoner Support and Human Rights Association (Adameer)**, **Al Haq**, the **Bisan Center for Research and Development (Bisan)**, **Defense for Children International – Palestine, (DCI-P)** the **Union of Agricultural Work Committees (UPWC)** and the Union of Palestinian Women’s Committees (UPWC) were included in the 2022 report of the Secretary General on allegations that their designations as “terror[ist] organizations” under the Counter-Terrorism Law 5776 of 2016 were related to their cooperation with the United Nations and their human rights and humanitarian work¹¹⁴. UN actors condemned the designations¹¹⁵ and noted the critical work of these long-standing key partners of the United Nations in the Occupied Palestinian Territory¹¹⁶.

90. According to information received by OHCHR, on 17 August 2022, the Israeli Military Commander for the West Bank rejected the procedural objection that five of these organisations – Addameer, Al-Haq, Bisan, DCI-P, and UPWC- had filed in February 2022 against the November 2021 decision of the Israeli Military Commander of the West Bank declaring them “unlawful”. The procedural objection was filed on the basis that the designations lacked evidence and had not followed due process.

91. On 18 August 2022, Israeli military forces broke into, searched and sealed the offices of the six human rights and humanitarian organizations. Between 18 August and 15 September 2022, the directors of four of the organizations designated as “terror organizations” (DCI-P, Al Haq, UPWC and UAWC) were summoned by the Israeli Security Agency for interrogation. They were reportedly threatened by Israeli Security Agency with further consequences, including arrest, if they did not stop working for the organizations. Two directors also reported acts of intimidation directed at their children by the Israeli Security Agency (A/HRC/52/75, para. 29).

92. According to information received by OHCHR, as of 30 April 2023 no formal charges had been filed against the directors of the organizations.

93. Reportedly, since the designation as “terror organizations”, at least 15 staff and volunteers of the Union of Palestinian Women’s Committee were summoned for interrogations by Israeli intelligence services or received phone calls, threatening them for their continued involvement with UPWC and some were threatened with “consequences” against them and their children (A/HRC/52/75, para. 34)¹¹⁷. During the reporting period, UPWC executive director, **Ms. Tahreer Jaber**, was unable to participate in person in the public hearing organized in Geneva before the United Nations Independent International Commission of Inquiry on the OPT, including East Jerusalem, and in Israel, due to a travel ban applied to her by the Israeli authorities a month prior to the hearing¹¹⁸.

94. On 1 June 2022, **Mr. Ubai Al-Aboudi**, the director of the Bisan Center for Research and Development, was prevented from traveling to Amman, Jordan, to attend a two-day expert meeting with the United Nations Economic and Social Commission for Western Asia. Reportedly, Israeli authorities had imposed a travel ban against Mr. Al-Aboudi since 10 April 2022. In November 2022, due to the reported travel ban, Mr. Al-Aboudi was unable to participate in person in a public hearing organized in Geneva before the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and in Israel¹¹⁹.

¹¹⁴ A/HRC/51/47, Annex I, paras. 35–39.

¹¹⁵ <https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders>.

¹¹⁶ A/HRC/49/25 para. 36.

¹¹⁷ <https://media.un.org/en/asset/k1p/k1pn7mkrqz>.

¹¹⁸ <https://media.un.org/en/asset/k1p/k1pn7mkrqz>.

¹¹⁹ <https://media.un.org/en/asset/k1p/k1pn7mkrqz>.

95. The case of **Mr. Issa Amro**, founder of **Youth Against Settlements** in Hebron was included in the 2014, 2021 and 2022 reports of the Secretary-General¹²⁰ on allegations of reprisals for his engagement with the Human Rights Council in 2013 (ISR 7/2013). Following almost five years of judicial proceedings, in March 2021, Mr. Amro received a three-month suspended sentence with a two-year probation period and a fine in relation to his human rights work, which he appealed. The next hearing or verdict on his appeal was scheduled for 25 June 2023.

96. On 17 November 2022, special procedures mandate holders condemned attacks against Mr. Amro and urged the immediate lifting of the closed military zone imposed on his house, a day after he had filed a police complaint against Israeli settler violence¹²¹. According to information received by OHCHR, on 28 November, Mr. Amro was brought for interrogation at the Givat Ha'avot Israeli police station, in connection to a video he had filmed and uploaded online on 25 November 2022, of an Israeli soldier physically assaulting an Israeli citizen in the city of Hebron, for which two soldiers had been suspended. Mr. Amro was released two days later, upon being formally charged by the competent military court with "attacking a soldier, disturbing the Israeli army work, breaching public order, disturbing the police investigation and assaulting a police officer and preventing him from doing his work."

97. On 2 December, Mr. Amro was reportedly searched and detained by four Israeli intelligence officers while conducting a media interview. He was released on the same day. On 13 February 2023, Mr. Amro was reportedly assaulted by an Israeli soldier while providing a tour for international journalists on the human rights situation of Palestinians in the H2 area of Hebron. Mr. Amro allegedly sustained bruises on his hand, arm and back as a result. The soldier involved was sentenced to 10 days in prison.

17. Libya

98. During the reporting period, multiple UN actors¹²² continued to address the impact of requirements imposed on civil society organizations on their ability to engage with the United Nations in the field of human rights, which have been included in the reports of the Secretary-General since 2021¹²³. In October 2020, the Tripoli Civil Society Commission issued a Decree in implementation of Presidential Council decision No. 286, requiring all civil society organizations registered in the previous five years to re-register or be considered illegitimate and dissolved by the Commission.

99. Legal measures curtailing the activities of civil society, including requiring them to report any interaction with any international actors, including the United Nations officials (S/2022/31, para. 53), continued during the reporting period.

100. The Human Rights, Transitional Justice and Rule of Law Division (HRS) of UNSMIL reported that, on 18 July 2022, the South Benghazi primary court issued a decision temporarily suspending the Presidential Council decision No. 286. On 7 March 2023, the head of the Law Department under the Supreme Judicial Council provided a legal opinion in response to a request for clarification from the Civil Society Commission of Benghazi. The legal opinion stated that civil society organisations registered in Libya after 2011 were considered illegal.

101. The enforcement of the Presidential Council decision No. 286 as per the interpretation of the legal opinion of 7 March 2023 reportedly led to a campaign of arrests and spread fear amongst civil society organisations in some parts of country. On 9 March 2023, the Criminal Investigation Department raided offices of community, local and international organisations

¹²⁰ A/HRC/27/38, para. 25; A/HRC/48/28 Annex II para. 75.

¹²¹ <https://www.ohchr.org/en/press-releases/2022/11/israel-un-experts-condemn-attacks-against-human-rights-defender-issa-amro>.

¹²² <https://www.ohchr.org/en/press-releases/2023/04/human-rights-spotlight-libya-must-be-maintained-turk>; A/HRC/52/83, para. 73; <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.

¹²³ A/HRC/48/28, Annex I, paras. 63–68; A/HRC/51/47, Annex I, paras. 42–43.

in Sabha and arrested local staff without arrest warrants, reportedly on suspicion or under accusations of spying for the organizations they work for, but without presenting legal charges. UN agencies further received reports of banks closing the accounts of civil society organizations receiving international funding, following the issuance of the legal opinion.

102. On 13 March, the Government of National Unity announced its support to the legal opinion in Circular no. 5803 issued by the Director of Foreign Affairs and International Cooperation of the Prime Minister's Office. The Circular affirmed the illegality of civil society organizations that were not established in accordance with Law Nr. (19) of 2001 on the reorganization of civil associations. Reportedly, on 6 April 2023, a coalition of 22 civil society organizations signed a statement denouncing the legal opinion.

18. Maldives

103. The case of the women's human rights organization **Uthema and its members** was included in the 2021 report of the Secretary-General¹²⁴ on allegations of online smearing campaigns, threats by religious groups and individuals, and a police investigation for blasphemy following the publication of its alternative report submitted to the Committee on Elimination of all forms of Discrimination against Women (CEDAW)¹²⁵. The Committee addressed the allegations and the Government responded.

104. According to information received by OHCHR, and following repeated enquiries, Uthema was officially informed by the Maldives Police Service in March 2023 that the case against it has been temporarily put on hold – not closed – due to insufficient evidence. To date, Uthema has reportedly not received updates on the investigation undertaken in response to the communication it submitted in June 2020 to the Maldives Police Service regarding the targeted on-line harassment, intimidation and smear campaign against the organization, including direct threats against individuals affiliated with Uthema.

105. The case of the human rights organization **Maldivian Democracy Network (MDN)** and its members was included in the 2018 and 2021 reports of the Secretary-General¹²⁶ for an investigation allegedly in connection with their participation in an NGO side event in the margins of the June 2017¹²⁷ Human Rights Council, and online harassment and threats, including death threats, following a joint submission to the 2020 Universal Periodic Review of the Maldives¹²⁸. In 2019, the MDN was deregistered reportedly in connection to a 2016 report on radicalization¹²⁹. In 2020, due to the continued threats, MDN's members relocated abroad.

106. According to information received by OHCHR, during the period **Ms. Shahindha Ismail**, Executive Director of MDN, faced undue challenges while seeking redress for MDN's deregistration and subsequent seizure of bank accounts. On 19 September 2022, Ms. Ismail filed a lawsuit at the Civil Court of Maldives contesting the freezing of MDN's bank accounts and transfer of funds to an undisclosed location. On 9 November 2022, the Registrar of the court decided not to register the case. The Registrar noted that Ms. Ismail did not have the standing to file a lawsuit on the matter, that MDN was a legal entity and therefore it should be able to file lawsuits in its own capacity, disregarding the fact that MDN was deregistered in 2019. On 21 November 2022, an appeal was filed against the Registrar's decision. As of the end of the reporting period, the case was still ongoing.

¹²⁴ A/HRC/48/28, Annex I paras. 70–71.

¹²⁵ tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2489&Lang=en.

¹²⁶ A/HRC/39/41, Annex I paras. 71–72; A/HRC/48/28, Annex I paras. 87–89 and 91.

¹²⁷ MDV 1/2018; MDV 3/2018; see government replies at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34215>.
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34216>.

¹²⁸ See Universal Periodic Review joint submission 5 at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7986&file=EnglishTranslation>.

¹²⁹ MDV 1/2019; see government reply at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35112>.

107. On 28 March 2023, the Civil Court of Maldives ruled on a lawsuit that Ms. Ismail filed in 2020 against the Ministry of Youth, Sports and Community Empowerment claiming that MDN's deregistration had been carried out without due process. The court ruled that the decision of the Ministry was in line with applicable laws due to the content of the report MDN published in 2016, without addressing the claim on whether due process had been followed.

108. On 31 July 2023, the Government responded to the note verbale sent in connection to the present report indicating that the Maldives Police Service (MPS) did not carry out an investigation for blasphemy following the publication of Uthema's alternative report submitted to the Committee on the Elimination of Discrimination against Women. The Government noted that MPS investigated the alleged threats and harassment against Uthema members, that most of the social media accounts used for the threats were deactivated at the time when the complaint had been filed and added that the investigation was ongoing to identify the accounts reactivated and their users. It also provided information on another investigation related to a complaint filed against Uthema that MPS filed due to lack of evidence.

109. Regarding the Maldivian Democracy Network, the Government referred to its response to a communication from special procedures mandate holders on the decision to dissolve the organization¹³⁰. It noted further that MPS had carried out multiple investigations on the allegations of threats and harassment faced by MDN members through social media platforms, specifically against Ms. Shahindha Ismail, Executive Director of MDN. It added that arrests were made, that some cases were forwarded to the Prosecutor General's Office for prosecution and that investigations are still ongoing. Regarding the freezing of MDN's bank accounts and transfer of funds, the Government noted that MDN was afforded 45 days to settle any debts or claims over its assets and to provide information on this to the Ministry of Youth, Sports and Community Empowerment. However, according to the Government, MDN failed to do so.

110. As for the Civil Court's decision of 28 March 2023 in the case of Ms. Shahidha Ismail against the Ministry of Youth Sports and Community Empowerment, the Government noted that the decision to dissolve MDN was reached after following due process as affirmed by the Civil Court and added that Ms. Shahindha Ismail appealed the decision on 3 July 2023.

19. Mexico

111. The case of **Mr. Felipe Hinojo Alonso** was included in the 2022, 2021 and 2020 reports of the Secretary-General¹³¹ on allegations of intimidation, threats, and surveillance for his cooperation with the UN in the documentation of alleged violations, including torture, in the state of Aguascalientes by the former General Prosecutor. According to information received by OHCHR, Mr. Hinojo Alonso has continued to suffer intimidation, harassment and (unwarranted) legal action during the reporting period. On 17 April 2023, the Federal Prosecutor's Office changed the charges against Mr. Hinojo Alonso from "inconsistencies in his complaint" to "providing false evidence", and related hearings were postponed several times since May 2022. On 21 April 2023, a hearing took place, and the Federal Prosecutor requested the judge to issue precautionary measures prohibiting Mr. Hinojo Alonso from publicly voicing accusations against the former Prosecutor of the state of Aguascalientes. The judge rejected the request for precautionary measures and the accusations. Mr. Hinojo filed these complaints in connection with OHCHR-Mexico's work in Aguascalientes, investigating allegations of torture and ill-treatment. OHCHR-Mexico is closely monitoring Mr. Hinojo's situation and is in contact with relevant authorities.

¹³⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35112>.

¹³¹ A/HRC/45/36, Annex I, para. 76; A/HRC/48/28, Annex II, para. 92; A/HRC/51/47 Annex II, paras. 108 and 110.

20. Nicaragua

112. During the period, a number of individuals and organizations whose cases were previously included in reports of the Secretary-General were compelled to leave the country, were stripped of their nationality and consequently of a broad range of their human rights, including the rights to a nationality, to hold public office, to a legal personality, to a social security pension and to exercise their legal professions¹³².

113. The case of the **Comisión Permanente de Derechos Humanos (CPDH)** and its staff has been included since 2019 in the reports of the Secretary-General¹³³ on allegations of threats, harassment, and intimidation by police for regularly engaging with OHCHR. On 23 July 2022, special procedures mandate holders addressed the dissolution of the CPDH through the publication of Decree No. 8795 in the Official Gazette No. 73, which cancelled the legal personality of 25 civil society organisations (NIC 2/2022). As a result of this cancellation, CPDH was no longer able to receive national and international funding, including from the United Nations Voluntary Fund for Victims of Torture. Mandate holders noted that most of the CPDH employees have reportedly fled the country while those remaining in the country have been officially declared “unemployed”. The organisation’s real estate and vehicles were reportedly confiscated (NIC 2/2022). According to information received by OHCHR, the CPDH and its staff relocated abroad to be able to continue their human rights work and activities.

114. The case of **Mr. Félix Alejandro Maradiaga** was included in the 2019 and 2022 reports of the Secretary-General¹³⁴ for an arrest warrant in 2018¹³⁵ and conviction in March 2022 and sentencing to 13 years in prison under Law No. 1055 in connection to his briefing to the UN Security Council in September 2018 (S/PV.8340, pages 4–5). Mr. Maradiaga is a political scientist, was the executive director of the Institute for Strategic Studies and Public Policy (IEEPP) and a pre-candidate for the 2021 presidential elections¹³⁶. According to information received by OHCHR, on 9 February 2023 Mr. Maradiaga and another 221 persons were arbitrarily deprived of their liberty and deported from Nicaragua based on an order from the Court of Appeals of Managua¹³⁷. Mr. Maradiaga, together with the others, was also arbitrarily deprived of his nationality and his records were reportedly erased from the Civil Registry, which had multiple negative impacts on his human rights.

115. The case of **Mr. Anibal Toruño**, of Radio Darío, was included in the 2020 and 2022 reports of the Secretary-General¹³⁸ on allegations of threats following UN action on his case. In 2021, Mr. Toruño relocated outside the country due to concerns about his safety. Several of Mr. Toruño’s close relatives and co-workers were the target of repeated acts of harassment, intimidation, and physical surveillance by police officers. According to information received by OHCHR, on 15 February 2023 the Managua Court of Appeals issued a decision stripping Mr. Toruño and 92 other individuals of their nationality, declared them “fugitives from justice, and requested the confiscation of their properties. This decision was not taken as part of a criminal trial or any other legal procedure. On 24 March 2023, the authorities confiscated a house belonging to Mr. Toruño’s relatives, including all the belongings inside.

116. The case of **Ms. Vilma Nuñez de Escorcía**, of the Centro Nicaragüense de Derechos Humanos (CENIDH), was included in the 2020 and 2021 reports of the Secretary-General¹³⁹ on allegations of harassment following her engagement with the United Nations High Commissioner for Human Rights in 2019 and concerns expressed about the situation of

¹³² <https://www.ohchr.org/en/statements/2023/03/oral-update-asg-situation-human-rights-nicaragua>.

¹³³ A/HRC/42/30, Annex I, para. 78; A/HRC/45/36, Annex II, paras. 95–96; A/HRC/48/28, Annex II para. 105; A/HRC/51/47, Annex II para. 120.

¹³⁴ A/HRC/42/30, Annex I para. 82; A/HRC/51/47, Annex II para. 118.

¹³⁵ NIC 5/2021.

¹³⁶ A/HRC/49/23, para. 8.

¹³⁷ The order of “immediate deportation” was based in the Constitution, the Penal Code and the Law of Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace.

¹³⁸ A/HRC/45/36, Annex II, para. 90; A/HRC/51/47, Annex II para. 119.

¹³⁹ A/HRC/45/36, Annex I para. 89; A/HRC/48/28, Annex II paras. 102–103.

CENIDH by various UN actors¹⁴⁰. The CENIDH and nine other civil society organizations were the first to be deprived of their legal personality in 2019 for alleged administrative omissions or activities contrary to their statutory purposes, including providing support to “terrorist activities”. Their assets were liquidated and disposed of by the authorities. According to information received by OHCHR, on 15 February 2023, the Managua Court of Appeals issued a decision stripping Ms. Núñez de Escorcía and 92 other individuals of their nationality, declared them “fugitives from justice, and requested the confiscation of their properties. This decision was not taken as part of a criminal trial or any other legal procedure.

21. Pakistan

117. The case of **Mr. Fazal ur Rehman Afridi** was included in the 2021 report¹⁴¹ of the Secretary-General on allegations of intimidation, threats of reprisal and harassment as well as threats against his relatives, following his cooperation with the United Nations on human rights issues, including enforced disappearances (PAK 12/2020). Mr. Afridi is a human rights defender, president of the Institut de recherche et d’études stratégiques de Khyber (IRESK), and member of the Pashtun Protection Movement, and has been in exile since 2009.

118. On 27 December 2022, special procedures mandate holders addressed calls by the National Assembly Standing Committee on Human Rights of investigations into the alleged existence of a “kill list” naming several individuals, including Mr. Afridi. On 12 August 2022, the Standing Committee had reportedly expressed concern about an alleged “kill list” that was published in a Facebook post by the Spokesperson of the Pakistani Taliban. The “kill list” reportedly contained the name of Mr. Afridi, among others. Some of these individuals were allegedly placed on this list due to their work defending human rights of the Pashtun minority and reporting on gross human rights violations, including on enforced disappearances (PAK 8/2022).

22. Philippines

119. The cases of the **Karapatan Alliance of People’s Rights**, a national alliance of human rights organizations, its Secretary General¹⁴², **Ms. Cristina Palabay**, and its staff have been included since 2018 in the reports of the Secretary-General on allegations of red-tagging – i.e. the labelling as communists or terrorists – state-linked cyber-attacks, arbitrary arrests and charges in connection with their engagement with the United Nations¹⁴³. During the reporting period, Karapatan continued to engage with the United Nations, including during the fourth cycle of Universal Periodic Review of the Philippines.

120. On 18 June 2022, days before Ms. Palabay was due to testify in a perjury court case brought by the authorities against her and other members of Karapatan in 2019, the Special Rapporteur on human rights defenders¹⁴⁴ called on the authorities to protect human rights defenders instead of pursuing countersuits against them for seeking legal protection from threats. The September 2022 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the implementation of HRC res 45/33 noted that, as of June 2022, several human rights defenders, including from Karapatan, were facing perjury charges (A/HRC/51/58, para. 35).

121. According to information received by OHCHR, on 9 January 2023, a judge from the Quezon City Metropolitan Trial Court Branch acquitted Ms. Palabay and other Karapatan staff in the perjury case¹⁴⁵. On 2 March 2023, the Prosecutor Office of Quezon City and the

¹⁴⁰ NIC 4/2021 and A/HRC/46/21, paras. 18–20.

¹⁴¹ A/HRC/48/28, Annex I paras. 83–86.

¹⁴² A/HRC/39/41, Annex I paras. 86–89; A/HRC/42/30, Annex II, para. 8; A/HRC/45/36, Annex II, paras. 100–101; A/HRC/48/28, Annex II, paras. 108–110; A/HRC/51/47, Annex II paras. 121–125.

¹⁴³ PHL 1/2020, PHL 3/2021, PHL 5/2021, see government replies at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36533>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36754>.

¹⁴⁴ <https://srdefenders.org/information/philippine-authorities-should-protect-human-rights-defenders/>.

¹⁴⁵ PHL 1/2020.

current National Security Adviser filed a petition for certiorari concerning the judge and the human rights defenders as public and private respondents, respectively for a “grave abuse of discretion” in relation to the acquittal.

122. On 7 March 2023, while the High Commissioner for Human Rights welcomed¹⁴⁶ the acquittals of human rights defenders, he noted that there must be an end to other politically motivated charges, and a safer environment for civil society. Karapatan and its staff have reportedly continued to be the subject of red-tagging, threats, and stigmatisation on social media in connection to their engagement with the United Nations during the period, including for their participation in the fourth cycle of Universal Periodic Review of the Philippines.

23. Russian Federation

123. Several incidents from previous reporting periods concerning **Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev**, representatives of the Shor indigenous peoples from Southwest Siberia, were included in the 2018 and 2019 reports of the Secretary-General¹⁴⁷ on allegations of harassment, surveillance, threats, and intimidation against them and their relatives for cooperation with the Committee on the Elimination of Racial Discrimination in 2017. In April 2018, as a consequence of the threats, they left the Russian Federation and relocated to a third country. In May 2018, the Committee on the Elimination of Racial Discrimination raised their situation with the State party¹⁴⁸ and in June 2018 special procedures mandate holders raised concerns with the authorities¹⁴⁹. On 12 September 2018, the Government responded to mandate holders that further investigations were ongoing since July 2018, when a prior decision refusing a preliminary investigation of the case had been overturned¹⁵⁰.

124. On 12 and 13 April 2023, during the consideration of the periodic review of the Russian Federation, the Committee on the Elimination of Racial Discrimination sought clarifications about the status of the investigations into the allegations of previous incidents of reprisals against Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev for cooperation with the Committee in 2017 (CERD/C/SR.2959 para. 28). In its concluding observations of 25 April 2023, the Committee addressed concerns about the lack of information on investigations into the allegations of reprisals against them. In its concluding observations of 1 December 2022, the Human Rights Committee reiterated its previous concerns about allegations of harassment of indigenous human rights defenders¹⁵¹, raised further allegations received, and urged the State to protect indigenous human rights defenders from all harassment, including in respect to their participation in relevant international forums on indigenous peoples’ rights. (CCPR/C/RUS/CO/8, paras. 40–41 (c))¹⁵².

¹⁴⁶ <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.

¹⁴⁷ A/HRC/39/41, Annex I, paras. 90–91; A/HRC/42/30, Annex II, para. 87. See also RUS 11/2018, OTH 34/2018 and government reply at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34329>.

¹⁴⁸ See the letter sent by the Committee on the Elimination of Racial Discrimination on 10 May 2018.

¹⁴⁹ RUS 11/2018, OTH 34/2018; A/HRC/40/60/Add.1 paras. 512 and 677. See also government reply to RUS/11/2018, at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34329>.

¹⁵⁰ See government reply at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34329>.

¹⁵¹ CCPR/C/RUS/Q/8, para. 24.

¹⁵² See also CCPR/C/SR.3934, para. 55.

125. The alleged **impact of the arbitrary application of restrictive legislation**¹⁵³, in particular laws on “foreign agents” or “undesirable organizations”, on the willingness and ability of civil society actors to engage with international bodies, including with the United Nations, were included in the 2013, 2014 and 2015, 2019, 2020, 2021 and 2022 reports of the Secretary-General¹⁵⁴.

126. During the reporting period, multiple United Nations actors expressed concerns over new legislative developments, and the impact of the long-term application of the aforementioned legislation¹⁵⁵.

127. Between July and November 2022, special procedures mandate holders noted concerns over the amendments that had come into force on 1 December 2022 to the Foreign Agents Law of 2012, including “on control over the activities of persons being under foreign influence” (RUS 16/2022)¹⁵⁶, while reiterating concerns over the Law itself and its subsequent amendments. The Special Rapporteur on the situation of human rights defenders raised concerns about the introduction of prison terms of up to eight years for those convicted of “confidentially co-operating, including with an international organization”, if the cooperation aims to assist in “activities knowingly aimed against the state security”¹⁵⁷.

128. In its concluding observations adopted on 31 October 2022, the Human Rights Committee noted concern about provisions on “foreign agents” and “undesirable” organizations, and their expansion, including through the law broadening the categories of “foreign agents” to include additional groups¹⁵⁸ as well as the new law criminalizing confidential cooperation with foreign States and international or foreign organizations¹⁵⁹ (CCPR/C/RUS/CO/8, para. 30 (c)). The Committee noted the significant restrictions that the application of these laws has imposed on the activities of numerous human rights organizations, leading even to closures.

129. In its concluding observations adopted on 25 April 2023, the Committee on the Elimination of Racial Discrimination (CERD) noted concerns about the low number of civil society organizations operating and registered in the State party and the unusually low level of submissions by civil society organizations in the context of the consideration of the report of the State party. The Committee considers that this may be attributed to the closure of many domestic organizations because of the restrictive legal framework (CERD/C/RUS/CO/25-26, paras. 18 and 19).

¹⁵³ These included 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) and several pieces of federal legislation signed into effect on 30 December 2020 as well as Federal Law No. 538-FC, which introduced a five-year prison sentence for libel, and Federal Law No. 525-FZ which 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 introducing amendments and penalties for non-compliance with the norms mentioned above.

¹⁵⁴ A/HRC/24/29, paras. 29–31; A/HRC/27/38, para. 43; A/HRC/30/29, Annex II para. 3; A/HRC/42/30, Annex II, para. 88; A/HRC/45/36, Annex II, paras. 105–107; A/HRC/48/28 Annex II, paras. 111–114; A/HRC/51/47, Annex II, paras. 126–127.

¹⁵⁵ OL RUS/16/2022; CCPR/C/RUS/CO/8, para. 30 (c)). CERD/C/RUS/CO/25-26, paras. 18 and 19.

¹⁵⁶ See also A/HRC/50/23, para. 26; <https://www.ohchr.org/en/press-releases/2022/07/russia-un-experts-condemn-civil-society-shutdown>.

¹⁵⁷ <https://www.ohchr.org/en/press-releases/2022/09/russia-un-expert-alarmed-continued-targeting-human-rights-defenders>.

¹⁵⁸ This refers to Federal Law No. 121-FZ dated 20 July 2012 (“Foreign Agents Law”) with subsequent amendments as well as the Federal Law No. 255-FZ dated 14 July 2022 broadening different categories of “foreign agents” to new groups.

¹⁵⁹ This refers to Federal Law No. 260-FZ adopted on 14 July 2022 (CCPR/C/RUS/CO/8, 32). This law introduced new Article 275.1 in the Criminal Code on ‘Cooperation on a confidential basis with a foreign state, international or foreign organization’ which criminalizes the establishment and maintenance by a Russian citizen of ‘relations of cooperation’ on a confidential basis with a representative of an international organization (among others) in order to assist them in activities knowingly directed against the security of the Russian Federation.

24. Saudi Arabia

130. The case of **Mr. Mohammad Fahad Al Qahtani**, of the Saudi Association for Civil and Political Rights (ACRPA), was included in the 2012, 2013, 2019, 2020 and 2021 reports of the Secretary-General¹⁶⁰ on allegations of interrogation, travel ban and sentencing to 10 years of imprisonment for providing false information to outside sources, including UN human rights mechanisms. Special procedures mandate holders have addressed his situation repeatedly with the relevant authorities, including allegations of acts of reprisals for his cooperation with the UN¹⁶¹. Mr. Al Qahtani is currently held in Al-Ha'ir Prison in Riyadh. According to information received by OHCHR in May 2022, Mr. Al Qahtani and around other 30 prisoners were moved to the psychiatric ward. There, he was reportedly beaten by co-detainees and held two hunger strikes to demand transfer and in protest of the lack of contact with his family, respectively. Reportedly, in mid-March 2023, Mr. Al Qahtani was seen in King Saud medical City as his health has deteriorated in connection to the hunger strikes.

131. On 9 November 2022, the Special Rapporteur on the situation of human rights defenders raised concerns over the health and life of Mr. Al Qahtani, jailed in 2013 for allegedly providing false information to outside sources, including UN human rights mechanisms¹⁶². The Special Rapporteur raised further concerns over reports that his family had lost communication with him since 23 October 2022 after he complained about attacks by other prisoners and that he was being held in incommunicado detention.

132. The case of **Mr. Essa Al Nukheifi**, a human rights defender and anti-corruption activist, was included in the reports of the Secretary-General since 2018¹⁶³, 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 during a visit to Saudi Arabia 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.

133. On 30 November 2022, special procedures mandate holders addressed Mr. Al Qahtani's and Mr. Al-Nukehifi ongoing detention past the expiry of their sentences of 10- and 6-years imprisonment respectively and their lack of access to legal counsel. They also raised concerns over the alleged ill treatment in detention of Mr. Al Qahtani, including attacks by co-detainees in May 2022 and October 2022 and the lack of contact with his family. (SAU 10/2022) On 30 January 2023, the Government responded to special procedures mandate holders noting his access to the necessary medical care, denied allegations of beatings from inmates and clarified that both Mr. al-Qahtani and Mr. Al-Nukeifi were charged with a number of criminal offences, including inciting others to commit criminal offences within prison, and that investigation by the Public Prosecution Service was ongoing, hence their continued detention¹⁶⁴.

134. The case of **Mr. Fawzan Mohsen Awad Al-Harbi**, a human rights defender and member of ACPRA was included in the 2014, 2019, 2020, 2021 and 2022 reports of the Secretary-General¹⁶⁵, on allegations of arrest and detention for his cooperation with the UN. Special procedures mandate holders have addressed his situation repeatedly with the relevant

¹⁶⁰ A/HRC/21/18, paras. 35–37; A/HRC/24/29, para. 42; A/HRC/42/30, Annex II, para. 92; A/HRC/45/36, Annex II, para. 114; A/HRC/48/28, Annex II, paras. 119–120.

¹⁶¹ SAU 13/2021, SAU 12/2017, SAU 4/2016, SAU 11/2014, SAU 5/2013, SAU 8/2013, SAU 7/2012.

¹⁶² <https://www.ohchr.org/en/press-releases/2022/11/saudi-arabia-allow-immediate-contact-human-rights-defender-held>.

¹⁶³ A/HRC/39/41, para. 65 and Annex I, paras. 95–96, 98. A/HRC/42/30, para. 74 and Annex II, para. 93; A/HRC/45/36, Annex II, paras. 115–116; A/HRC/48/28, Annex II, paras. 120–121; A/HRC/51/47, Annex II, paras. 132–135.

¹⁶⁴ See government reply at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37348>.

¹⁶⁵ A/HRC/27/38, para. 30; A/HRC/42/30, para. 74 and Annex II, para. 94; A/HRC/45/36, Annex II, para. 118 and A/HRC/48/28, Annex II, para. 124; A/HRC/51/47, Annex II, paras. 131, 133–35.

authorities, including allegations of acts of reprisals for his cooperation with the UN¹⁶⁶. According to information received by OHCHR, his sentence of a 10-year prison term is due to expire in September 2023.

25. Venezuela (Bolivarian Republic of)

135. The case of the **NGO Azul Positivo** and five of its members was included in the 2021 and 2022 reports of the Secretary-General¹⁶⁷ on allegations of detention and criminal charges in connection to their work as United Nations implementing partners¹⁶⁸. The NGO Azul Positivo provided humanitarian aid to people living with HIV/AIDS and implemented cash transfer programmes as part of the United Nations humanitarian response plan¹⁶⁹. Members of the Azul Positivo were conditionally released on 10 February 2021. During her presentation¹⁷⁰ of the 2022 report to the Human Rights Council, the High Commissioner for Human Rights noted the dismissal on 28 June 2022 of the criminal case against the five members of the NGO who had been accused of money laundering, illicit association and others in connection with their humanitarian work.

136. The case of **Ms. Karen Caruci**, a human rights lawyer who had reportedly been subjected to arbitrary detention and torture or ill-treatment in December 2020 (**VEN 7/2021**), was included in the 2022 report of the Secretary-General¹⁷¹ on allegations of re-arrest and questioning by police about her engagement with the United Nations. According to information received by OHCHR, on 16 February 2023, the Attorney General Office during a preliminary hearing formally accused Ms. Caruci of the crime of incitement to hatred (article 20 of the Law against Hate, for Peaceful Coexistence and Tolerance), which can carry sentences between 10 and 20 years of imprisonment. On the same day, the court assigned to the case determined the opening of the trial stage. As of 30 April 2023, the date for the first hearing has not yet been set.

137. The case of judge **Ms. Lourdes Afiuni** was included in the 2010, 2014, 2015, 2016, 2019, 2020, 2021 and 2022 reports of the Secretary-General¹⁷² on allegations of arbitrary detention and ill-treatment following a judicial decision based on an Opinion of the Working Group on Arbitrary Detention opinion (No. 10/2009)¹⁷³. In September 2010, the Working Group considered her detention as arbitrary (No. 10/2010)¹⁷⁴. The Criminal Cassation Chamber of the Supreme Court confirmed the March 2019 five-year imprisonment sentence. Ms. Afiuni's was considered as an emblematic case resulting in generalized fear among judges to issue rulings against the Government¹⁷⁵ or provide testimonies to United Nations investigative bodies¹⁷⁶. In March 2022, the Third Enforcement Court of Caracas denied Ms. Afiuni's request to leave the country for medical treatment abroad. She had reportedly taken the necessary examinations with the Penitentiary Ministry and was awaiting the results. According to information received by OHCHR, as of 30 April 2023 Ms. Afiuni continues to wait for the outcome of the 2022 medical examinations to opt for an alternative sentence. Her

¹⁶⁶ SAU 6/2021, SAU 13/2021, SAU 4/2016, SAU 11/2014, SAU 8/2013.

¹⁶⁷ A/HRC/48/28, Annex I paras. 117–120; A/HRC/51/47, Annex II para. 150.

¹⁶⁸ VEN 1/2021; see Government response at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35987>.

¹⁶⁹ A/HRC/47/55, para. 71.

¹⁷⁰ <https://www.ohchr.org/en/statements/2022/06/dialogo-interactivo-sobre-el-informe-de-la-alta-comisionada-sobre-venezuela>.

¹⁷¹ A/HRC/51/47, Annex I para. 77.

¹⁷² A/HRC/14/19, paras. 45–47; A/HRC/27/38, para. 46; A/HRC/30/29, para. 7; A/HRC/33/19, para. 45; A/HRC/42/30, Annex II, para. 109 and 146; A/HRC/45/36, Annex II, paras. 139–140; A/HRC/48/28, Annex II, paras. 142–43; A/HRC/51/47, Annex II para. 151.

¹⁷³ A/HRC/13/30/Add.1.

¹⁷⁴ A/HRC/16/47/Add.1.

¹⁷⁵ VEN 11/2020; see Government response at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36139>.

¹⁷⁶ <https://www.ohchr.org/en/press-releases/2021/09/venezuelan-justice-system-plays-significant-role-states-repression?LangID=E&NewsID=27479>.

exit ban and prohibition to speak to the media reportedly remain in place. OHCHR continues to monitor the case and is in close contact with relevant authorities.

26. Viet Nam

138. The cases of several members of independent religious communities and activists who attended or sought to attend the Southeast Asia Freedom of Religion or Belief Conference (SEAFORB) were included in the 2019 report of the Secretary-General¹⁷⁷ on allegation of threats, harassment, travel restrictions and acts of violence that either prevented their participation or took place as a result of it (VNM 2/2020). The SEAFORB Conference includes interaction with the United Nations and awareness-raising about how to engage with United Nations human rights mechanisms.

139. On 28 April 2023, special procedures mandate holders addressed the alleged arbitrary arrest, threats, surveillance, undue travel restrictions and harassment of **Mr. Y Khiu Niê** and **Mr. Y Sĩ Êban**, human rights defenders belonging to the “Montagnards” indigenous community and religious minority of Christian Protestants, which prevented them from participating in the SEAFORB Conference, held in Bali (Indonesia) in November 2022 (VNM 2/2023). On 6 November 2022, Mr. Niê and Mr. Êban were reportedly not allowed to board the plane from Tân Sơn Nhất International Airport (Ho Chi Minh City) and were interrogated by the police about their motive to attend the SEAFORB conference. Police allegedly threatened Mr. Niê with imprisonment and forced him to sign a document stating that he will cease all communication with international human rights organizations, specifically for the purpose of submitting information to the United Nations and foreign governments. During the interrogations, the police officers allegedly informed that Mr. Niê had been under surveillance. Mr. Niê and Mr. Êban were both released hours later. Mandate holders noted that these restrictions might amount to intimidation and reprisals for cooperating or attempting to cooperate with the United Nations, its representatives, and mechanisms in the field of human rights. They expressed concern about the chilling effect of the restrictions, which could inhibit cooperation with the United Nations and lead to self-censorship (VNM 2/2020).

140. The case of **Ms. Pham Doan Trang**, a blogger, journalist, and democracy activist, was included in the 2022 report of the Secretary-General¹⁷⁸ on allegations of long-term arbitrary detention and lengthy sentencing for sharing reports on the human rights situation in the country with the United Nations and other international actors. Ms. Trang was the subject of several communications by special procedures mandate holders¹⁷⁹ and an Opinion by the Working Group on Arbitrary Detention¹⁸⁰ in 2021, which found her deprivation of liberty arbitrary. On 2 November 2022, special procedures mandate holders addressed Ms. Trang’s detention, including alleged restriction of her right to family visits and her deteriorating health status (VNM 6/2022). On 7 September 2022, Ms. Trang was allowed to meet her mother and brother for the first time since her arrest in October 2020. On 1 October 2022, without any prior notification to her family, Ms. Trang was transferred to An Phuoc prison, in Binh Duong province. In October 2022, Ms Trang’s family was allowed to visit her. Ms. Trang is allegedly not receiving adequate health care in detention (VNM 6/2022).

¹⁷⁷ A/HRC/45/36 para. 124, Annex I paras. 146–151 and 154.

¹⁷⁸ A/HRC/51/47, Annex II paras. 82–85.

¹⁷⁹ VNM 3/2020; VNM 5/2020, and VNM 6/2021. See government replies at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35828>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35948>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36751>.

¹⁸⁰ A/HRC/WGAD/2021/40.

141. The case of **Ms. Bui Thi Kim Phuong**, the wife of Mr. Nguyen Bac Truyen¹⁸¹, was included in the 2019 and 2021 reports of the Secretary-General¹⁸² on allegations of police action to prevent her in 2018 from meeting with OHCHR in the country and travel restrictions that did not allow her in 2019 to travel to Geneva to engage with the Human Rights Committee on the case of her husband. According to information received by OHCHR, Ms. Phuong has been placed on an exit ban list since 2018 and has not been able to travel abroad during the period to attend international events or engage with United Nations human rights bodies and mechanisms.

27. Yemen

142. The case of **Mr. Abdulmajeed Sabrah**, a lawyer representing journalists and human rights defenders in the northern areas of Yemen under the control of the Houthi forces, was included in the 2021 and 2022 reports of the Secretary-General since 2021¹⁸³ on allegations of intimidation, including on social media, and surveillance for sharing information with the United Nations. According to information received by OHCHR, in July 2022, Mr. Sabrah was subjected to intimidation by the Security and Intelligence Service, and harassment by the Specialized Criminal Court for sharing information with the United Nations and other international organizations on some of his cases. Reportedly, he was under continued surveillance by the Security and Intelligence Service.

143. The case of the **Mwatana Organization for Human Rights**, a Sana'a-based civil society organization, and members of its staff, was included in the 2019 and 2021 reports of the Secretary-General¹⁸⁴ on allegations of detention and prevention of travel following engagement with the United Nations Security Council and United Nations human rights mechanisms (SAU 8/2018; YEM 4/2018). On 25 January 2022, the head of Mwatana, **Ms. Radhya al-Mutawakel**, briefed the Security Council on the situation in Yemen¹⁸⁵ and was subjected to a smear campaign following her participation. According to information received by OHCHR, 15 incidents against Mwatana's field researchers and lawyers were documented during the reporting period where all parties to the conflict used threats, intimidation, arbitrary detention, incitement and smear campaign and travel bans against staff in different geographical areas, including in Sana'a, Taiz, Hadhramout, Marib, Dhamar, Hajjah, Abyan, Al Dhalea Aden, and Amran.

28. State of Palestine

144. The case of **several Palestinian and international women's organizations and human rights defenders** has been included in the reports of the Secretary General since 2020¹⁸⁶ concerning allegations of online smearing, intimidation and threats against them for their support for the Convention on the Elimination of Discrimination against Women (CEDAW) and for their actual or perceived engagement with the United Nations Committee on the Elimination of Discrimination against Women (CEDAW/C/PSE/CO/1, para. 15c).

145. During the reporting period, the so-called "Mass Movement against CEDAW" group regularly posted pictures with intimidating messages and vilifying statements about women human rights defenders and activists, publicly naming them, in connection to their support to women and gender-based violence survivors, as well as for their engagement with United

¹⁸¹ A/HRC/30/29, para. 42; A/HRC/42/30, Annex II para. 110 and 113. See also VNM 4/2014; VNM 11/2014; VNM 8/2016; VNM 6/2017. See government replies at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32016>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32686>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33363>.

¹⁸² A/HRC/42/30, Annex I para. 120; A/HRC/48/28, Annex I para. 126.

¹⁸³ A/HRC/48/28, Annex I, para. 133, and A/HRC/51/47, Annex II, para. 157.

¹⁸⁴ A/HRC/42/30, paras. 74, 85, Annex I, para. 94, 124 and A/HRC/48/28, Annex II, paras. 160–161.

¹⁸⁵ <https://media.un.org/en/asset/k19/k19ame0jq8>.

¹⁸⁶ A/HRC/45/36, para. 128, Annex I paras. 159–61, A/HRC/48/28 paras. 162–165 and A/HRC/51/47 paras. 160–161.

Nations human rights mechanisms and participation in United Nations events. Specifically, in November 2022, this campaign reportedly intensified, following the participation of Palestinian women's organizations and women human rights defenders in the CEDAW pre-session working group held in October 2022, and their engagement in the international 16 Days of Activism campaign against gender-based violence of November–December 2022.

146. In Gaza, OHCHR documented hate speech against women human rights defenders Ms. Zainab al Ghonaimi, director of the Center for Women's Legal Research and Consultation (CWLRC) and Hayat Women's Shelter, and Ms. Amal Syam, director of Women's Affairs Centre (WAC). In early September 2022, an online smear campaign was reportedly launched against Ms. Zainab al Ghonaimi. She was accused of "kidnapping", being "anti-Islam" and there were explicit calls to kill her. On 26 December 2022, an influential sheikh from southern Gaza published messages on social media threatening "CEDAW women". He allegedly posted a photo of Ms. al Ghonaimi with a red circle over her head, accusing her of being "the head of CEDAW women" and of "damaging family integrity by benefiting from the colonizing power".

147. In September 2022, Ms. Amal Syam was explicitly named in a new wave of reported online attacks. On behalf of her organization, she filed a complaint against one of the perpetrators, including for defamation and insult, death threats and misuse of technology. While she was summoned by the Attorney General's office for additional information, at the end of April 2023, she had not been informed of any investigative or other steps taken regarding her complaint. Threats and stigmatizing posts against her and WAC from the perpetrator Ms. Syam had filed a complaint against reportedly continued during the following months. The Facebook page Mass Movement against CEDAW, with over 33,000 followers, was taken down by the platform in early 2023. As of mid-April 2023, the movement continues to operate through its back-up Facebook account as well as on two other social networks. Across the three current social media platforms, the movement has a combined following of over 8,100 users.

148. During the reporting period, OHCHR documented the case of a detainee in the custody of Palestinian authorities in the West Bank. The detainee concerned allegedly faced torture and ill-treatment after having shared information with OHCHR about his treatment in detention, in the context of the interviews carried out by OHCHR staff during a visit made by the Office to the detention facility. Names and details of those concerned have been withheld due to fear of further reprisals.
